

TITLE 470 - REFUGEE RESETTLEMENT PROGRAM AND THE REFUGEE MEDICAL ASSISTANCE PROGRAM

CHAPTER 1 - GENERAL BACKGROUND

001. SCOPE AND AUTHORITY. The Refugee Act (Public Law 96-212), Refugee Assistance Amendments of 1982 (Public Law 97-363), and the Federal Deficit Reduction Act of 2005 (Public Law 109-171) authorize the financial and medical assistance to refugees in the United States. The program is governed by federal regulations found at 45 CFR § 400. The program is funded completely with federal money. The Department operates the program in accordance with its federally approved state plan.

002. PURPOSE. The purpose of the Refugee Resettlement Program is to provide assistance to refugees who are not eligible for another categorical assistance program so they may achieve economic self-sufficiency as quickly as possible and to assist with refugees' financial and medical assistance during their initial resettlement in the United States.

003. ADMINISTRATION. The Refugee Resettlement Program is administered by the Department in accordance with federal and state laws and regulations established by the Department.

004. DEFINITIONS. The following definitions apply:

004.01 ADEQUATE NOTICE. Notice of case action which includes a statement of what action the Department intends to take, the reason for the intended action, the specific regulation or guidance document that supports the action, or the change in federal or state law that requires the action.

004.02 APPLICATION. The action by which the individual indicates in writing on a Department approved form the desire to receive Program assistance.

004.03 CATEGORICAL ASSISTANCE. Assistance administered by the Department. For the purposes of this definition, it includes Aid to Dependent Children (ADC), Child Welfare Payment and Medical Services Program, Assistance to the Aged, Blind, or Disabled (AABD), State Disability Program (SDP), and the Refugee Resettlement Program (RRP).

004.04 DEPARTMENT. The Nebraska Department of Health and Human Services.

004.05 GRANT CASE. A case receiving a Refugee Resettlement payment or eligible to receive payment but not receiving it because of the minimum payment requirement.

004.06 HOUSEHOLD. Individuals living together. There may be more than one public assistance unit within a household.

004.07 MATCH GRANT. An agreement with a voluntary resettlement agency that enables the agency to issue the assistance grant for the first time four months of a refugee's eligibility.

004.08 OFFICE OF REFUGEE RESETTLEMENT. A federal office created by The Refugee Act of 1980. The office is housed within the United States Department of Health and Human Services and is primarily responsible for federal oversight of federal refugee resettlement services and program administration.

004.09 REFUGEE. A refugee is defined by the Immigration and Nationality Act at 8 (United States Code) U.S.C. § 1101.

004.10 REFUGEE RESETTLEMENT CASH AND MEDICAL. A categorical program consisting of financial and medical assistance to eligible refugees.

004.11 REFUGEE MEDICAL ASSISTANCE PROGRAM. A program providing medical assistance, but no cash assistance, to eligible refugees.

004.12 SHARE OF COST. An individual's monthly financial out-of-pocket obligation for medical services when the individual's income exceeds the program limits.

004.13 TIMELY NOTICE. A notice of case action dated and mailed at least 10 calendar days before the date the action becomes effective.

004.14 UNIT. Eligible individuals considered in determining the grant and medical assistance.

004.15 WITHDRAWAL. A voluntary written retraction of an application.

005. CONFIDENTIALITY. The records of those applying for or receiving assistance under this Program are safeguarded in accordance with 45 CFR § 400.27 and Nebraska Revised Statute (Neb. Rev. Stat.) § 68-313.

006. INDIVIDUAL RESPONSIBILITIES. Individuals applying for or receiving Refugee Resettlement benefits are required to:

(A) Provide complete and accurate information. State and federal law provides penalties of a fine, imprisonment, or both for persons found guilty of obtaining assistance or services for which they are not eligible by making false statements or failing to report promptly any in their circumstances;

(B) Report a change in circumstances no later than 10 days following the change, unless good cause is shown. The recipient is responsible for establishing the existence of a good cause circumstance. Unverified statements do not constitute good cause. Changes required to be reported include:

(i) Change or receipt of a resource;

(ii) Changes in who lives in the home of the refugee resettlement unit;

(iii) New employment must be reported within ten days of receipt of the first paycheck;

- (iv) When employment has ended;
 - (v) Changes in the amount of monthly income, including:
 - (1) All changes in unearned income; and
 - (2) Changes in the source of employment, in the wage rate and in employment status, such as part-time to full-time or full-time to part-time. For reporting purposes for the Refugee Resettlement Program, 30 hours per week is considered full-time; and
 - (vi) Changes in residence.
- (C) Cooperate with state and federal quality control;
 - (D) Contact the agency for an interview within 30 days of the date of application if notified that an interview is required;
 - (E) Provide verification of information when requested to do so by the Department;
 - (F) Present the individual's medical card to medical providers;
 - (G) Inform the medical provider and worker of any health insurance plan, any individual, or any group that may be liable for their medical expenses;
 - (H) Cooperate in obtaining any third party medical payments as outlined in the Medicaid Program, Title 477 Nebraska Administrative Code (NAC);
 - (I) Enroll in a health plan and maintain enrollment if:
 - (i) One is available to the individual;
 - (ii) The individual is able to enroll on their own behalf; and
 - (iii) The Department has determined that enrollment in the plan is cost effective;
 - (J) Pay any unauthorized medical expenses; and
 - (K) Pay any required medical copayment as outlined in the rules and regulations from the Medicaid Program, Title 477 NAC.

