

<b>Indiana Health Coverage Program Policy Manual</b>	
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**1400.00.00 ADMINISTRATIVE POLICY**

This chapter presents administrative policy, including:

Family and Social Services Administration (Section 1405)

Personnel Standards (Section 1410)

Outreach (Section 1415)

Inquiries for Information (Section 1420)

Confidentiality (Section 1425)

Protected Cases (Section 1430)

ADA/Rehabilitation Act Policy (Section 1432)

Non-Discrimination (Section 1435)

Complaints (Section 1440)

Mandatory Reporting of Child Abuse or Neglect (Section 1445)

Case Record Management (Section 1450)

Destruction of Case Material (Section 1455)

**1405.00.00 FAMILY AND SOCIAL SERVICES ADMINISTRATION**

The Family and Social Services Administration (FSSA) is the agency of the state responsible for social service and financial assistance programs. The administration includes six major service divisions:

The Division of Family Resources (DFR),

The Division of Mental Health and Addiction,

The Division of Aging,

The Division of Disability and Rehabilitative Services,

The Office of Medicaid Policy and Planning (OMPP),

FSSA Operations - includes Medical Review Team (MRT)

The mission of FSSA is to work in partnership with families and the community to develop a system of effective prevention and intervention services. The collaborative effort fosters a climate of openness, empowerment, and mutual respect necessary to meet the needs of our clients. Services are family-based and cut across individual agency lines of responsibility.

The official mission statement of FSSA is: To develop, finance and **compassionately** administer programs to provide healthcare and other social services to Hoosiers in need in order to enable them to achieve **healthy, self-sufficient** and **productive** lives.

**FSSA's Vision:**

To become a high performance, integrated and interdependent agency, leveraging its resources across the continuum of services we provide in order to reliably and consistently serve our customers while acting as astute stewards of the state and federal money provided to us.

**1405.05.00            DIVISION OF FAMILY RESOURCES**

The Division of Family Resources has the responsibility for administering the Medicaid programs at the regional and county levels.

**1405.15.00            DIVISION OF MENTAL HEALTH AND ADDICTION**

The Division of Mental Health and Addiction (DMHA) is responsible for mental health needs, addiction services, and operation of the state psychiatric hospitals.

**1405.20.00            DIVISION OF AGING**

The Division of Aging was created as Indiana's State Unit on Aging in accordance with the Older Americans Act (OAA) and falls directly under the Family and Social Services Administration. By Indiana statute, the division is granted the legal authority to establish and monitor programs that serve the needs of Indiana seniors.

**1405.25.00 DIVISION OF DISABILITY AND REHABILITATIVE SERVICES  
(DDARS)**

The Division of Disability and Rehabilitative Services (DDARS) administers social service programs providing continuous lifelong support for citizens in need of disability and rehabilitative supports in the State of Indiana.

**1405.30.00 OFFICE OF MEDICAID POLICY AND PLANNING (OMPP)**

The Office of Medicaid Policy and Planning (OMPP) is responsible for administering Medicaid programs, supporting the local DFR offices and assisting in compliance with federal regulations and the state plan.

**1405.35.00 FSSA OPERATIONS**

The Operations Division is responsible for the administrative, logistical, and other duties necessary for the day to day running of the Family and Social Services Administration. The Division includes the Medical Review Team and Estate Recovery.

**1410.00.00 PERSONNEL STANDARDS**

Certain personnel standards must be followed in the administration of the Medicaid program. The following sections discuss these requirements.

**1410.10.00 MERIT PERSONNEL FOR ELIGIBILITY CASE PROCESSING**

DFR personnel employed by FSSA used in the determination of eligibility and calculation of benefits are to be state merit staff employed by the Division. Functions of the eligibility staff include but are not limited to interviewing, evaluating, information gathering, and establishing eligibility and benefit levels.

**1410.15.00 USE OF OTHER STAFF**

The DFR is encouraged to use volunteers in activities such as prescreening, assisting applicants in completing the application, and securing needed verification.

**1410.20.00 SUFFICIENT STAFF**

The DFR shall employ sufficient staff to perform eligibility and benefit issuance functions accurately and process fair and timely in accordance with the standards set forth in this manual.

**1415.00.00      OUTREACH**

Outreach promotes education and public awareness of assistance programs as well as increases access to services. Outreach includes:

Providing program information;

Providing referrals to other agencies;

Training community organizations that provide program information to the public to promote assistance programs;

Eliminating the social and geographic barriers to participation; and

Encouraging continued participation by AGs.

