

NYPWA All Commissioners' Meeting Summary

Thursday, February 17, 2022

Presiding: Eileen Tiberio, NYPWA President

Key Themes

- ❖ Commissioners shared interpretations of proposed budget bills and county-specific impacts:
 - FCBG/MSAR Increases
 - Changes to Earned Income Disregard and Safety Net Eligibility
 - Medicaid Proposal to Eliminate Resource Test and Add 200,000 New Yorkers
 - Stake Takeover of MA Administration Moves to a Faster Track
 - Child Care Roll-over Funds May Be Vulnerable to be Swept by the State
- ❖ Urgency of Kids with Complex Needs
- ❖ Temporary Housing Challenges and Lack of Housing Stability
- ❖ Need Safety Net at 50/50 State/Local Shares and Increase in Shelter Allowance

Summer Conference Excitement (See summary of discussion questions on last page)

Get ready, we are emerging from the virtual cocoon. Woo hoo! Our President, Eileen Tiberio and our conference liaison, Mike McMahon (Montgomery) seek your help. More to come.....

Enthusiasm Committee

This Committee is smiling upon you. Ellen Wayne (Wayne) and Tammy DeLorme (Washington) nominated each other to serve as our Enthusiasm Committee. As we grapple with difficult problems, they will cast invisible sparkles of joy on all of us to lighten the burden.

Musical Trio Selects Songs for Commissioners

Daniel Auwarter, Artistic Director (Chenango) joined by Tony Turano, soloist (Cattaraugus) and Mike Piazza, our lead on wind instruments (Putnam) will inspire us with monthly musical recommendations. In January, the committee recommended "If You Want to Sing Out, Sing Out" by Cat Stevens and "Still Crazy After All these Years" by Paul Simon. February features "A Hard Rain's A Gonna Fall" by Bob Dylan, "I Almost Cut My Hair" by David Crosby, and "Clay Pigeons" by Blaze Foley as sung by John Prine. You are invited to submit your recommendations to the NYPWA music archivist sheila.harrigan@nypwa.org for committee consideration.

NYS Rental Supplement Program (21-LCM 24), December 21, 2021

\$100M appropriated in SFY 2021-22 with submission deadline 2-15-22. Plans are pending OTDA approval. Legislative staff asked about impact of funds. They were unaware it had been so delayed.

Detention Changes

Interested in hearing more from districts that operate detention centers regarding reactions to the executive budget language adding hearing process prior to seeking temporary jail placements.

Foster Care Block Grant/MSAR Budget Proposal

- Estimate \$200M local share statewide (\$117M NYC and \$83M RoS)
- County-specific impacts are being identified - examples of \$50K, \$100K, \$1M, \$1.5M
- “Rebalancing” is a euphemism for imposing the entire cost on counties
- Funds for Foster Care would come from local dollars that might otherwise be invested in preventive services. Property tax cap limits county options. State saves money at county expense by keeping KinGap in FCBG. KinGap cases are a form of permanency and subsidies continue until adulthood, unlike foster care which is temporary.
- Expect more kids to be said to have extraordinary needs in order to get higher rate.

Earned Income Disregard

The executive proposal would align the Safety Net and TANF programs with one set of regulations. People will stay on benefits longer which means higher caseloads, higher cost to cover benefits, and more work for staff. It is unknown if it will decrease churning or how it will affect “benefits cliff.”

Sections three and four of this bill would amend §131-a of the SSL to eliminate two of the three tests for applicants, allowing PA eligibility to be based solely upon the household’s net income (after applicable deductions). In addition, the disregard of a portion of a PA recipient’s earned income would be standardized across all PA household types—families and singles—and the disregard will be limited to the first 50% of the total monthly earned income plus an additional \$150. This change would allow recipients to be eligible for benefits for a longer period of time as their income increases, alleviating the "benefits cliff" and thereby encouraging recipients to work and maintain employment. Most clients on TA are unable to generate savings due to TA benefit amounts being so low and expenses like Rent and Heat/Utilities taking up a good portion of their income.

