



FAQ SHEET

ADDRESSING LEGISLATORS' MOST FREQUENTLY ASKED QUESTIONS
CONCERNING THE TENNESSEE DEPARTMENT OF HUMAN SERVICES



www.tn.gov/humanserv

Greetings, Members of Tennessee's 107th General Assembly:

First, I want to thank you for your dedication and service to the people of Tennessee. I am honored to serve as the Commissioner of the Department of Human Services. As you know, we work very closely with you, especially during the Legislative Session. The DHS team is committed to working in partnership with you on behalf of those we serve and whom you represent. As one of the largest departments in state government, we offer many services.

We developed this informational brochure just for you. We know you receive many inquiries from your constituents regarding the services we provide. Our team came together to create this document that includes the Frequently Asked Questions (FAQ) that you pose to us on behalf of your constituents. It is our hope this information will be helpful to you in your efforts to be responsive to many of the inquiries you receive about our services.

Please know we want to work in partnership with you in our joint efforts to serve the people of Tennessee. During the early phases of developing possible legislation that impacts DHS customers and partners, we encourage you to engage us in the process so that we can be a resource. We will be readily available to answer any questions you may have and provide you with background information on the issue of focus for you. Feel free to contact us for an in-person meeting or a phone conference. Our Legislative Liaisons are Nathalie Essex and Gary Gallion.

DHS is committed to providing sound fiscal leadership, effectiveness and efficiency. We will continue to be good stewards over taxpayer dollars as we fulfill the DHS mission. The people we serve and whom you represent are on a very challenging journey toward self-sufficiency. While government is by no means a sole solution, DHS stands ready to assist.

At DHS, we have the honor of working very closely with Tennesseans who are vulnerable, economically disadvantaged or living with disabilities. We see the potential they bring to be a partner in all of our collective efforts to build a stronger Tennessee. Your partnership is appreciated as together we serve the people of this great state.

Thank you for your service,

Dr. Raquel Hatter
Commissioner
Department of Human Services

ADULT PROTECTIVE SERVICES

This section investigates reports of abuse, neglect or financial exploitation of adults who are unable to protect themselves due to physical or mental limitations. It also works to raise awareness of, and to help stop, elder abuse in Tennessee.

Q: Why is Adult Protective Services (APS) not available 24/7 like Children's Services?



A: State law makes no such provisions for APS and states that APS will provide services as resources are available. APS has a limited number

of staff and many of those individuals are responsible for two or more counties.

Q: Why does APS just not remove an adult from an unsafe environment/situation?

A: Adults have the inalienable right to refuse services if they have the mental capacity to understand the facts that are impacting their condition and make a rational judgment on those facts. This holds true even if APS and/or the public believe it is in the adult's best interest to accept alternatives for their lifestyle. It is often difficult to understand why someone would continue to remain in an unsafe environment/situation. If the adult does not have the capacity to understand the consequences of his/her decisions, then APS can consider removal if: there are no available resources to place in the home that would improve the safety, the adult is in imminent danger of immediate harm, a placement is available for the adult that would meet his/her needs and the adult has income/insurance/public assistance (such as Medicaid or Medicare) sufficient to pay for the placement.

Q: Why does it take so long to obtain services for vulnerable adults in need?

A: APS does not have the authority or control over the services that are available to our client population. We are dependent on local agencies and state departments for the assessment, coordination, approval and payment for our clients. Due to the lack of services for this population, these entities often have extensive waiting lists.

Q: Why can't APS place someone who needs a placement?

A: There are limited placements available for our client population and placements/agencies that are available have the right to refuse acceptance of our clients. It also is very difficult to find a placement for a vulnerable adult who has behavioral issues. Since APS has no funds to pay for placement, unlike DCS, clients must have the resources to pay for the placement or they must meet the eligibility for a Medicaid funded placement.

APPEALS & HEARINGS

This division receives appeals and conducts fair hearings for applicants or clients who believe they were denied services and/or benefits to which they are entitled, and works to resolve such appeals in a timely manner while ensuring due process.

Q: How can I assist a family member/friend with their Medicaid appeal?

A: If you would like to assist someone with a Medicaid appeal, the person you are helping -- the "appellant" -- would need to complete and return a HIPAA form to the Division of Appeals and Hearings. The completed HIPAA form will allow the Division of Appeals and Hearings to discuss the status and details of the appeal with you, as well as additional information that may be needed from the appellant.



Q: When will the order from an appeal be implemented?