**1420.00.00      INQUIRIES FOR INFORMATION**

An inquiry is a request for information regarding the eligibility requirements for assistance. Individuals inquiring about assistance are to be given information in written form and orally, as appropriate, regarding eligibility requirements, scope of the program, coverage, and the rights and responsibilities of applicants/recipients.<sup>1</sup>

Responses to inquiries regarding eligibility should be general. Information regarding agency procedures, income and resource standards, and program requirements may be provided. In no event should individual requesting information be told that they are eligible or ineligible unless that individual has filed an application and an official determination has been made.

A worker who makes an eligibility statement without receiving an application and/or completing a thorough investigation of an individual's or family's situation puts the agency at risk of providing benefits to ineligible people and denies the client the right to proper notice which is required by federal law. The notice establishes and supports the client's right to appeal. Verbal communication without written notification serves to interfere with the client's rights.

**1420.05.00      PRINTED MATERIAL**

Written information such as brochures, pamphlets, or other material in paper and electronic form that describes basic

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<sup>1</sup> 42 CFR 435.905

financial and non-financial eligibility criteria, the application process, and participant rights and responsibilities, is to be available. This written information shall be distributed at Local Offices and shall be made available to other local agencies upon request.

The written information explaining the rules and procedures governing the appeal and hearing process is to be made available by the DFR to each applicant/recipient and to any other interested person.<sup>2</sup>

#### **1420.10.00           MANUALS AND PROGRAM DIRECTIVES**

The Indiana Health Coverage Program Policy Manual (IHCPPM) and the ICES Program Policy Manual (IPPM) and supplemental instructions used in the determination of eligibility shall be accessible via the internet at DFR for examination by members of the public on regular workdays during regular office hours.<sup>3</sup>

#### **1425.00.00           CONFIDENTIALITY**

All information obtained by the DFR and maintained in the case record about an applicant/recipient and his circumstances is confidential.

Information obtained by DFR from participants or individuals, whether or not they are currently participating, is also considered confidential.

#### **1425.05.00           ACCESS AND USE OF CONFIDENTIAL INFORMATION**

Access and use of confidential information is to be restricted to those DFR staff members with direct responsibility for establishing eligibility, authorizing benefit levels, and providing services for the individual or family for whom the information was obtained. Confidential information may also be shared with DFR staff who have responsibility for administration and oversight of the programs for which the confidential information was secured.

Under no circumstances may a list of names and addresses of applicants/recipients be released for commercial or political purposes.<sup>4</sup>

#### **1425.10.00           RELEASE OF CONFIDENTIAL INFORMATION**

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<sup>2</sup> 42 CFR 435.905

<sup>3</sup> 42 CFR 435.905

<sup>4</sup> IC 12-14-22-8

Sections 1425.10.05 through 1425.10.15 describe circumstances in which confidential information may be released.

**1425.10.05 Release of Confidential Information to the Individual**

Upon request of an applicant/recipient and/or his authorized representative for the examination of his case record, all case information pertaining to that individual is to be made available excluding recorded telephone conversations (see below). (f5) Individuals who request copies of case material may be charged a fee per page (not to exceed the actual cost of copying) by the Local DFR Office.

Upon request of an applicant/recipient and/or his authorized representative for the examination of a recorded telephone conversation, the recorded telephone conversation shall be made available within a reasonable amount of time. In making this request, the applicant/recipient and/or his authorized representative must provide the date and time of the telephone call and the phone number from which the call was made. Individuals who request a copy of this recording may choose to receive the copy via email or on a disc at the individual's expense, or, request a transcript of the recording. The requesting individual is advised that additional time is required to prepare a transcript. Further, the requesting individual is advised that preparation of a transcript can be costly and the requesting individual is responsible for that cost.

When a hearing has been requested, federal regulations (f6) mandate that "the claimant, or his representative, will have adequate opportunity to examine the contents of his case file and all documents and records to be used by the agency at the hearing at a reasonable time before the date of the hearing as well as during the hearing".

**1425.10.10 Release of Information to Third Parties**

Unless permitted in one of the following sections, the release of agency information requires a statement signed by the applicant/recipient, authorizing the Local Office to release the information to the requesting agency or individual.<sup>5</sup> This written authorization must specify the scope of information the Local Office is authorized to release, the specific agency or individual to whom the information is to be released, and the

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<sup>5</sup> 42 CFR 431.306

period of time for which information is to be released.<sup>6</sup>  
Authorizations should be preserved in the case file.

