

## NYPWA All Commissioners' Meeting Summary

as held on September 14, 2023

*Sarah Merrick, NYPWA President*

NYPWA President Sarah Merrick and Executive Director Paul Brady opened September's All Commissioners' Meeting by welcoming everyone attending in-person and on WebEx.

Special welcome goes out to all the 'new' commissioners who have joined us since our July Summer Conference! Feel free to contact if you need ANYTHING!

### **Housing, Temporary Assistance, SNAP & Medicaid**

#### *Homeless Housing/Code Blue Plans*

On August 1<sup>st</sup>, the NYPWA wrote to OTDA (shared with DOB and the Governor's Office as well) requesting that the state maintain appropriate and historically consistent Code Blue county allocations—and improve Code Blue to ensure safety of provider staff and residents.

Last month, OTDA issued Code Blue allocations to districts ([23-LCM-11](#))—altering the process from past years that relied solely on plan submissions and allocation approvals from OTDA and the Division of Budget (DOB), which often delayed distribution of Code Blue funds. According to the LCM, OTDA developed an allocation methodology based upon approved 2022-23 Code Blue budgets and historical Code Blue claiming. However, districts were urged to submit a [Code Blue Request and Overview](#) form and a [Code Blue Excel Budget](#) to OTDA for any new Code Blue expenses that would push local costs above a county's original allocation. These submissions were due to OTDA by **September 15**.

Since the LCM's release, some counties have informed the NYPWA that their allocation was lower than expected—despite a \$7 million increase in total funding (\$20M) for the program in this year's 2023-24 Enacted State Budget. The NYPWA discussed the new allocation method with OTDA and learned that \$970,000 was withheld at DOB's insistence. *It appears that additional funding for unexpected Code Blue funds will require DOB and OTDA dual approval.* OTDA has indicated that although counties can request the additional funding if needed, not all Code Blue funding is claimed each year and that money may be available as well. In response to NYPWA's letter, OTDA referred to the new LCM and agreed that OMH and OASAS “must continue to be involved to ensure appropriate mental health, behavioral, and/or substance use services are available to maintain the safety of staff and residents. The three state agencies are in communication and have been strategizing about how best to meet that need.” It remains uncertain what that communication may produce.

Counties that had not previously sought Code Blue funding are now seeking funding due to ever-increasing homeless numbers. Some are currently, or are considering, implementing continuous Code Blue activation for consecutive months despite the actual temperature—with possible case

management available onsite. A concern revolves around not wanting to turn a warming center into a shelter.

There have been issues with providers finding enough staff for warming centers and shelters—especially with the aggressive/violent behaviors of some clients.

**The NYPWA will be sending out a survey on who operates shelters/hotel-motels/warming centers to gain an understanding statewide on how their colleagues are handling homelessness.**

### *Housing of Migrants*

Counties should be ready for a possible influx of migrants seeking Code Blue shelter once the season starts. Some may be coming to districts directly outside of the DocGo/NYC system—and will need assessment to determine what they may be eligible for.

### *Medicaid-Weekly Shares Update (Impact to County Budgets)*

Commissioners began receiving letters on September 14 from DOH regarding adjustments to weekly Medicaid shares related to ACA and COVID eFMAP. Read DOH’s letter/chart closely to determine if your county is going back to its statutory cap—or if it is higher.

## **Children’s Services**

### *Day Care*

Last month, after revision of CCBG allocations ([23-OCFS-LCM-12-R1](#)), OCFS issued [23-OCFS-INF-09](#): *Notification of Changes to the Child Care Assistance Program as a Result of the State Fiscal Year 2024 Enacted Budget*. The INF sought to “inform local social services districts (districts) of the impact...the 2023-24 [enacted state] budget will have on the Child Care Assistance Program (CCAP) and the provision of child care services funded under the...(NYSCCBG).” Much of the information has been known since the passage of the budget back in May, but it also included the following:

#### **Priorities and Set-Asides**

State priorities may be established for child care assistance as determined necessary by OCFS. Districts will no longer have the option to define local priorities in their Child and Family Services Plan (CFSP) or to set aside funds for priority populations. Families designated a local priority as of September 30, 2023, will continue to be eligible for assistance provided they continue to meet all other eligibility requirements.

#### **Preliminary Eligibility**

Effective May 3, 2024, districts will be able to opt in to preliminary eligibility. Under preliminary eligibility, upon receipt of a completed application and documentation as required by

the district, and in accordance with guidance to be issued by OCFS, a family will be presumed eligible from the date of the application to the date of the final eligibility determination. If the family is found eligible upon final determination, NYSCCBG funds can be used. If the family is found ineligible, the district must use local funds for the presumptive eligibility period.

