

<b>DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION</b>	<b>TEMPORARY CASH ASSISTANCE MANUAL</b>	
<b>SUBSTANCE ABUSE 700</b>	<b>COMAR 07.03.03.09</b>	<b>SUBSTANCE ABUSE 700</b>

### 700.1 REQUIREMENTS

- A. Case managers must advise adult and minor parent customers in the TCA assistance unit about the **Substance Abuse Treatment and Services (SATS)** screening requirement.
- B. The case manager advises TCA adults and minor parents they are required to:
  1. Answer substance abuse questions as a part of the screening process.
  2. Sign a DHS/FIA 1176 “**Consent for Release of Confidential Alcohol and Drug Treatment Information**” when the substance abuse screen is positive.
  3. Participate in a more comprehensive assessment if the applicant or recipient screens positive for substance abuse.
  4. Enroll in and attend a treatment program, if the applicant or recipient screens positive for substance use and substance abuse is indicated.
  5. Participate in a drug test if identified as a custodial parent convicted of a drug kingpin or volume dealer drug felony.

**Note:** Caretaker relatives who are not a part of the assistance unit are **not** subject to SATS requirements.

- C. Medical marijuana users should be referred to the addictions specialist .The addictions specialist will determine if further assessment is needed.
  - If the condition for which the customer is being treated with medical marijuana renders the customer unable to work or participate in a work activity, give the customer a DHS/FIA 500 and ask him or her to have their health care provider fill it out.
- D. Because of the dangers of the opioid epidemic, opioid users should be given a priority referral to the comprehensive assessment and treatment.

### 700.2 SUBSTANCE ABUSE SCREENING

- A. The case manager:
  1. Informs each applicant/recipient about the substance abuse requirements and penalties for non-compliance.
  2. Completes a DHS/FIA1177 form to refer all adults and minor parents in the assistance unit for substance abuse screening with the addictions specialist.

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3. Informs custodial parents convicted of a drug kingpin or volume dealer felony of the drug testing provision and eligibility criteria.
4. Collaborates with the customer and addictions specialist on the customer's Family Independence Plan (FIP) when substance abuse is indicated.
5. Forwards a copy of the customer's Family Independence Plan to the addictions specialist when the customer screens positive.
6. Denies the TCA case or sanctions the individual (as stated in Penalties) for refusal to conduct a screening, sign the 1176 consent form when screened positive or completes the drug test.
7. Sanctions individuals for failure to comply with SATS requirements.
8. Monitors active cases affected by the SATS requirements by:
  - a. Verifying via the DHS/FIA 1178 form the treatment status for each individual in a treatment program.
  - b. Following conciliation and sanction procedures when the individual is not in compliance.
  - c. Giving the family a normal certification period, if otherwise eligible, and sending a 745 alert to the ongoing case manager to make contact with the addictions specialist in four months to follow-up with the treatment status.

<p><b>Note:</b> An 1177 or 1178 form can be completed several times for an individual as that person moves through the stages in the process</p>
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**B. Addictions Specialist:**

1. Upon receipt of the 1177 completes Addictions Specialist section of the 1177 on **each** individual referred for screening and returns the pink copy within 10 days to the case manager.
2. Screens the TCA adult or minor parent applicant or recipient with the approved diagnostic instrument.
  - No further action is required when the substance screen is **negative**.
3. Has the customer sign the 1176 form when the substance abuse screen is positive.
4. Forwards the pink copy of the signed 1176 form to the case manager.

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5. Refers customers subject to the drug testing provision to appropriate facility for the drug test.
6. Conducts or refers the individual for a comprehensive assessment and treatment when the:
  - a. substance abuse screen is positive and substance abuse is indicated;
  - b. customer self-discloses;
  - c. customer is in a treatment program at application/re-certification, or
  - d. customer requests a referral for treatment.
    - Individuals who are not enrolled in an MCO are referred to the local health department assessor .
7. Provides the assessor or treatment provider a copy of the 1176.
8. Collaborates with the treatment provider to determine if the customer can participate in a work activity.
9. Confers with the treatment provider at least once every 4 months on status of individual in treatment.
10. Provides updates to the case manager at each reportable event or recertification via an 1178 form.
11. Retains the original copy of the 1176, 1177 and 1178 forms in the addictions specialist's case record and forwards a copy to CSM to be scanned into ECMS.
12. Provides monthly status report to FIA and the MDH Behavioral Health Administration.