A: After a hearing has been held, the Hearing Officer will send out the decision in writing. This is called an Initial Order. The date of the decision determines when the order becomes final, usually 15 days after the Initial Order was entered. In those 15 days, either party has the right to file a petition which may postpone the date the order becomes final. Once the order is final, it is implemented by the Order Implementation Unit.

Q: Will benefits continue during a Family Assistance appeal?

A: Yes, if an appeal is eligible and filed within the time frames specified in the State rules governing the program:

- For Families First and Supplemental Nutrition Assistance Program (SNAP)/Food Stamp, an appeal must be filed within 20 days from the date of the notice, unless the appellant does not want benefits to continue.
- For Medicaid/TennCare, an appeal needs to be filed within 20 days (or 30 days for appeals of limitations on benefits) from the date of the notice or prior to the effective date of the action specified in the notice. In the medical assistance programs, a continuation of benefits is mandatory if an appeal is timely filed.

CHILD CARE SERVICES

This section performs regulatory functions of licensing and monitoring of child care facilities and performs investigations on reported complaints. In addition, this section performs child care facility quality assessments. It also provides for a child care rating system (Star-Quality Report Card).

Q: What is the Child Care Star-Quality Report Card and Evaluation System?

A: In response to a legislative mandate in 2000, the Department of Human Services launched a broad effort to improve child care. This program's goals are to give more information to parents and to improve the quality of child care in the state. This program includes the Child Care Report Card Program and the Star-Quality Child Care Program. The Report Card is required for all licensed child care providers. The Star-Quality Child Care Program is voluntary and recognizes child care providers who meet a higher standard of quality. Once qualified, providers can receive one, two, or three stars. Both programs require a program assessment.



Q: Who completes a program assessment and what happens in an assessment?

A: Assessors are highly trained staff from the DHS Assessment Offices across the state who observe, document and score licensed child care agencies. Assessors administer one or more of the Environment Rating Scales® instruments that are used to measure the quality of these classrooms or homes. The assessment process includes an on-site visit at the facility where the assessor observes indoor and outdoor spaces, activities, materials and interactions between children and staff as well as conducts an interview with the teacher.

Q: Who regulates and monitors the licensed child care agencies?

A: Licensing Program Evaluators (PEs) are highly trained staff from the DHS Licensing Offices across the state who make a minimum of one announced and up to six unannounced visits each year to the 3,150 licensed child care agencies. PEs observe the child care facility, classrooms, and play areas for compliance with the basic health and safety rules. PEs also investigate to ensure that proper training techniques, background checks and transportation practices are correctly being utilized.

Q: What is the reason for all the rules for child care providers?

A: The basic health and safety of all children is the primary purpose of licensing, which includes the rules and the monitoring visits made by licensing staff. Tennessee is ranked third in the nation for the quality of the regulations and oversight of licensed child care agencies.

CHILD SUPPORT

This division enforces child support orders, establishes paternity, and helps to establish or modify child support orders.

Q: How can the amount of the child support order be changed?

A: A review of possible modification can be done by the Department's child support office at any time at the request of either parent. Affidavits of income and expenses must be completed by both parents before the review can be completed. In addition to other requirements, the review must show that the new order will be a 15% change (higher or lower) from the amount of the currently ordered support to be able to modify the existing order. A parent who is required to pay cannot voluntarily quit a job or take a lower paying job in order to change his or her support order.

Q: The non-custodial parent is not making child support payments. Why won't Child Support put the delinquent parent in jail?

A: Child Support can request the Court jail the non-paying parent by filing a petition and having the petition served on the delinquent parent. Before the non-paying parent can be jailed, the Court must find the non-paying parent is willfully refusing to pay court-ordered support and that the parent had the ability to pay the support. The burden of proof is on the parent seeking enforcement. Proving the ability to pay can be difficult.

COMMUNITY SERVICES

This section contracts with local agencies statewide to aid Tennesseans with services ranging from low-income home energy assistance (LIHEAP), weatherization and community block grant services.

Q: What are the Homemaker and Adult Day Care programs?

A: The Social Services Block Grant (SSBG) Program administered by the Department of Human Services provides funding for Adult Homemaker Services and Adult Day Care through contracts with an established network of local nonprofit agencies and local governments. Services are limited to low-income elderly or adults with disabilities who meet federal poverty guidelines or are referred by the

DHS Adult Protective Service program due to allegations of abuse or neglect. The Adult Day Care program provides limited Adult Day Care services in selected communities.

http://tn.gov/humanserv/adfam/afs_adc.html.

Q: What is the CACFP?