Section five of the bill would amend §131-n of the SSL to increase the liquid resource limits for purposes of determining PA eligibility. Increasing the PA resource limits by aligning applicant limits with the limits for the Supplemental Nutrition Assistance Program (SNAP) and permitting PA recipients to save up to \$10,000 before becoming ineligible for PA, would allow recipients to save more money over time before losing eligibility and would allow PA applicants to be eligible for PA with a higher amount in liquid resources. Such funds will improve households’ financial security and address unexpected costs.

Child Care

- Both availability and demand for child care are volatile as parents return to work
- Allocations are typically issued months after spending is underway
- If eligibility is broadened to 300% (over several years), we need to know we can count on our rollover dollars being there
- Child care deserts exist and we need child care oases
- One county said they lowered parent fee to 1% and are pursuing a marketing campaign, social media, and meetings with providers, but the demand has been low

- Once you open a child care case, you own it and you will not be able to close it
- Concern that budget language allows state to just sweep money into general fund

Kids with Complex Needs/Cross Systems

- Council on Children and Families meetings held on January 28th and Feb. 11th with stakeholders and state agencies. NYPWA LDSS team spoke (Eileen Tiberio with Brian Hart, Chemung; Catie Gavin, Erie; Christine Peters, Clinton & Kathy Muller, Steuben)
- Braided funding pilot in 2009. OMH & OPWDD put up money to Hillside, lasted 3 years. Number declined and then state agencies backed out of it. Minimal amount of money. Proved it can be done. Other models could be used for braided funding. In region 2, prior to 2008, counties worked with ways for agencies to say yes for a child and had some success.
- Analyzing data collected. Primary behaviors that make it difficult to find a placement: aggression & running away. Voluntaries don't run secure facilities. Need to keep staff safe.
- Care managers are not following kids and then it becomes an emergency. It's a myth that care management is going on. Care manager can turn family against DSS.
- Few of these cases are being referred to hard to place committee. Consider making referrals if only to document needs statewide.
- Addressing Silos – OPWDD says they cannot serve kids in foster care, although we had this with B2H wavier. What other specific issues need to be changed that would help kids stabilize in foster care?
- There are so many gaps within the system with OMH and OPWDD. How can we address them? Thinking outside of box – creative – finding an OCFS agency provider and adding OPWDD assistance for dealing with kid with autism. Lots of hurdles. OPWDD was not offering their services because they could not be reimbursed. Hard to Place committee is very limited in what they do. How flexible can we all be?

Another Day, Another Shelter Survey (OTDA)

OTDA Division of Shelter Oversight and Compliance issued another survey – this one on homeless shelter costs covering certified and uncertified shelters with a due date of March 2, 2022. OTDA did not explain how they intend to use the information. Skepticism and reluctance to complete survey.

Medicaid—Eliminating the Resource Test

This provision (HMH, [Part N](#)) would eliminate the Medicaid resource test and raise the income level of the FPI for Vulnerable Seniors and individuals with disabilities. The proposal accounts for a state share investment of \$5M in FY 2023 growing to \$20M in FY 2024. It would take effect January 1, 2023. This proposal would require federal approval for a change in the State Plan for Medicaid. At our conference, DOH indicated that they are in discussions with the federal administration. DOH also confirmed their commitment to move forward with state takeover of Medicaid and how this budget proposal will ease that process for them.

Elimination of Asset Test Discussion

- DOH estimates additional 200,000 New Yorkers can access coverage
- If cost of long term care is \$12K month x 12 months = \$144K x 200,000 people = yikes!
- DOH is discussing with Centers for Medicare and Medicaid Services (CMS), HHS
- Independent Assessor – postponed until May 2022
- Implications of a different case mix on nursing homes– more cases on MA then private
- AVIS has not been turned on again
- The next PERM review will be in July 2022
- Expect executive proposal would require a State Plan Amendment to be approved by CMS
- Vulnerability of local MA cap; fewer state dollars for other services and programs
- Also, OMIG confirmed that HMS has been acquired by Gainwell Technologies

