

**Nassau County
Office of the Comptroller
Field Audit Bureau**



**Department of Social Services
Compliance with New York State Automated
Finger Imaging Requirements for Public Benefit
Applicants**

HOWARD S. WEITZMAN
Comptroller

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NASSAU COUNTY
OFFICE OF THE COMPTROLLER

HOWARD S. WEITZMAN
Comptroller

Jane R. Levine
Chief Deputy Comptroller

Manuel Mosquera
*Deputy Comptroller
for Audits and Special Projects*

Susan D. Wagner
*Deputy Comptroller
for Operations*

Randy Ghisone
*Deputy Comptroller
for Accounting*

Allen Morrison
Director of Communications

Salim Ejaz
Field Audit Director

Audit Staff

JoAnn Greene
Field Audit Supervisor

Theresa Dankenbrink
Field Auditor II

Executive Summary

Background

New York State law requires automated finger imaging (an electronic, photo image fingerprint) as part of the eligibility determination for all public benefit programs.¹ The purpose of this program is to establish a positive identity for each client and to prevent individuals from receiving assistance from more than one social service district. Such identification deters duplication of benefits.

New York State Department of Social Services adopted the Automated Finger Imaging System (AFIS) for social service districts to meet this requirement. Districts were required to submit an “AFIS Plan of Operation” to be approved by the state. All requests for exemptions from the AFIS requirement were to be identified, quantified and justified in the Plan.

After a social service district documents their identity, benefit program applicants are enrolled in the system with the electronic finger image and a photograph, which are then associated with the case information. The centralized database is searched for a matching image, and any matches found are reported to the applying district, as well as to any other district in the state found to have an open case. The districts so notified are required to investigate reported matches to establish the facts, to identify potential fraud, and to report to the state any investigative determinations made on the cases.

Audit Scope, Objective and Methodology

The objective of the audit was to ensure the Nassau County Department of Social Services (DSS) is adhering to the New York State Social Services Law, related regulations, and state administrative directives regarding the state AFIS program. Because finger imaging is an eligibility requirement for all DSS public benefit programs, we reviewed DSS procedures and controls in all public benefit application units. The auditors interviewed DSS section heads, made inquiries to the New York State finger-imaging supervisory office, reviewed state issued reports, and observed the Special Investigation Unit procedures for state reported matches. This report addresses the implementation of finger imaging in the application and eligibility determination process for the period 2000 through 2003.

This audit was conducted in accordance with generally accepted government auditing standards. These standards require that the audit be planned and performed to obtain reasonable assurance that the audited information is free of material misstatements. An audit includes examining documents and other available evidence that would substantiate the accuracy of the information tested, including all relevant records and contracts. It includes testing for compliance with applicable laws and regulations, and any other

¹ N.Y. Soc. Serv. Law §139-a (McKinney 2003); N.Y. Comp. Codes R. & Regs. tit. 18 (2003)

Executive Summary

auditing procedures necessary to complete the examination. We believe that the audit provides a reasonable basis for the audit findings and recommendations.

Summary of Significant Audit Findings

We found significant noncompliance with the state directive mandating the use of finger imaging in the eligibility process.² There was a lack of general awareness within DSS that all public benefit applicants must be enrolled in AFIS as part of the eligibility determination process. The greatest lack of compliance was found in the registration of Medicaid-only applicants, for whom the mandated finger imaging system is rarely used.

Since the state's fingerprinting requirement was first applied to Medicaid-only applicants in April 2000, and through the period January 2003, Nassau County had 39,217 new Medicaid-only enrollments. New York State reports that only 1,900 were enrolled in the finger imaging system.

New York State estimates that since 1995, the AFIS program has resulted in \$445.8 million in statewide savings. Based on these results, it is clear that strict adherence to finger imaging can produce substantial cost savings to the County.

To ensure that all benefit recipients are enrolled in AFIS, the state compares the AFIS database enrollment to the state Welfare Management database. Periodically, a report of open cases not enrolled in AFIS (or identified with an exemption) is sent by the state to each district. A March 2003 training report for Nassau County lists 15,240 active clients on the Welfare Management System who were considered AFIS eligible, but who had not been finger imaged. Proper eligibility processing requires finger imaging, or the correct exemption code to be entered into the system. While there are legitimate exemptions for some of these clients, 15,240 is an unusually large number, and we question DSS' follow up and application processing.