007. INDIVIDUAL RIGHTS. Individuals applying for or receiving assistance have the right to:

- (A) An individual who wishes to request and apply for assistance must be given the opportunity to do so. No individual may be denied the right to apply for the Refugee Resettlement cash and medical assistance program;
- (B) Reasonably prompt action on their applications for assistance;

(C) Adequate notice of any action affecting their application or assistance cases;

(D) Appeal to the Director for a hearing on any action or inaction with regard to their applications, the amount of the assistance payments, or failure to act with reasonable promptness. The appeal must be filed in writing within 90 days of the action or inaction;

(E) Have their information treated confidentially;

(F) Have their civil rights upheld. No person may be subjected to discrimination on the grounds of their race, color, national origin, sex, age, disability, religion, or political belief;

(G) Have the program requirements and benefits fully explained;

(H) Be assisted in the application process by the person of their choice; and

(I) Referral to other agencies.

008. APPLICATION. An application must be properly signed by an individual for himself or herself, by the applicant's guardian or conservator, by an individual acting under a duly executed power of attorney, or by a specified relative applying on behalf of or for a child. When adding a program to the application, the application date is the date the request to add the program is made. A properly signed application contains:

(A) Name;

(B) Address; and

(C) Proper signature, as defined by the appropriate program.

008.01 PROMPT ACTION ON APPLICATIONS. The Department has 30 days from the date the application is received to make an eligibility determination.

008.02 WITHDRAWALS. The applicant may voluntarily withdraw an application.

008.03 AUTHORIZATION FOR RELEASING INFORMATION. For some sources the Department asks the individual to sign a Release of Information when it appears that information given is incorrect, when the individual is unable to furnish the necessary information, or for sample quality control verification. A copy of the authorization for information from the application for assistance may be used if the source will accept it.

008.04 NEW APPLICATION. A new application is required after one calendar month of ineligibility or after an application has been denied.

009. NOTICE OF ACTION. A Notice of Action is sent to inform the applicant or recipient of any action affecting his or her eligibility.

009.01 ADEQUATE NOTICE. An adequate notice must include a statement of what action the Department intends to take, the reason for the intended action, the specific regulation or guidance document that supports the action, or the change in federal or state law that requires the action.

009.02 TIMELY NOTICE. A timely notice must be dated and mailed at least ten calendar days before the date that action would become effective, which is always the first day of the month.

009.03 ADEQUATE AND TIMELY NOTICE. In cases of intended adverse action, including action to discontinue, terminate, suspend, or reduce assistance, or to change the manner or form of payment or service to a more restrictive method, such as a protective payee, the applicant or recipient is given adequate and timely notice.

009.04 SITUATIONS REQUIRING ADEQUATE NOTICE ONLY. In the following situations, only adequate notice is required:

(A) The Department has factual information confirming the death of an individual in the unit;

(B) The Department receives a written and signed statement from an individual in the unit:

(i) Stating that assistance is no longer required; or

(ii) Giving information which requires termination or reduction of assistance, and indicating, in writing, that the individual understands the consequences of supplying such information;

(C) An individual in the unit has been admitted or committed to an institution, and no longer qualifies for assistance;

(D) An individual in the unit has been placed in skilled nursing care, intermediate care, or long-term hospitalization or the individual is receiving assisted living waiver services;

(E) An individual in the unit's whereabouts are unknown and agency mail directed to the individual has been returned by the post office indicating no known forwarding address;

(F) An individual in the unit has been accepted for assistance in another state and that fact has been established; or

(G) A child in the unit is removed from the home as a result of a judicial determination or is voluntarily placed in foster care.

009.05 WAIVER OF NOTICE. An applicant or recipient may agree to waive their right to a timely notice in situations that require timely notice by providing a signed statement indicating their choice to waive the notice.

009.06 IN FRAUD CASES. At least five days' advance written notice must be given if:

(A) The Department has facts indicating that action should be taken to discontinue, terminate, or reduce assistance because of probable fraud by the applicant or recipient; and

(B) The facts have been verified where possible through collateral sources.

009.07 CONTINUATION OF BENEFITS. Adverse action will not be carried out pending an appeal hearing if:

(A) The action being appealed required adequate and timely notice;

(B) The individual requests an appeal hearing in writing within ten days following the date the Notice of Action is mailed; and

(C) The individual does not refuse continued assistance.

009.08 CONTINUATION OF NORMAL CASE ACTIONS. Normal case actions, including implementing changes to the assistance case that are not directly related to the appeal issue, are still completed pending an appeal hearing.

009.08(A) BENEFIT RECOVERY. If the Department's action is sustained by the hearing decision, the benefits received by the unit during the appeal period are subject to recovery.

009.08(B) REFUSAL OF CONTINUED BENEFITS. An individual may refuse continuation of benefits pending an appeal hearing.

010. ELIGIBILITY REVIEW. Eligibility is redetermined at six months. Eligibility may be redetermined in less than six months to coordinate review dates for more than one program. An application is required as part of the eligibility review and to establish a new eligibility period.

011. COMPUTATION OF TIME. In computing time prescribed or allowed by Title 470 NAC or by any applicable statute or regulation in which the method of computing time is not specifically provided, days will be computed by excluding the day of the act or event and including the last day of the period. If the last day of the period falls on a Saturday, Sunday, or state holiday, the period shall include the next working day.