Medicaid Executive Budget Proposals as Presented by DOH

Brett Friedman, Deputy Commissioner, State Medicaid Director, DOH presented this information when meeting with Local DSS commissioners, Jan. 28, 2022. PowerPoint was sent by email. NYS DOH slides 13, 14 and 20 are referenced below as direct excerpts:

Update on System Integrator: Efforts are underway to explore options to accelerate the completion of the remaining modified adjustment gross income (MAGI) functionality to handle complex populations that have not been part of the transition to date, as well as the non-MAGI functionality. Until functionality is added to a modernized eligibility system, no new eligibility functions can be shifted from the counties to the State. CMS has approved an extension to existing NYSOH contract until 2024, allowing shift of resources from re-bid of existing systems to non-MAGI planning. Procurement Alternatives and Feasibility Analysis for Medicaid Enterprise Systems occurred in late 2021. DOH continues to work collaboratively with local governments to facilitate the transition of Medicaid administrative functions and associated costs to the state. The Executive Budget proposal eliminating the resource test for remaining eligibility categories and increasing the income level to align with MAGI will facilitate required systems builds to retain individuals in NYSOH as the move from MAGI to non-MAGI categories.

Opportunities to Further Expedite:

Streamline complicated non-MAGI eligibility results to simplify NYSoH system build and reduce number of higher grade staff required to support transition

- Eliminate resource test and increase income levels to align with MAGI eligibility level of 138%
- Continue with attestation post-PHE (under consideration)

Prioritize hiring and filling active/pending waivers, especially subject matter experts in specific areas

Effective Management of PHE Unwind

- The return to pre-pandemic eligibility and enrollment rules in FY23 is expected to result in an unprecedented demand for consumer assistance as 7.3 million people will need and seek help to complete eligibility and enrolment actions that have been pended during the pandemic.
- For the lion share of consumers, it will be the first time in 24-36 months that they have been contacted by NYSoH or a local district and required to complete a renewal – volumes for key program areas are expected to increase by approximately 226% in SFY 23.
- A smooth and prompt unwind process will allow focus to return to Medicaid Administration Takeover requirements, rather than customer service and related activities. Delay 30-month lookback waiver request due to MOE limitations of FFCRA and ARPA

STATE BUDGET SUMMARY (Assembly & Senate to issue one house budget bills, est. 3/1/22)

Foster Care Block Grant MSAR Methodology ELFA, [Part O](#) and recent court [settlement](#)

All counties would be responsible for 100% of new costs driven by annual MSAR increases and the new ‘Extraordinary’ rate that OCFS agreed to in a legal settlement, as proposed in the executive budget. Additionally, 2/3 of districts do not currently pay the full MSAR and they will carry the full cost of rising to that rate. Our rough estimate is \$200M (\$117M NYC/\$83M RoS) based on information publicized by the AFFCNY which indicates a rate increase of 46% in NYC and 20%-40% in the Rest of the State. It would require 3-way agreement (Assembly, Senate & Governor) to add state funding. The bill requires that districts paying less than 100% of the established rates must increase their rate payments by half the difference between the current percentage and the full 100% for rate year 2022-23. Those districts are then required to pay the full 100% for the established rate in subsequent rate years. The budget proposes retaining KinGAP within the FCBG, contrary to our requests to separate it.

Public Assistance – SNA Determinations, Waiting Periods, Resource Limits

Budget language (ELFA, [PART U](#)) would require eligibility SNA determinations within 30 days of application; eliminate the 45-day waiting period to begin benefits; increase of earned income disregard; increase resource limits for determining PA eligibility. DOB estimates the annualized gross cost to be \$61.6M (\$22.1M State/\$39.5M local). These changes would take effect on October 1, 2022. NYPWA argued that these initiatives demonstrate the need for the state to re-establish a more equitable state/local partnership by restoring its share of SNA benefits and administration to a 50/50 split. *There are no additional SNA state general fund dollars to accommodate the 71% local share for these initiatives. The earned income changes would include both family assistance and safety net assistance.*