These changes and more have led some districts to consider waitlists. Despite revised allocations issued by OCFS, some still do not have sufficient funds with the 12-month guarantee, etc., to maintain their caseload.

OCFS doesn't appear to fully understand the need for waitlists and the need for districts to conduct long-term child care fiscal planning based on month-to-month predictions impacted by recent eligibility changes.

The agency indicated to one county that additional regulations are pending (early October) that could establish new priority cases that have to be served first—potentially changing how cases are put on and pulled off waitlists. These regulatory changes have not yet received official clearance. Stay tuned.

#### *Direct Cash Transfer Pilot*

Commissioner Townes (Westchester) updated the group on the status of the state's Direct Cash Transfer (DCT) Research Pilot. DCT will study the impact of unconditional payments on family interactions with the child welfare system. According to OCFS, the program will enroll 150 households in certain counties (i.e., Westchester & Monroe). These households will receive \$500 per month for a year (\$6,000 total) through a mix of federal, state and private funding. The pilot's target population are households eligible to receive a differential response to CPS reports (i.e., FAR) that have been registered by the SCR. The chosen counties have a high number of FAR-eligible cases.

#### *Caseworker Foundations Training*

Counties continue to experience OCFS training difficulties and delays involving new CPS caseworkers. Commissioners are urged to contact Beth McCarthy (OCFS Training) directly at [beth.mccarthy@ocfs.ny.gov](mailto:beth.mccarthy@ocfs.ny.gov)

#### *Proposed Adm on Safety Plans & CPS Case Closings*

On August 23, OCFS requested feedback on a draft policy regarding "Safety Plans and Child Protective Services Case Closing Requirements," which was due by September 8.

Although Commissioners conveyed an overall positive reaction to the policy, there was concern over the push for the right of attorney (i.e., the role of caseworkers in giving legal advice), the timing and scope of the regulation, the ongoing need for administrative easements not more paperwork, and potential consequences of missed filing dates. Some noted that this should be

treated as a best practice tool, not as a requirement that adds more burdens on caseworkers—focusing more on processes rather than individual cases.

### *Complex Needs Cases*

**The NYPWA is seeking examples of demonstrating the unique challenges presented by cases involving children with complex needs.** A court case coming out of Cortland County involves a child who was approved for OPWDD services but never received them. These types of cases—which also often include lengthy ER stays—are not uncommon. That’s why we are looking for case examples related to children who suffer because of a lack of wraparound services from state agencies (i.e., OPWDD & OMH). The NYPWA will compile these cases and share them with the OPWDD and/or OMH commissioners, who will also be invited to a future meeting.

In the meantime, several DSS commissioners recommended contacting Sheilia Shays, Director of the 3<sup>rd</sup> Judicial Department of Mental Hygiene Legal Services ([sshea@nycourts.gov](mailto:sshea@nycourts.gov)) with specific cases.

### **Local District Support Issues**

#### *IES Demonstration*

Per a September 13 IES email: “The Integrated Eligibility System (IES) has been invited to address the 58 Commissioners to show examples of integrated eligibility systems in other states, specifically the customer side and the worker portal. This 90-minute WebEx session (taking place on **Wednesday, October 4** from 9:30 am to 11 am) will give you the opportunity to see examples from North Dakota and Louisiana and to ask questions/provide comments. IES’ Dennis Packard and Tom Hedderman will be presenting.”

Click the following link to access the meeting on that day:

<https://meetny.webex.com/meetny/j.php?MTID=m73e53a5eb2269dafa7390cb74fd49384>

#### *Meeting with DOB*

The NYPWA is arranging a meeting between our Executive Board and representatives from DOB and the Governor’s Office regarding our priorities leading into next year’s proposed state budget. This annual meeting offers NYPWA an opportunity to share our most pressing fiscal and policy priorities directly with the state.

### **The 2024 Winter Conference is Coming!**

The NYPWA Winter Conference (January 23-26) will be here before you know it...session proposals are welcomed at ANY time, but our deadline for submissions is September 29!

## **Upcoming Events**

Policy Forum, In-person, Albany Marriot (October 11<sup>th</sup> & 12<sup>th</sup>)

Commissioners Monthly Meeting In-person/WebEx (November 2<sup>nd</sup>)