**700.3 DRUG KINGPIN OR VOLUME DEALER DRUG FELONY**

A. The case manager screens the recipient to determine if the customer was convicted of a drug kingpin or volume dealer drug felony, which means the recipient was an organizer, supervisor, financier, or manager who acted as a co-conspirator in a conspiracy to manufacture, distribute, dispense, transport or bring into the State controlled dangerous substances in a certain specified amount after August 22, 1996 or the recipient manufactured, distributed, dispensed or possessed a controlled dangerous substance in a certain specified amount after August 22, 1996.

B. The customer who has been convicted of a drug kingpin felony or volume dealer drug felony after August 22, 1996 is ineligible for TCA benefits for one year after the conviction

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and then must comply with the substance abuse program requirements to receive TCA benefits.

C. Customers who have been convicted of a drug kingpin or volume dealer drug felony must comply with drug testing and the SATS requirements for two years from the date of the later of release from incarceration or completion of probation, parole or mandatory supervision.

D. Review the Eligibility Determination Document with the customer during the interview.

E. Refer the customer to the addictions specialist for screening and drug testing using the 1177 form.

- a. Complete as much demographic information as possible.
- b. In the top portion of the form, check the box “**drug felon**” to alert the addictions specialist that the applicant must complete a drug test.

F. The addictions specialist returns the 1177 form to the case manager within 10 days indicating that the applicant has complied with screening and drug testing requirements.

- a. The customer must still meet the drug-testing requirement through a urinalysis screen even when the substance abuse screen is **negative**.
- b. The customer must still meet the drug-testing requirement even when the substance abuse screen is **positive**.
- c. Refer the customer for a comprehensive assessment and/or treatment when screened positive and substance abuse is indicated.
- d. Conduct periodic random drug testing during the two year period.
  - If at any point within the two years the individual tests positive, the addictions specialist requires the customer to comply with treatment requirements.

G. When the case manager receives the 1177 form from the addictions specialist, he or she enters the appropriate CARES coding to identify customer affected by the drug felon policy and completes the customer’s application for benefits.

#### 700.4 COMPLIANCE

- A. An individual is in compliance with SATS provisions when:
  1. The 1177 form indicates the customer complied with the substance abuse screening requirements regardless of the results of the screen.

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2. The customer signs the DHS/FIA 1176 “**Confidential Alcohol and Drug Treatment Information**” form when the substance abuse screen is positive.
  3. The customer completes the comprehensive assessment and complies with treatment plan when substance abuse screen is positive.
  4. The comprehensive assessment indicates the patient is not in need of substance abuse treatment.
  5. The individual is enrolled in a treatment program.
  6. The individual is awaiting availability of a treatment vacancy.
  7. The individual has successfully completed the treatment program, or has been referred to a new program.
  8. The individual subject to the drug felon provisions completes the drug-testing requirement through a urinalysis or a blood test.
- B. Caretaker relatives that are not included in the assistance unit **are not** subjected to SATS requirements.

**700.5 NON-COMPLIANCE**

- A. An individual is non-compliant with SATS and drug felon provisions when:
1. The 1177 or 1178 form indicates:
    - a. Customer failed to appear for substance abuse screening;
    - b. Customer failed to sign an 1176 form when substance abuse screen is positive;
    - c. Customer failed to appear for referred comprehensive assessment/treatment when substance abuse screen is positive;
    - d. Customer is not maintaining active attendance/participation;
    - e. Customer was discharged for non-compliance with treatment program; or
    - f. Persons convicted of a drug kingpin or volume dealer drug felony failed to keep drug-testing appointment.
- B. Non-compliant individuals are subject to sanction (see section 700.6 B below).

**700.6 PENALTIES**

- A. DENIALS.