#### **1425.10.10.05 Release of Confidential Information without Consent**

Confidential information may be released without the applicant's/recipient's permission for purposes directly connected with:

The administration of the SNAP, TANF, Children and Family Services, IMPACT, Child Support, Medicaid, Title XX, and Federal Supplemental Security Income (SSI) programs (such purposes include establishing eligibility, determining the amount of assistance, and providing services);

Any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of any of the above programs; or

Any audit or similar activity (for example, a review of expenditure reports or a financial review) conducted in connection with any of the above programs by any governmental entity which is authorized by law to conduct such audit or activity.

#### **1425.10.10.20 Issuance of Subpoena**

In the event of the issuance of a subpoena for the case record or for a Local Office representative to testify concerning an applicant/recipient, the attorney for the FSSA is to immediately be informed of this fact. The attorney should make a determination of the appropriateness of releasing the information and, where appropriate, bring to the court's attention the statute and regulation regarding confidentiality. When information is to be made available to any person under compulsory legal process, the DFR should make reasonable efforts to furnish prior notice to the client regarding the release.

#### **1425.10.15 Release Of Medicaid Numbers To Providers (MED)**

Medicaid providers are encouraged to ask all recipients who request medical services to show a valid Hoosier Health Card (Medicaid Card) at the time the service is rendered. The provision of the Hoosier Health Card facilitates the payment authorization process.

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<sup>6</sup> 470 IAC 2.1-3-1

#### **1425.10.15.05 Retroactive or Emergency Services**

Providers, who render services during periods immediately prior to the determination of Medicaid eligibility or to persons in emergency situations, may experience difficulty in billing the Medicaid program as they may never have the opportunity to see a valid Hoosier Health Card. When verification is needed from the DFR, the provider must submit a written request to obtain a valid Medicaid Recipient I.D. number. Medicaid Recipient I.D. numbers are not to be given over the telephone.

The written request from the provider must include the following information:

Recipient's name;

Recipient's Social Security number;

Recipient's address;

Recipient's date of birth; and

Date the service was given.

Once the DFR has verified that the patient is (or was on the date of service) an eligible Medicaid recipient, then a written response is to be given to the provider identifying the recipient's name, Medicaid Recipient I.D. number, and third party liability information, where applicable. The DFR must include the recipient's name exactly as it appears on the Medicaid enrollment/eligibility file. Since the Medicaid contractor must have the above elements for processing provider claims, the DFR must take care in providing accurate information.

The DFR should also provide written information to the provider when the individual for whom a Medicaid Recipient I.D. number is requested is found to be ineligible for Medicaid currently or at the time the service was rendered.

#### **1425.10.15.10 Validation of Correct Medicaid Number (MED)**

Occasionally a Medicaid provider may view the card, but miscopy the Medicaid Recipient I.D. number. In these instances, the provider should make every effort to obtain the correct number from the recipient. If such efforts are unsuccessful, the provider may write to the DFR requesting the correct number. The DFR should ask the provider to include in the written request

the name of the recipient and the erroneous Medicaid Recipient I.D. number.

The procedures outlined here and in the preceding subsection must be applied consistently to all Medicaid providers.

#### **1430.00.00      PROTECTED CASES**

Protected cases are those cases which have a greater need for security protection as a result of the relationship between the applicant/recipient and one or more of the agency's staff members. Situations requiring a protected case include but are not limited to:

Cases which include an agency staff member;

Cases which include an individual who is related by blood or marriage to an agency staff member; or

Cases which include an individual who is a close friend of an agency staff member.

Once it is determined that a case needs to have protected status it must be assigned to a worker who has no familial or personal relationship to any of the individuals in the case. A relative or close friend may not perform any of the interview or eligibility functions needed to support the protected case or a case that meets the above criteria but has never received protected status.

It may be difficult to discern that a case needs protection until a problem exists. This may be avoided by workers reporting potential conflicts to their supervisors as soon as they are aware of them.

Workers who access the agency's records pertaining to their family and friends are violating the client's right to confidentiality and the agency's security agreement. Violators may be subject to appropriate disciplinary action.

Any hard copy or electronic case file material should also be maintained at a location which is inaccessible to staff who have no responsibility for the case. This is necessary to ensure that confidentiality is maintained.