A: The Child and Adult Care Food Program (CACFP) is a USDA federally funded program that reimburses eligible nonresidential institutions such as child care centers, adult care centers, after school programs for meals and snacks served to children and adults in their care. The CACFP was created in 1968, and was authorized by the National School Lunch Act of 1946 and the Child Nutrition Act of 1966. The Department of Human Services contracts with sponsoring organizations to manage the program locally.

Q: What is the Weatherization Assistance Program?

A: The Weatherization Assistance Program (WAP) helps low-income households at or below 200% of



the Federal Poverty Income Guidelines reduce energy costs by providing assistance to weatherize their homes. Eligible households with elderly, disabled,

or young children are given priority for service. The program is funded through the Department of Energy with federal dollars. A list of the local agencies providing this service can be found at <http://tn.gov/humanserv/adfam/weatherization.pdf>. An application can be obtained from the local agency or printed from http://tn.gov/humanserv/adfam/afs_w.html.

Q: What is LIHEAP?

A: The Low Income Home Energy Assistance Program (LIHEAP) is a critical heating and cooling program for low-income Tennessee families with incomes below 150% of poverty. Priority is given to households that contain an elderly or disabled member, or where there are young children in the home. Please visit <http://www.tn.gov/humanserv/adfam/liheap/liheap-agencies.pdf> to find the local agencies and the counties they serve. An application for the program can be obtained from the local agency or printed from http://tn.gov/humanserv/adfam/afs_he.html.

Q: Can I have the LIHEAP agency give me the money to pay the bill?

A: LIHEAP assistance does not go directly to the client or applicant; rather direct payments are made through the LIHEAP agency to the local utility company or energy supplier. If approved, an individual will receive a one-time benefit once per year.



Q: What is the Summer Food Service Program (SFSP)?

A: The SFSP is funded by the U.S. Department of Agriculture (USDA), and seeks to provide for the nutritional needs of children 18 years of age or younger during school vacation. It is designed primarily for children who depend upon school breakfasts and lunches during the school year. The Department of Human Services recruits, trains and contracts with local sponsoring organizations such as local governments, private nonprofit organizations, and churches that operate the program.

Q: What is the Community Services Block Grant Program?

A: Community Service Block Grant (CSBG) services are funded through a grant from the Federal Department of Health and Human Services. The goal of the program is to provide services to eligible low-income individuals and families. Services that are provided include help with housing, medical, employment and other emergency services. The program is administered through a statewide network of nonprofit and local government agencies. A list of the local agencies providing these services can be found at http://tn.gov/humanserv/adfam/TN_CSBG_Agencies.pdf.

FAMILY ASSISTANCE

This section performs eligibility functions for three major federal programs: Temporary Assistance for Needy Families (TANF, also known as Families First), TennCare/Medicaid, and food stamps (now Supplemental Nutrition Assistance Program, or SNAP). In addition, it establishes child care certificate eligibility for families receiving Families First and working families transitioning off of the Families First program.

Q: What is the average length of time a client receives Families First benefits?

A: There is a 60-month lifetime limit on Families First cash assistance, with limited exceptions. A parent can receive Families First for more than 60 months only if they are:

- 65 years old or older;
- disabled (only until the disability ends);
- temporarily incapacitated (only until the incapacity ends);
- caring for a disabled relative who lives in their home (only until the disability ends); or
- facing a significant life crisis (a maximum of two additional months).

Q: Do clients have to work or get training?

A: Yes. Families First adult clients, unless exempt, have to participate in some type of work, training, community service or job preparation for 30 hours a week to be eligible for the program.

Q: Ms. Brown works full time and needs child care assistance. She has been told at DHS that she is not eligible. How can she get help with her child care needs?

A: There is not a child care assistance program at DHS for low income working families with no connection to the Families First program. This means that to be eligible for child care assistance through DHS, an individual has to be:

- receiving Families First cash benefits, and working or in training or educational activities for 30 hours per week;
- within the 18-month period following the termination of the Families First cash benefits (known as Transitional Child Care), a caretaker, or be employed.

Family Assistance continued

Q: What happens when a client does not participate or complete their required hours, according to their individualized career plan?

A: If a client does not have good cause for missing their scheduled activity; they will be referred to DHS for sanction and case closure. They must then complete five days of participation before their case may be reopened.

Q: Are there limitations on what can be bought with food stamp (SNAP) benefits?

A: Yes. Supplemental Nutrition Assistance Program, or food stamps, benefits CANNOT be used to buy:

- Beer, wine, liquor, cigarettes or tobacco;
- Vitamins and medicines;
- Food that will be eaten in the store, or any hot foods;
- Any nonfood items, such as pet foods, soaps, paper products and household supplies.