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1. Applications

- a. Deny the case when the adult or minor parent head of household fails to appear for screening, screened positive and fails to sign the Consent for Release of Alcohol and Drug Treatment Information (DHR/FIA 1176) form, or refuses to complete the drug test.
- b. Deny the case if two parents are in the household and one or both parents refuse to be screened, refuse to sign the 1176 form when substance abuse screen is positive or fails to complete the drug-testing requirement.
- c. Remove the individual's needs if the minor parent is not the head of household and refuses to be screened, refuses to sign the 1176 form when substance abuse screen is positive, or fails to complete the drug-testing requirement.

2. Recertifications

- a. When adding individuals to the TCA grant at recertification treat them as **applicants** and require them to comply with SATS provisions.
- b. When it is a two-parent household and one parent fails to comply with the screening, signature requirement, or the drug-testing provision, the TCA case due to non-cooperation with the eligibility process.
  - i. These customers are not to be added to the TCA grant.
  - ii. Test the individual to determine if medical assistance eligibility exists.
- c. Remove the individual's needs if the minor parent is not the head of household and refuses to be screened, fails to sign the 1176 form when the substance abuse screen is positive or fails to complete the drug-testing requirement.

B. SANCTIONS.

1. Impose an individual sanction when the 1177 or 1178 form indicates an adult or minor parent refuses to comply with the SATS requirements.
2. Before applying a sanction:
  - a. Initiate the 30-day conciliation period if it is the first instance of non-compliance with substance abuse.
  - b. Investigate reasons for non-compliance in all instances.
  - c. Assign a protective payee if the sanctioned individual is head of household

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- d. Refer sanctioned individuals to Social Services for failure or refusal to comply with the SATS requirements.
- e. Pay the TCA benefit to a third party payee when the head of household is sanctioned for failure to enroll or maintain enrollment in an appropriate and available treatment program.
- f. **Do not** remove a sanctioned individual from the grant.
  - i To determine the correct benefit amount, subtract the benefit amount for the household without the individual from the benefit for the household including the sanctioned person.
  - ii Enter the difference on the sanctioned individual's UINC screen.

**Note:** The individual's share of the TCA grant is treated as phantom income for the Food Supplement Program case.

### 700.7 LIFTING A SANCTION

- A. Customers must comply with the requirement that caused the individual to be sanctioned before the sanction can be lifted.
- B. Treat the customer the same as a new applicant if the case has been closed 30 days or more.
- C. Lift the sanction and prorate the benefit, when the adult and/or minor parent is in compliance.
- D. Customers only have to comply for one day to resolve non-compliance issues for substance abuse.
- E. When the sanctioned individual complies, lift the sanction and issue a prorated benefit .

**Note:** The sanctioned individual is the head of household he or she is still subject to work requirements.

### 700.8 SOCIAL SERVICES REFERRALS

- A. The additions specialist or the case manager initiates referrals to Family Services via the DHS/FIA 461 "**Referral for Services**" form when:
  - 1. The substance abuse screen is positive and substance abuse is indicated;

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2. The case manager has begun the conciliation process or has sanctioned the recipient for non-compliance with SATS requirements; or
  3. The customer requests Family Services intervention.
- B. The addictions specialist or the case manager completes Sections I and II of the DHS/FIA 461 indicating:
1. Case information;
  2. Who is being referred; and
  3. The reason for the referral (In comments section, #11, indicate the customer is being referred because they are in need of substance treatment) .
- C. The FIA case manager:
1. Scans a copy of the DHS/FIA 461 into ECMS when referring the customer to Family Services;
  2. Does not refer the individual to work activities if the sanctioned individual accepts Family Services intervention;
  3. Refers the individual to the appropriate work program or work activity if the sanctioned individual does not accept the referral to Family Services; and
  4. Follows procedures for notification, conciliation, and full family sanction for failure to meet work requirements if the individual fails to comply with the work referral or work activity.
- D. The Child Welfare Screener completes Section III of the DHS/FIA 461 indicating:
1. Whether the customer has an active child welfare or family services case.
  2. The Child Welfare worker:
    - a. Forwards a copy of the DHS/FIA 461 to the appropriate Child Welfare case manager if the individual has an active service case.
    - b. Follows existing local department procedures to coordinate a team meeting between the customer, FIA, Child Welfare and Addictions staff to develop goals for the Independence Plan.
    - c. Forwards the DHS/FIA 461 to the Child Welfare Voluntary Services component, Family Services Intake Unit for review and disposition if the individual does not have an active service case.
    - d. Returns the DHS/FIA 461 to the FIA case manager or the addictions specialist within 10 days of the referral.