#### **1432.00.00      ADA/REHABILITATION ACT POLICY**

The purpose of Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act (ADA) is to protect disabled individuals and individuals who have a relationship or association with a disabled person from discrimination based upon the disability in participation of or obtaining benefits and services which they are otherwise qualified to receive. DFR does not discriminate against individuals with disabilities, as defined by Section 504 and/or the ADA.

#### **1432.05.00           LEGAL BASIS OF THE ADA/REHABILITATION POLICY**

The legal basis for prohibition against discrimination of disabled individuals is Section 504, and the ADA. As a recipient of federal funds under the Medicaid program, DFR is subject to Section 504 and its implementing regulation promulgated by the U.S. Department of Health and Human Services, 45 C.F.R. Part 84. As a state agency providing social services, DFR is subject to the ADA and implementing regulations promulgated by the U.S. Department of Justice, 28 CFR Part 35.

#### **1432.05.05           Accommodations for the ADA/Rehabilitation Act**

It is DFR's policy to provide reasonable accommodations by furnishing individuals with disabilities appropriate auxiliary aids and services where necessary to afford those individuals an equal opportunity to participate in and enjoy the benefits of DFR's programs and services for which they are otherwise qualified to receive.

DFR provides primary consideration to the accommodation requests of individuals with disabilities; however, requests which fundamentally alter the nature of a service, the programs, or create undue financial or administrative burden upon DFR are addressed by the ADA Coordinator to ensure to the maximum extent possible individuals with disabilities who meet the essential eligibility requirements for the receipt of such DFR services have access to participate in and enjoy the benefit of DFR's programs and services.

#### **1432.10.00           ADA COORDINATOR**

DFR has an ADA Coordinator to ensure compliance with Section 504 and the ADA. The ADA Coordinator will provide training, advice, and guidance regarding Section 504 and the ADA. DFR staff and contractors with any specific questions or issues regarding compliance with the Section 504 or ADA provide inquiries to the REM, who will contact the ADA Coordinator. The ADA Coordinator

works with REM to resolve questions or issues, and evaluate the next steps, if any, needed to comply with Section 504 or the ADA.

**1435.00.00           NON-DISCRIMINATION**

Individuals will not be discriminated against for reasons of age, race, color, sex, disability, religious creed, national origin, (f10) marital status, or political beliefs in any aspect of program administration including, but not limited to:

The acceptance of and responsiveness to a request for assistance;

The eligibility determination;

The issuance of Medicaid cards or benefits;

Fair hearing procedure; or

Any other service offered by DFR.

**1435.05.00           NON-DISCRIMINATION INFORMATION**

In accordance with federal law and U.S. Department of Health and Human Services (HHS) policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. If you believe that you have been discriminated against and wish to file a complaint, you may do so by contacting the Department of Health and Human Services, Regional Manager, Region V, Office for Civil Rights, 233 N. Michigan Ave., Suite 240, Chicago, Illinois 60601. You may call them at (800) 368-1019 or for TDD calls, (800) 537-7697.

The U.S. Department of Health and Human Services is an equal opportunity provider and employer.

In order to inform all individuals of their protection against discrimination and to ensure agency compliance with civil rights laws and policies:

DFR publicizes the procedures for filing state and federal complaints in order to inform individuals of nondiscrimination compliance;

Information regarding the complaint system and an explanation of the procedure must be provided to all individuals immediately upon request.

**1440.00.00            COMPLAINTS**

An applicant/recipient, or a person acting in his behalf, may register any dissatisfaction he may have regarding DFR action or inaction relative to his entitlement to benefits as well as any mistreatment by agency staff. Complaints may be made to the DFR in person, by telephone or by letter. Some complaints may be directed to the FSSA or other officials of federal or state government. Complaints directed to other governmental offices are normally referred to the DFR for investigation and reply.

All complaints are to be given prompt, courteous, and thorough attention by DFR staff.

**1440.10.00            APPLICANT/RECIPIENT COMPLAINTS RECEIVED BY DFR**

Upon receipt of a complaint from an applicant/recipient, the DFR is to take immediate steps addressing the problem, including any or all of the following:

Review the situation to determine whether the action taken was in accord with federal and state law and regulation; (If an error occurred, adjusting action is to be taken immediately.)