State regulations require certain internal procedures to be followed to ensure compliance with the finger-imaging requirement. Nassau County DSS was found to be lacking in compliance in several areas:

- Determination of benefit eligibility based on participation in the AFIS enrollment
- Notification to applicants applying in person for public benefit programs of the finger imaging requirement
- Investigation and documentation of reported matches

Prior to the finger-imaging mandate, DSS was required to issue photo ID's to Medicaid only clients (a requirement still in place). DSS also has never fully implemented procedures to comply with this state requirement.

² N.Y. State Office of Temporary and Disability Assistance 99ADM-9 (1999)

Executive Summary

Department's Response:

The matters covered in this report have been discussed with officials from the department during, and at the conclusion of this audit. On September 24, 2003, we submitted a draft report to department officials with a request for comments. We received a written response from the department on October 23, 2003. The full text of the department's responses and our comments to their responses are included as an addendum to this report.

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Introduction

Background:

New York State law requires automated finger imaging (an electronic fingerprint) as part of the program eligibility determination process for public benefit applicants.³ This program is designed to prevent individuals from receiving assistance from more than one social service district at a time. New York has a statewide contract for both the equipment and the operators for this process. The Department of Social Services has two finger-imaging machines in Mineola and one in Freeport.

New York State DSS regulations require finger imaging as a condition of eligibility for public benefits and as a verification of identity at the time of application or re-certification.⁴ Household members 18 years or older receiving or applying for assistance are required to establish their identity by means of finger images to be maintained in the Automated Finger Imaging System (AFIS).

State directive 99ADM-9, which governs the program requirements for use of AFIS by public assistance programs, expanded the AFIS requirement to certain Medicaid applicants and recipients effective in 2000.⁵ All public benefit programs now require AFIS enrollment unless an exemption has been identified in the local social service district's AFIS Plan of Operation and approved by the state. Nassau County's Plan of Operation exemptions mirror those noted in the State directive.

Audit Objectives

The objective of the audit was to determine whether the Nassau County Department of Social Services (DSS) is adhering to New York State Social Services Law, regulations and administrative directives regarding the state AFIS program.

Scope & Methodology

Pursuant to State Social Services Law, regulations and administrative directives, finger imaging is an eligibility requirement for all DSS benefit programs. This report addresses the implementation of finger imaging in the application and eligibility determination process for the period 2000 through 2003.

The audit methodology included the evaluation of DSS procedures and controls for compliance with State Social Services Law, regulations and administrative directives. The auditors interviewed various DSS section heads, made inquiries to the New York State finger imaging supervisory office, reviewed state issued reports, and observed the Special Investigation Unit procedures for state reported matches.

³ N.Y. Soc. Serv. Law §139-a (McKinney 2003); N.Y. Comp. Code R. & Regs. tit. 18 (2003)

⁴ N.Y. Comp. Code R. & Regs. tit. 18, §351.2 (2003)

⁵ NY State Office of Temporary and Disability Assistance 99ADM-9 (1999)
Department of Social Services – AFIS

Introduction

This audit was conducted in accordance with generally accepted auditing standards. These standards require that the audit be planned and performed to obtain reasonable assurance that the audited information is free of material misstatements. An audit includes examining documents and other available evidence that would substantiate the accuracy of the information tested, including all relevant records and contracts. It includes testing for compliance with applicable laws and regulations, and any other auditing procedures necessary to complete the examination. We believe that the audit provides a reasonable basis for the audit findings and recommendations.

Findings and Recommendations

Violations of NYS Mandated AFIS Requirements

Audit Finding (1):

As a result of discussions with various DSS benefit section heads, legal staff, administrators, and new application Social Welfare Examiners, auditors learned that management had no general awareness that state law and regulations require applicants for any public benefit program (unless covered by a qualified exemption) to be imaged as part of the eligibility determination process. The auditors also learned that applicants for Medicaid-only benefits, a significant portion of the total applicants for benefit programs, were not finger imaged. This is a serious instance of non-compliance with the state directives.

Since the state's finger imaging requirement was first applied to Medicaid-only applicants in April 2000 and through the period January 2003, Nassau County had 39,217 new Medicaid-only enrollments. New York State reports that only 1,900 were enrolled in the finger imaging system.