Child Care – Income Eligibility Increase/Block Grant Rollover

The budget ([ELFA, Part L](#)) would alter child care income eligibility by raising the maximum income for eligibility from 200% to 300% FPL statewide, phased in over three years. It gives OCFS discretion to approve districts to assist families up to 300% FPL, but below 85% SMI (effective 10/16/22). This language also includes the following change in SSL [410-v \(3\)](#):

“Any portion of a social services district’s block grant allocation for a particular federal fiscal year that is not claimed by such district during that federal fiscal year **shall may** be added to that social services district’s block grant allocation for the next federal fiscal year.”

Juvenile Justice Detention Changes

The budget includes language (ELFA, [Part Q](#)) that purports to align state policy with federal requirements—safeguarding an estimated \$2 million in federal grant funding from the Office of Juvenile Justice and Delinquency Prevention. It would establish a hearing process to allow the state to “use temporary jail placements as an alternative to detention when sufficient bed space is not available provided the State obtains judicial consent. Implementing this change would alleviate strains on local government entities and detention facilities administering and operating agencies while promoting the safety and security of youth and staff.”

Summer Conference (July 2022), Mike McMahon, Conference Liaison

- Let us know if you are able to make a commitment to attend and send staff in-person
- Re-envision, re-create, and re-energize our conference
- Showcase local experience and expertise with locally-driven sessions
- Flexible 60, 75, or 90 minute sessions with more local panels
- Theme & Keynote - may bring back Tom Varano (live action painter) for in-person
- How to engage the districts in conference workshop presentations; what you *want* to do
- Regional ideas – Eastern, Western, Northern, NYC as conduit for ideas
- We would like you to volunteer to be on a planning committee (1 or 2 calls).
- We hope you may designate staff to serve on various planning committees (1 or 2 calls)
- Consider public speaking as a leadership training goal for staff
- Guide next Emerging Leaders track (audience in-person differs the broader virtual group)

NYPWA Policy Actions

- Executive Budget Analysis, Briefing, Discussions, Testimony, and Position on FCBG.
- Budget virtual meeting discussions with Assembly and Senate Program and Fiscal staff.
- Kids with Complex Needs – Position Statements, meetings, data collection analysis, 2009 braided funding pilot project (OMH, OPWDD, OCFS) shared w/CCF. Sense of urgency.

Meetings with State Agency Commissioners/Acting Commissioners, Jan. 27 & 28, 2022

- OMH – Ann Marie Sullivan, M.D., OPWDD – Kerri Neifeld
- OCFS – Sheila Poole, OTDA – Daniel W. Tietz; Medicaid Director - Brett Friedman

Winter Conference, January 18-28, 2022

- Registration 1100+ for each of the past 3 virtual conferences. Technology worked well
- Emerging Leaders Track – Act 2: Great keynotes and Leadership Panels by Commissioners, Deputy Commissioners, SDCs, and Professional Trainers on Management
- Legal Series, CLEs – live and recorded. Valuable sessions on budget & finance
- State Agency Webinars – DOH (2), OTDA, TA topics (2), array of OCFS workshops
- Child Support track hosted by Steuben County (thank you!) with OTDA presenters

Local District Support

Facilitators Mike McMahon (Montgomery) and Paul Brady (Schenectady), welcome your ideas for future topics at our meetings. For new commissioners, we are continuing on-site visits with Paul Brady and Sheila Harrigan. We are also contemplating a new commissioners' welcome session with a team of experienced commissioners at a Spring meeting or at the summer conference.

Executive Committee

President, Eileen Tiberio (Ontario), Kristen Monroe (Cortland), Mike McMahon (Montgomery), Marie Cannon (Erie), Shawn Yetter (Tioga), and Tammy DeLorme (Washington)

Staff & Counsel: Sheila Harrigan, Executive Director; Rick Terwilliger, Director of Policy & Communications; Nicole Gee, Administrative Coordinator and Mark Maves, Counsel. (2-18-22)