Promptly interview, telephone, or write the complainant to interpret appropriate aspects of the program;

Provide the complainant with appropriate program leaflets;

Advise the complainant of other programs and community resources that may be able to meet his needs; and advise complainants of their appeal rights and help them to understand the appeal and hearing process. See IHCPPM 4205.00.00 - 4205.10.00 regarding appeal rights.

**1440.15.00            COMPLAINTS RECEIVED FROM THIRD PARTIES BY DFR**

When the DFR receives a complaint or inquiry on behalf of the applicant/recipient from an individual other than the applicant/recipient, specific information about the applicant/recipient cannot be released without his signed consent. See IHCPPM 1425.00.00 - 1425.10.10.20 regarding confidentiality.

If such inquiry is received without an authorization for release of information, the DFR is to provide general information relative to the nature of the complaint. The complainant should

be advised of the confidentiality of case records and of the necessity of obtaining the applicant's or the recipient's signed consent should the general information not be sufficient.

## **1440.20.00           COMPLAINTS OF DISCRIMINATION**

### **Prohibited Discrimination**

Discrimination in the Medicaid program is specifically prohibited on the basis of race, color, national origin, sex, age, or disability. Individuals with any of these conditions are referred to as 'protected classes'. In addition, federal civil rights laws make it illegal to discriminate against someone who has filed a complaint or has engaged in other Equal Employment Opportunity (EEO) or civil rights activity.

### **Examples of Discrimination**

Discrimination can occur in many different ways. The actions below are examples of discrimination and non-compliance with civil rights requirements when the action is motivated by or results from a policy that disproportionately has an adverse impact on a person or group of people who belong to one of the protected classes:

Denial of an individual or household of any service or benefits provided under the program for which the individual or household is otherwise eligible (for example not providing a translator or other foreign language assistance to a household with limited English proficiency).

Failure of DFR staff to provide the same quality, quantity or manner of service or benefits to all.

Segregation or separate treatment of individuals in any manner related to the application for or receipt of program benefits (separate facilities or separate procedures based on race or another protected status and having noticeably better office space in one part of town versus another where populations include a greater percentage of those with protected status).

Use of criteria or methods of administration that have the effect of defeating or impairing the objectives of any program (imposing additional eligibility criteria on certain individuals).

Selection of sites for offices that exclude or discourage individuals from accessing the benefits of the program such as offices that are not accessible to persons with disabilities or offices located far away from an eligible minority community and not served by public transportation.

Adverse treatment such as rude, unprofessional and unresponsive behavior directed at any individual with protected status.

### **Evidence of Discrimination**

Evidence of discrimination is established when all of the following conditions are met:

A complainant shows that he has been adversely affected by a program decision;

The adverse action is related to a protected condition; and

The person against whom the action was taken is a member of the protected class.

### **Timeframes for Client to File a Formal Complaint**

The complaint must be filed no later than 180 days from the date of the alleged discrimination or when the complainant became aware of the action. If circumstances warrant, the Civil Rights Director of the Department of Agriculture or the Director of Health and Human Services may extend the filing time.

### **To Whom to Complain**

Program applicants or program recipients who feel that they have been discriminated against can complain to the following:

DFR Office Director or Civil Rights Complaint Coordinator;

Family Independence Section of the Division of Family Resources, 402 W. Washington Street, Room W363, Indianapolis, IN 46204, or call (317) 232-4946;

#### **HHS, Region V - Chicago**

Regional Manager

Office for Civil Rights

U.S. Department of Health and Human Services

233 N. Michigan Ave., Suite 240

Chicago, IL 60601

You may call them at:

Voice Phone (800) 368-1019  
FAX (312) 886-1807  
TDD (800) 537-7697

### **Complaint Format**

People who feel they have been discriminated against may file a written or verbal complaint. Anyone contacted about a complaint should make every effort to obtain the following information from the complainant:

Name, address, telephone number or other means of contacting the complainant;

Name and location of office where the alleged discrimination took place;

Nature of the incident that led to the complaint;

Protected status (i.e. race, color, national origin, sex, age, religion, political beliefs or disability) that the complainant believes was violated;

Names and contact information of the individuals who have knowledge of the discriminatory action; and

Date of the alleged discriminatory action.

### **1440.20.05 The DFR and Discrimination Complaints**

The DFR's responsibilities related to handling complaints of discrimination are listed below.