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### **700.9 EMPLOYMENT**

- A. When the FIA case manager has information that a customer who is currently in or has completed substance abuse treatment has become employed, the case manager:
1. Notifies the addictions specialist of the individual's employment via the 1177 form in block #11 indicating:
    - a. Date employment began;
    - b. Name of employer; and
    - c. Address of employer .
  2. Retains the pink copy of the 1177 form in ECMS.
- B. When the addictions specialist receives employment information for a customer he or she:
1. Reminds the customer that he or she is required to notify the FIA case manager of the employment ;
  2. Reminds the individual about personal responsibility and the benefits of reporting;
    - a. Employment must be reported within 10 days of first paycheck.
      - The clock stops when an individual is employed.
    - b. None of the months the individual is employed counts toward the 60 month time limit.
  3. Records the number of customers who are in treatment or have completed treatment and are employed on the BHA/FIA monthly SATS report.

### **700.10 SUPPORTIVE SERVICES**

- A. When an assessment is positive and indicates that treatment is needed for substance abuse, the addictions specialist works with the case manager to make referrals for the supportive services needed to enter treatment. This could include child care, transportation or other wraparound services.
- B. Child Care Subsidy (CCS, formerly Purchase of CARE)
1. Only TCA adults and minor parents who are enrolled and actively participating in a treatment program may be considered as participating in an approved work activity and provided CCS.

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2. Acceptable verification of the customer's enrollment in a substance abuse treatment program consists of:
  - i. Receipt of the DHS/FIA 1178, Substance Abuse Treatment and Notification form, with Part III completed indicating treatment status; and
  - ii. Documentation on letterhead from the treatment provider.
3. FIA and CCS case managers must document CCS participation in the appropriate systems (CARES, WOMIS and CCAMIS).
4. CCS vouchers are issued for four months or less depending on the estimated time the customer will be in treatment.
  - i. Obtain additional enrollment verification prior to issuing another voucher if treatment is continued beyond four months.
  - ii. Reconsider the customer's eligibility based on their current activity once treatment has ended.

#### **700.11 CARES REMINDERS**

- A. To identify a case with an individual affected by substance abuse treatment provisions, enter on the individual's **DEM1** screen in the **HOSPITAL** field:
  - **SA1** - enrolled in a substance abuse treatment program
  - **SA2** - awaiting available vacancy
  - **SA3** - successfully completed treatment program
  - **SA4**- failed to enroll in appropriate and available substance abuse treatment
  - **SA5** - failed to maintain active enrollment in appropriate and available substance abuse treatment
  - **SA6** - failed/refused to complete the screening or comprehensive assessment
  - **SA7** - results of screening/assessment indicate individual not in need of substance abuse treatment
  - **SA8** - failed/refused to sign consent form
  - **SA9** - discharged for non-compliance

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- **SA10** - referred to a new program
  - **SA11** - failed/refused to comply with drug testing
- B. To identify a case with an individual affected by the drug kingpin or volume dealer drug felony drug testing provision and to track the two-year period that the custodial parent must cooperate with Drug Testing and Substance Abuse Treatment and Services requirements, enter on the individual's **DEM1** screen in the **CITY** field:
- **DF1 – MM YY** - This represents the length of time that the customer must comply with the drug testing requirements.
  - **DF2 - MM YY** - This represents the length of time that the customer who failed/refused to keep an appointment for drug testing must comply.