Q: Does the Families First grant amount increase each time a client has another baby?

A: No. The family cap provision applies to children who are conceived while the parent is on Families First. *Example:* Ms. Jones applies for Families First for herself and one child. She has never received Families First before and is approved for \$142/mo. While she is on Families First, she gets pregnant. When the child is born, the monthly check remains \$142/mo (if the family cap had not been applicable, the check would have increased by \$43 to \$185/mo).

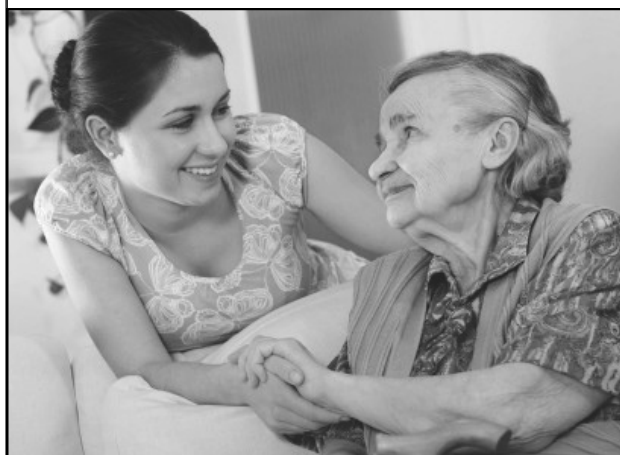
Q: Ms. Smith has received custody of two granddaughters. Can she receive cash assistance even though she is not their parent?

A: Ms. Smith may be eligible for a Families First Child Only grant. If she wants to receive assistance only for her granddaughters, then her income will not be counted in determining their eligibility and she would not be required to participate in a work activity. The grant amount for two children in a Families First Child Only case is \$192 a month.

Q: Ms. Jackson is the single parent of two children. She has been forced to quit her job to care for her elderly mother, who lives with her and is disabled. She wants to apply for Families First, but would be unable to take part in any work requirement because her mother requires care. Are there exceptions to the work requirements?

A: Yes. Caretakers are exempt from the Families First work requirement if they are:

- Disabled;
- Incapacitated;
- Caring for a live-in disabled relative;
- 65 or older;
- Caring for an infant less than a year old (single-parent households only); or
- Caring for an infant less than 16 weeks old (two-parent households).



Q: Mr. Johnson, 50, lives alone. He is unable to work due to diabetes and a chronic back condition. He has no income, receives Food Stamps, and relies on family to pay his rent. Why can't he get Medicaid?

A: There is not an available Medicaid category in Tennessee for most childless adults, even those who are disabled. Exceptions follow, but applicants must meet additional criteria to be eligible:

- Pregnant women;
- Women with breast or cervical cancer;
- Adults who meet requirements for institutionalized care (nursing homes or home and community based services);
- Adults who are eligible for Supplemental Security Income (SSI); or
- Apply and meet eligibility requirements during a period of open enrollment for TennCare Standard Spend Down.

FINANCE & ADMINISTRATION

This division helps DHS record and report financial information in accordance with state and federal laws, regulations and policies.

Q: How large is the DHS budget?

A: Currently, the DHS budget is \$2.9 billion.

Q: What percentage of the DHS budget comes from the federal level, and what comes from the state?

A: About 94% of the budget comes from more than 20 federal funding streams which support all DHS services delivered through its four major divisions. State funding makes up approximately 6% of the Department's total funding.

GENERAL COUNSEL

This office provides legal advice to DHS programs, legal representation in judicial and administrative litigation affecting the department, prepares departmental rules, and prepares legislation for, and analysis of, legislation affecting the Department.

Q: I know an elderly person who cannot take care of herself. Can DHS take legal custody of her to get help for her?

A: The DHS Adult Protective Services program can investigate concerns involving self-neglect, abuse or exploitation of an elderly person or a vulnerable adult of any age. DHS can go to court to get an order to provide protective services to those persons, but can get custody of the person only if:

- It can show the court that the person does not have the ability to understand the seriousness of their condition;
- That the person does not have the legal capacity to give consent to protective services;
- That the person is, or will be, in immediate danger of very serious physical or mental harm if the Department is not given custody to obtain medical or other services to protect the person; and,
- There is a resource such as a hospital, nursing home or group home that is available and funded by other sources, such as Medicare, TennCare, private insurance or other assets of the person that will enable the Department to provide the care needed by that person.