- 1. Responsible Person.** Each DFR office must handle or designate a responsible staff person(s) to handle civil rights complaints for all public assistance programs. This person(s) will be responsible for receiving and investigating complaints, recommending and monitoring corrective action, and reporting all related information to the Family Independence Section in a timely manner. The DFR office should inform all eligibility staff of the person(s) designated as the Civil Rights Complaint Coordinator.
- 2. Public Notification.** The DFR office will provide information at each office location regarding the client's right to file a discrimination complaint.

3. **Right to File.** Anyone has the right to file a complaint of alleged discriminatory action with any of the entities listed under 'To Whom to Complain' in Section 1440.20.00. The local DFR office will accept any complaint alleging discrimination based on race, color, national origin, age, sex, disability, religion, or political beliefs.

4. **Age Discrimination.** All complaints alleging discrimination based on age must be forwarded to: Regional Director, Civil Rights/EEEO, USDA, Food and Nutrition Service, Midwest Regional Office, 77 W. Jackson Blvd., 20th Floor, Chicago, IL 60604-3591, within 5 working days of the date received.

5. **Prohibited Actions.** No DFR personnel shall intimidate, threaten, harass, coerce, or discriminate against any individual in order to interfere with his/her right to file a complaint, testify, assist, or participate in any manner with the investigation, proceedings, or hearing.

6. **Acknowledgement.** The DFR, including all local offices, will accept and acknowledge all discrimination complaints filed, whether written, verbal, or anonymous, and inform the complainant of the process for resolving the complaint.

7. **Verbal Complaints.** If a complainant makes an allegation in person or through a telephone conversation and refuses to put it in writing, the DFR employee who receives the complaint must put it in writing. Every effort should be made to obtain sufficient information to look into a complaint of discrimination. See 'Complaint Format' in Section 1440.20.00 for the information that should be sought from the complainant.

8. **Other Federal Agencies.** Whenever a complaint is received that involves another federal agency, it should be referred to that agency and the complainant should be notified of the referral.

9. **Filing Timeframe.** The DFR will accept and investigate all complaints of discrimination filed within 180 days of the date of the action. Complaints over 180 days old should be referred

In accordance with federal law and United States Department of Health and Human Services (HHS) policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. If you

believe that you have been discriminated against and wish to file a complaint, you may do so by contacting the Department of Health and Human Services, Regional Manager, Region V, Office for Civil Rights, 233 N. Michigan Ave., Suite 240, Chicago, Illinois 60601. You may call them at (800) 368-1019 or for TDD calls, (800) 537-7697.

This will enable the Secretary of HHS to make a decision as to whether there are special circumstances that justify an extension of the 180 day time limit.

**10. Review of Complaint.** Within 5 days from the date the alleged discrimination is reported, review all complaints, and acknowledge them in writing, plan appropriate action, or request additional information from the complainant.

**11. Additional Information Requests.** Additional information should be requested in the following circumstances:

- a. The specific assistance program is not identified or cannot be determined from the content of the letter;
- b. A protected status is not mentioned (i.e. the complaint says that there has been discrimination but does not say whether it is because of race, color, national origin, or any of the other protected status categories discussed in 1440.20.00;
- c. Discrimination or rude treatment is mentioned but no protected status is referenced (as discussed in 1440.20.00 is given.

All requests or additional information must include a postage paid, self-addressed envelope.

**12. Purpose of Investigation.** An investigation should be conducted to substantiate or refute the allegations on all complaints that establish evidence of discrimination. The purpose of the investigation is to determine if the action was taken because someone belongs to a protected class. It is also to determine if there are office or individual caseworker practices that result in people being treated differently because they are members of a protected class or if any policies or practices that seem neutral on their face impact disproportionately on any protected class.

**13. Conducting an Investigation.** The following actions should be taken when conducting an investigation:

- a. Interview the complainant. The interview should clarify the issues, attempt to determine why the complainant feels that the action was based on discrimination, and provide other information such as names of witnesses or observation of other circumstances where the discriminatory behavior has occurred. The interviewer should try to get any other information that would be helpful in determining whether the action that was taken was motivated by the fact that the complainant belongs to a protected class.
- b. Have the complainant sign an information release form consenting to having his or her name released to local office staff and others who need to be contacted in connection with the complaint. If the complainant refuses to consent to this, have him or her sign in acknowledgement that this may limit the scope of the investigation.
- c. Interview other applicants and/or participants who have knowledge of the alleged incident.
- d. Interview other applicants and/or participants who belong to the same protected class as the complainant to determine if they have experienced similar or different treatment.
- e. Interview other applicants and/or participants who do not belong to the same protected class as the complainant to determine if they have experienced similar treatment.
- f. Interview DFR staff to see if they recall the particular incident and why it occurred.
- g. Review case files to determine what occurred in the complainant's case. As appropriate, review other case files to determine if similar actions were taken.
- h. Contact local community organizations to determine if they have received similar complaints or if they are aware of any alleged problems at the DFR, including in the local office.