New York State estimates that since 1995, the AFIS program has resulted in \$445.8 million in statewide savings. This savings represents 103,374 closings/denials out of 2,722,867 enrollments or a 3.8% average closing rate statewide. Based on these results, it is clear that strict adherence to finger imaging can produce substantial cost savings to the County.

Recommendation:

DSS should immediately enforce the finger-imaging requirement in the determination of program eligibility as required by State Social Services Law, regulations and directives.

Internal procedures should be established and documented that incorporate finger imaging into the eligibility determination process for all benefit programs.

Training should be provided to all caseworkers on the eligibility requirements and the proper documentation to be included in all case folders.

NYS WMS/AFIS Reconciliation

Background:

Findings and Recommendations

The New York State Office of Temporary and Disability Assistance (OTDA) oversees the AFIS finger imaging program. As a control for the AFIS program, OTDA submits a “WMS/AFIS Reconciliation Report” to the districts (WMS is the NYS Welfare Management System). This report lists individuals identified as active public benefit recipients considered AFIS eligible, but who are not currently enrolled in AFIS.

Audit Finding (2):

In March 2003 the OTDA provided training to the DSS Special Investigation Unit on the various AFIS reports sent each month. During this session the OTDA distributed the March 2003 WMS/AFIS Reconciliation training report for Nassau County, which lists 15,240 active clients on the Welfare Management System who have not been finger-imaged and who were without a state approved exemption.

Nassau County, therefore, determined the eligibility of 15,240 applicants without performing this state mandated prerequisite of finger imaging applicants or designating an appropriate exemption code.

The report also included an additional 770 clients with conflicting information in the WMS and AFIS systems.

Recommendation:

DSS should prepare an action plan to address the recipients on the WMS/AFIS Reconciliation Report. Where recipients are found to qualify for state-approved exemptions, that conclusion should be documented in the client’s file and coded into WMS. All non-exempt recipients should be immediately notified to comply with the finger-imaging requirement to remain eligible for benefits. Finger imaging of these clients should take immediate priority.

The conflicting data in WMS and AFIS should be investigated and resolved.

Caseworkers should be instructed that eligibility determinations cannot be made without an AFIS clearance or a qualified exemption. AFIS exemption codes should be entered into WMS with supporting documentation in the case file for all new cases.

Management should ensure that future WMS/AFIS Reconciliation Reports are resolved when received to prevent duplicate payment of benefits by Nassau County or another jurisdiction.

Photo Identification Cards

Audit Finding (3):

Findings and Recommendations

NYS DSS regulations state that each local social service department shall issue medical assistance identification cards for its entire public assistance and medical assistance only caseload (including chronic and foster care cases).⁶ Identification cards represent a major fraud-deterrent effort by discouraging the sale and misuse of Medicaid numbers. In fact, according to the state, New York City additionally requires that the common identification card carry the client's signature, allowing an additional verification that the individual receiving benefits is the same one authorized for those benefits.

At the time of the audit, the DSS Medicaid Unit, in addition to not complying with the state-mandated AFIS finger-imaging requirement for Medicaid-only applicants/recipients, also did not comply with the photo ID requirement for Medicaid applicants.⁷ Only those Medicaid applicants who applied for public assistance or food stamps were notified by DSS of the finger-imaging or common benefit identification card requirement.

Recommendation:

As a photo identification card is issued as part of the AFIS procedure, DSS should ensure that non-exempt applicants are properly finger imaged.

Notification to Public Benefit Recipients

Audit Finding (4):

New York State OTDA directive mandates that each public benefit recipient be notified of the AFIS finger-imaging requirement.⁸ The directive issued in 1999 contained a sample notification letter to clients describing the finger-imaging requirement and process. It also informs clients that refusal to participate in this mandatory program will result in the denial or termination of benefits. DSS does not distribute this notification with the application.

DSS' internal form, "Nassau County Finger Imaging Notice", is used by the AFIS operator within the Public Assistance New Application Unit for entering personal

⁶ N.Y. Comp. Code R. & Regs. tit. 18 §383.4 (2003)

⁷ Office of Medicaid Management, Local Commissioner Memorandum 98 OMM LCM 001(1998) generally all adults applying for or in receipt of Medicaid must have a photo common benefit identification card (CBIC).