#### 700.12 CASE MANAGEMENT TIPS

- A. Substance abuse treatment can be a work activity.
1. Participation in substance abuse treatment is a countable activity as:
    - a. Job Search/Job Readiness for both the federal and state work participation rates (if the required hours are met); or
    - b. Record in WORKS using the Job Readiness Treatment (JBT) and activity code
  2. The addictions specialist and case manager work together with the customer to ensure that the individual's Family Independence Plan is consistent with the recommended substance abuse treatment plan.
  3. When the 1177 form indicates the individual screened positive, acknowledges a substance abuse problem, or is currently in treatment at application, do not refer the individual for up-front job search until the addictions specialist sends an 1178 form indicating work readiness.
  4. When the individual does not comply with substance abuse treatment, sanction the individual for non-compliance with **substance abuse** requirements.
  5. Contact addictions specialists every four months on cases with individuals who:
    - a. Screen positive at the local department;
    - b. Declare at interview they have a substance abuse barrier;

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- c. Are referred for treatment; or
  - d. Are enrolled in treatment;
- B. The 4-month follow-up appointments continue until treatment is successfully completed.

**EXAMPLES:**

**Example 1.** Mary Smith receives assistance for herself and her three sons. There were no substance abuse problems. Joseph Jones, father of the children, moved into the home. He is referred to the addictions specialist. The substance abuse screen was positive. The case manager informs Joseph that he must comply with substance abuse requirements and must sign the 1176 form. He refuses to sign the 1176. The case manager:

- Receives the 1177 form from the addictions specialist indicating that Joseph screened positive and refuses to sign the 1176.
- Joseph is entering the TCA household. Therefore, he is treated as an **applicant**. His refusal to sign the 1176 results in the **closure** of the TCA case.
- Enters the appropriate 500 level reason code in the **AU STAT** reason field for failure to cooperate with the eligibility process.
- Sends NOAA to Mary informing her why the TCA case is being closed. The notice also informs her that eligibility for Medical Assistance will be determined separately.

Add appropriate substance abuse text including COMAR citation.

**Example 2.** During recertification, the case manager learns that Ms. Lawson's 14-year-old daughter, Sally, had a baby girl. She is attending school full-time. The case manager informs Sally that she must comply with substance abuse requirements and go through substance abuse screening with the addictions specialist. She refuses to go through substance abuse screening. The case manager:

- Initiates the conciliation process.
- Submits the DHS/FIA 461 Referral for Services form.
- Sends adverse action notice if Sally does not comply.
- Removes Sally's needs from the TCA assistance unit.

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- Enters on Sally’s UINC screen the amount of the sanction (difference between the amount of the grant for the household size with the sanctioned individual and without the sanctioned individual).

**Example 3.** Molly Mason applies for assistance for herself and her minor nephews. She states that she has a drug problem and wants help. Ms. Mason is referred to a treatment program, but soon checks herself out of treatment. The case manager:

- Initiates the conciliation process
- Submits the DHS/FIA 461 Referral for Services form.
- Sends adverse action notice if Molly does not comply.
- Removes Ms. Mason’s needs from the TCA assistance unit.
- Enters on Ms. Mason’s UINC screen the amount of the sanction (difference between the amount of the grant for the household size with the sanctioned individual and without the sanctioned individual).

**Example 4.** Nora Nelson applies for assistance for herself, daughter, Nancy, age 16, and Nancy’s 6-month old son. Ms. Nelson and Nancy are screened for substance abuse and the screen is positive for both customers. Ms. Nelson and Nancy each signed the 1176.

The case manager refers both Ms. Nelson and Nancy for a comprehensive assessment. Nancy attends, but Ms. Nelson continuously has excuses and the case manager initiates the conciliation process. Customer failed to comply after the 30-day period.

The case manager:

- Submits a DHS/FIA 461 Referral for Services form.
- Sends a NOAA.
- Removes Ms. Nelson’s needs from TCA benefit.
- Enters phantom income on Nora’s UINC screen.
- Ms. Nelson must assign a representative payee.

After three months, Nancy feels overwhelmed by parenthood and moves out of the house. She leaves her son with her mother.

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- The case manager removes Nancy from the TCA grant because she is no longer in the home.
- Ms. Nelson remains ineligible for TCA benefits until she complies with the substance abuse requirement.

**Example 5.** Ms. Algae receives assistance for herself, her two sons, her daughter Lena, and Lena’s newborn son. Lena, a minor parent, must be referred to the addictions specialist for substance abuse screening.