**14. Discontinued Investigation.** An investigation may be discontinued under the following circumstances:

- a. The complainant indicates that the discrimination did not occur.
- b. The complainant indicates that he understands how and why the case was handled the way it was and no longer thinks it was because of discrimination.
- c. The complainant indicates that he no longer wishes to pursue the complaint or withdraws the complaint. In these situations it is important to make sure that the complainant is not being coerced or pressured to drop the complaint.

15. **Continued Investigation.** Even if a complainant does not wish to continue pursuing the complaint, the DFR representative should continue the investigation if he or she believes that further action may be necessary based on the available information.

16. **Draft Decision Letter.** The DFR will review and evaluate the facts gathered during the investigation and draft a decision letter informing the complainant of the findings and of completion of the investigation and any follow up action that will be taken based on the findings. The draft should contain the following information:

- a. A description of the allegation;
- b. The scope of the investigation;
- c. Facts and information obtained that refute or support the allegation;
- d. A closing statement summarizing the decision and the basis on which the determination was made; and
- e. A statement explaining the complainant's right to appeal the decision by sending an appeal to: **HHS, Region V - Chicago**, Regional Manager, Office for Civil Rights, U.S. Department of Health and Human Services, 233 N. Michigan Ave., Suite 240, Chicago, IL 60601. Voice Phone (800) 368-1019, FAX (312) 886-1807, TDD (800) 537-7697.

The draft decision letter must be sent to Family Independence Section for review. Included with the draft decision letter should be a written report containing a summary of the findings of the investigation and a summary of each interview.

17. **Probable Non-Compliance.** When it is determined that a local DFR employee or office has failed to follow a civil rights requirement or is engaging in practices that adversely impact disproportionately on a protected class, the finding of an investigation should indicate 'probable non-compliance.' In these instances, the following steps should be taken:

- a. The DFR should make every effort to come into compliance with civil rights requirements.
- b. The decision letter must indicate all steps taken to comply with civil rights requirements.
- c. The decision letter should also indicate any corrective actions taken to correct benefits.
- d. The effective date of the 'probable non-compliance' is the date of the completed investigation.
- e. Within 60 days of the date of 'probable non-compliance', steps must be taken to achieve voluntary compliance with civil rights requirements.

**1440.20.10                    The Family Independence Section and  
Discrimination Complaints**

The Family Independence Section's responsibilities in resolving complaints of discrimination are described below:

1. Complaint is received. Attempt to get as much information as possible as described in Section 1440.20.00 under '**Complaint Format**'.
2. If the complaint alleges discrimination by a specific worker, or refers to one incident (and there is no allegation of or reason to believe that there is a policy or practice in the office that may be discriminatory), refer the complainant to the appropriate DFR State Eligibility Manager and Regional Manager within one day after receipt.
3. If the complaint alleges widespread discrimination or discriminatory practices in the local office, arrange to have someone from Family Independence Section go to the local office to investigate the allegation. The investigation would be conducted in a manner similar to the procedures described in Section 1440.20.05, but more emphasis would be put on contacting other applicants and

recipients of the same protected class as the complainant to see if they had experienced similar treatment. These cases would also be handled in the same timeframes described under local office procedures.

4. Acknowledge receipt of the complaint to the complainant in writing within 5 days after receipt.
5. Review the draft of the decision letter prepared by the local DFR office or Family Independence Section staff after the investigation is completed. Determine if the investigation was thorough and whether appropriate action was taken.
6. If all of the information is complete and the decision is in keeping with stated findings, forward the report to the appropriate federal regional office.
7. Instruct the DFR to forward a copy of the final decision letter to the complainant.
8. If an investigation was not conducted, review the DFR's written report to determine if the reason(s) for not conducting an investigation are acceptable.
9. Follow up on all findings of 'probable non-compliance' to insure that corrective actions have been taken and that problems are not recurring.
10. Review discrimination complaint logs to determine if there are any patterns of complaints that may require training or other corrective actions either statewide or in particular project areas.
11. Analyze participation data to determine if there are areas where any protected classes appear to be under represented, and take corrective action (such as outreach) as needed.
12. Insure that state agency staff and the DFR understand and receive annual training on civil rights requirements.