Q: What can I do if I believe I was subjected to discrimination based on my race, national origin or disability when I applied for DHS services?

A: Contact the Department's Civil Rights Compliance Officer at (615) 313-4700 or file a complaint form with the Department which can be obtained at <http://www.tn.gov/humanserv/forms/hs-2631.pdf> or by requesting a form from the Compliance Officer. Explain in the complaint the facts that you feel made the actions by the Department discriminatory. The form can be sent to: Civil Rights Compliance Officer, Office of General Counsel, 15th Floor, 400 Deaderick St., Nashville, TN 37243.

INSPECTOR GENERAL

This office conducts compliance and quality control reviews of DHS programs, investigates referrals of (possible) fraud and abuse in the programs, handles adjudication and processes collections of claims overpayment, and conducts internal audits and investigations for the Department.

Q: What do I do if I think someone is cheating the system?

A: If you suspect someone of abusing any of the DHS programs, you may report them to the DHS Office of Inspector General. Call 1-800-241-2629, or email information to InspectorGeneral.DHS@tn.gov. We investigate every allegation of fraud and, where it is substantiated, we pursue repayment of improperly obtained benefits as well as potential termination from the program.

Q: I saw someone buying beer and cigarettes with their food stamps card! How is that possible?

A: DHS uses electronic benefit cards (EBT) to issue more than just the Supplemental Nutritional Assistance Program (SNAP), also known as food stamps. We use EBT cards to provide people with their Temporary Assistance to Needy Families (TANF) benefits as well as child support benefits. By using the same EBT card for TANF and SNAP we are able to avoid the expense of duplicate cards, issuing checks, and/or requiring bank accounts. However, because TANF is a cash grant, the Federal Government rules for TANF do not allow us to specify how the cash grant is spent. Finally, if a retailer is letting a SNAP-only participant use benefits for ineligible purchases, we can terminate the retailer from the SNAP program. Please report suspected abuse by email to InspectorGeneral.DHS@tn.gov or by calling 1-800-241-2629.

REHABILITATION SERVICES

This division's slate of services includes vocational rehabilitation programs, disability determination, and programs for the blind, visually impaired, deaf and hard of hearing. It also operates the Tennessee Rehabilitation Center in Smyrna, one of only eight comprehensive rehabilitation facilities in the country.

Q: Who is eligible for vocational rehabilitation services?

A: Any individual who wants to work, but has a physical or mental disability that makes it difficult for them to find or keep a job. Eligibility is determined by a qualified rehabilitation counselor based on medical and/or psychological records of the applicant, along with an assessment of how the disability affects the applicant's ability to work. A person who receives Social Security Disability Insurance benefits (SSDI) or Supplemental Security Insurance benefits (SSI) as a result of disability or blindness is presumed to be eligible, if that person intends to enter employment.



Q: Why does getting a decision on Social Security disability benefits take so long?

A: It takes an average of 120 days for Disability Determination Services to make an initial decision because examiners must thoroughly examine all claims for benefits. This includes gathering medical records and soliciting claimant and third-party information. Often examination by an outside medical or psychological source is needed or a full assessment of a claimant's function is required by in-house medical consultants. However, some decisions can be made in as little as 8-10 days if the claimant has a rare or terminal illness.

Q: Why are blind vendors operating inmate commissaries in county jails?

A: Blind vendors have a state law priority to operate vending facilities in state and local government facilities. Tennessee citizens benefit when a blind vendor manages a jail commissary because blind vendors create local jobs, purchase products from in-state suppliers, and pay a percentage of their profits back to the Tennessee Business Enterprises program. Blind vendors have a spotless record in jail commissaries with no breaches of security in any county jail.

THE DHS MISSION

'To improve the well-being of Tennesseans who are economically disadvantaged, vulnerable or living with disabilities through a network of financial, employment, protective and rehabilitative services.'

HOW TO REACH US

DEPARTMENT OF HUMAN SERVICES

400 Deaderick St., 15th Floor
Nashville, TN 37243-1403
(615) 313-4700
Fax: (615) 741-4165

EMAIL:

Human-Services.Webmaster@tn.gov

WEBSITE:

www.tn.gov/humanserv

OFFICE OF THE COMMISSIONER

Dr. Raquel Hatter

LEGISLATIVE STAFF

Nathalie Essex

(615) 313-6630

Cell: (615) 975-1288

Fax: (615) 313-5538

Nathalie.Essex@tn.gov

Gary Gallion

(615) 313-5622

Cell: (615) 973-9369

Fax: (615) 313-5538

Gary.Gallion@tn.gov