January 10 The case manager refers Lena to the addictions specialist. The substance abuse screen is positive and the addictions specialist informs Lena she must sign the 1176 form and comply with substance abuse treatment requirements. She refuses to sign the 1176.

January 13 Despite a conciliation letter sent to Ms. Algae and Lena, Lena still refuses to cooperate. The case manager submits a DHS/FIA 461 Referral for Services form.

January 16 Ms. Algae reports that she has tried to get Lena to come in to sign the form, but her daughter continues to refuse.

January 25 A NOAA to Ms. Algae and Lena informs them that Lena’s needs will be removed from the benefit amount and why. It also informs her that her MA will remain active.

February 1 The case manager imposes the sanction - and calculates the new benefit amount – as follows:

Cash benefit for 5 people	\$883
Cash benefit for 4 people	\$762 (new cash benefit)
Phantom Income	\$ 121 (benefit amount difference)

**Example 6.** Mr. and Mrs. Elkins receive TCA for themselves and two children. Mr. Elkins, who is head of household, has never shown any indication of substance abuse. However, an Identification and Treatment Notification form, DHS 1178, was received from the Managed Care Organization (MCO) indicating that Mrs. Elkins was assessed, referred, and enrolled in a treatment program.

November 19 A second 1178 reaches the case manager from the treatment provider that indicates Mrs. Elkins is not actively participating in her treatment program.

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- November 23 The case manager sends Mrs. Elkins a conciliation letter and submits a DHR/FIA 461 Referral for Services form.
- November 27 The case manager calls and talks with Mrs. Elkins, but she still fails to return to the program.
- December 6 The case manager tries to persuade Mrs. Elkins to continue with her treatment program to no avail.
- December 18 A NOAA advises Mr. and Mrs. Elkins that Mrs. Elkins' needs will be removed from the benefit amount and why. Her MA will continue.
- January 1 The case manager imposes the sanction and calculates the new benefit amount - as follows:

Cash benefit for 4 people	\$762
Cash benefit for 3 people	<u>\$636</u> (new benefit)
Phantom Income	\$126 (difference)

Mr. Elkins remains the payee.

**Example 7.**

Mrs. Lee receives TCA for herself and 3 children.

- December 18 The case manager receives an 1178 form from the treatment provider indicating that Mrs. Lee failed to keep her appointment to enroll in an appropriate and available treatment program.
- December 22 The case manager sends Mrs. Lee a conciliation letter.
- December 28 The case manager calls and speaks to Mrs. Lee, who claims she forgot. Mrs. Lee promises to enroll, but does not follow through.
- December 30 The case manager calls again, and leaves a message because Mrs. Lee is not at home.
- January 11 The case manager sends a NOAA telling Mrs. Lee that her needs will be removed from the TCA benefit amount and why. The notice also tells Mrs. Lee of the need to name a third party payee to receive the household's TCA benefits.
- January 25 Mrs. Lee does not name a third party payee. The local department becomes the payee and refers the TCA case to Family Services for intervention.
- February 1 The case manager imposes an individual sanction and calculates the new TCA amount, payable to the local department, as follows:

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Cash benefit for 4 people	\$762
Cash benefit for 3 people	<u>\$636</u> (new benefit)
Phantom Income	\$126 (difference)

### 700.13 FOOD STAMPS

If the TCA benefit is reduced because of an individual substance abuse sanction, base the Food Supplement Program (FSP) benefits on:

- The TCA grant which includes the phantom income (prior grant amount for sanctioned person) of the sanctioned individual. (There is no phantom income at application)
- Any other countable income the household continues to receive that was used to determine financial eligibility prior to the sanction
- When the sanctioned individual is also a custodial parent subject to the drug felon policy and is not in compliance, remove the customer's needs from the food supplement benefit

**Note:** When the TCA case has been denied for failure to comply with the SATS signature requirement and the screen is positive, the FSP application is processed and benefits are paid for all eligible household members.

### 700.14 MEDICAL ASSISTANCE

When an individual household member refuses to participate or fails to comply with substance abuse treatment provisions the sanctioned individual remains eligible for MA.