**1445.00.00 MANDATORY REPORTING OF CHILD ABUSE OR NEGLECT**

Indiana law requires any individual who has reason to believe that a child is a victim of child abuse or neglect to make a report. A person who knowingly fails to make such a report

commits a Class B misdemeanor. Reports are to be made by contacting the local Department of Child Services or law enforcement agency.

Each local DFR office should have an established policy which addresses how staff is to report suspected child abuse and neglect. Each worker should be aware of this policy and be encouraged to make appropriate reports.

#### **1450.00.00      CASE RECORD MAINTENANCE**

The worker is responsible for the maintenance of a complete and accurate case record. (f12) Case records serve the following purposes:

Provides historical information to substantiate DFR action;

Provides essential information about the individual and his current situation to reflect his need for assistance;

Helps to ensure continuity of service by the DFR and/or proper referral to other needed resources;

Prevents needless repetition of fact gathering;

Provides material for research and statistical purposes;

Provides material by which agency policies, practices, and standards of performance can be substantiated and evaluated; and

Is the basis for the state's payment to or on behalf of an AG.

#### **1450.10.00      CONTENT OF CASE FILE**

The electronic copy eligibility case file must contain all signed application forms necessary to support the eligibility determination, collateral sources of verification, and correspondence.

There is no mandatory requirement as to how material is to be arranged in the eligibility case files. However, it is important that the method adopted by the DFR or worker be understood and consistently used.

Information in the file(s) should be consistent with information entered into the ICES system.

At a minimum, case records must contain the following information:

Current and previous Self-Sufficiency plans

Copies of referral forms to service providers and/or other organizations;

Copies of appointment notices or documentation of appointments if scheduling was done manually; and

Contracted service providers are also to maintain case files in accordance with their contracts.

Case notes should be kept on comment screens to document the specific barriers participants face and their resolution; contacts between participant, DFR, and contracted service provider; and any other pertinent information.

#### **1450.15.00           RETENTION OF CASE RECORDS**

Hard or electronic copy case records are not to be taken from the DFR except for official use by employees or for use by proper authority upon court order. Receipts should be made and acknowledged in such cases and proper follow-up should be made to ensure the return of the case records to the file.

#### **1450.20.00           RETENTION OF DOCUMENTS WITHIN THE CASE FILE**

Most case records are to be maintained for three years. The three year period starts at different times for different documents. The following is the list of documents that must be retained for the entire life of the case and three years following the date on which the eligibility or claims collection case was discontinued:

Application;

Interview guide;

Combined application form used for application actions;

Medical information;

Absent parent information;

Assignment of rights forms;

Court records;

Legal agreements;

Records establishing overpaid benefits and/or fraud;

Social Security Numbers;

Birth and death records;

Citizenship records

Other case file records must be retained for a three year period beginning with the effective date of the action it supports.

Those records include but are not limited to:

Budget forms;

Income and expense records used to support the eligibility determination and benefit calculation;

Notices;

Hearing decisions;

Benefit issuance records not related to overpaid or underpaid benefits.

Inactive case records may also be preserved during the life of the individual so long as they may be needed for repayments on existing claims.

#### **1450.20.05      Retention of Documents within the Case File**

Records of a deceased recipient may be retained as long as necessary for filing claims for recovery against the estate.

#### **1455.00.00      DESTRUCTION OF CASE MATERIAL**

All case file materials must be maintained for review and audit purposes in accordance with the retention guidelines presented previously.

Before destroying case file records it will be important to ensure that the record has lost relevance for all the programs in which the case members participated.

When case records have been inactive for three years, a request for record destruction is submitted to the Archives Division, Commission on Public Records, with a representative sample of

three cases for the year. Upon approval, the other inactive case records may be destroyed.

**1455.05.00            REMOVAL OF EXTRANEOUS MATERIAL FROM CASE RECORDS**

The periodic removal of extraneous material from the case record assists in case management. All material which supports the current eligibility determination must be retained. Examples of material to be retained are:

- Applications,
- Medical information,
- Medical expense information,
- Child support information,
- Assignments,
- Agreements, and
- Overpayment information.