⁸ N.Y. State OTDA 99ADM-9 (1999) (IV) Required Action - Office regulations require that each public benefit applicant be notified of the finger image requirement.

Findings and Recommendations

information in the AFIS system. This form has not been revised in over 5 years and is out-dated.⁹

Recommendation:

DSS should update the internal “Nassau County Finger Imaging Notice” to comply with the state directive by stating that those applying for all public benefits must be imaged. The notification should include the regulatory language that nonexempt individuals who fail to comply with the finger imaging will have their cases closed/denied.

DSS should notify all new applicants, in writing, of the finger-imaging requirement as part of the application, via the aforementioned notice.

Lack of DSS Procedures for State Notifications of Fingerprint Matches

Background:

All applicants who have participated in AFIS are processed through the state’s centralized database for possible matches against duplicate open cases in any of New York’s other 58 districts. New York State reports to Nassau County when there is an AFIS match indicating another case in which the same fingerprint was used to establish identity. This report is sent to the DSS Special Investigation Unit (SIU).

According to the state directive, “when a match occurs at application, an investigation should be started immediately to establish the facts and to investigate for potential fraud.”

The directive also addresses undercare (those already receiving benefits): “Undercare matches identified at re-certification should trigger an investigation on the eligibility of that case and any other matched cases to determine which cases should be terminated immediately and whether eligibility may continue.”

Statewide experience indicates that some of the matches result from the client simply moving from one social service district to another. Therefore it is imperative that one case be closed to avoid duplicate benefits.

Audit Finding (5):

We reviewed the unit’s procedures for compliance with state DSS administrative directive 99ADM-9. Both the DSS supervisor and the worker assigned to investigate these state fingerprint match reports admitted to the auditor that they did not have a clear

⁹ The DSS form contains a WMS case code 14 for PGADC, which was used for transition to implement the Welfare Reform Act of 1996; this code’s usefulness expired in 1998, as well as other program classifications no longer in use.

Findings and Recommendations

understanding of the finger-imaging program and the reports they receive from the state.

Counties have one week to respond to the state on matches reported to them. Responses to the matches should be sent to the state as either pending investigation or involving agency error. Pending investigation matches stay on the report until resolved and are then removed from the report. Matches reported as agency error are purged from the system.

Currently, the DSS SIU reports all matches as an agency data-entry (typographical) error. A representative of the state's Office of Temporary and Disability Assistance did not recall receiving any notices of "pending investigation" for any of the reports sent to Nassau County; rather all previous matches were reported as agency error.

As part of our tests, we reviewed the steps taken to investigate a state reported match. The match report indicated two clients with the identical birth date, under different names and one digit difference in the social security number. The auditor requested the DSS unit worker to display the procedures usually followed. The applicant's Nassau WMS record was reviewed, and the worker determined the report was "not a match" because the social security number differed by one digit. The auditor requested the recipient's AFIS photos be viewed. Only when identical pictures were viewed did the worker realize the match. The worker was not aware that the state match report was indicating the fingerprints were identical. This match had been reported to the state as an agency error. No further investigation was performed on the eligibility of services. The DSS worker responded that she does not perform investigations and was never instructed to do so.

The auditor reviewed the unit's response to the state reports dated October 10, 2002. It contained four matches for applicants. All matches were reported to the state as agency error, although the reports indicated these applicants were already receiving services with different social security numbers, date of birth and first names. Further investigation by the auditors found that in at least one of the cases the same fingerprint was used for two identities and the unit did not follow up with the other social service district. In another, the client returned to DSS with his social security number and, instead of entering the number, they re-imaged him, causing a second record to be generated. Proper investigations were not performed by DSS, as there was absolutely no documentation on these cases in the files. DSS is apparently not sufficiently utilizing the program to detect fraud and duplicate payments.

Recommendation:

All employees assigned to the unit for handling AFIS matches and reports should be trained to understand fully the procedures to follow for investigating reported AFIS matches.

Findings and Recommendations

Written procedures should be adopted and enforced to ensure that investigations are promptly performed.

Case files should contain documentation substantiating the action taken on the AFIS match report.

DSS Departmental Response

The following information is provided in response to specific findings and recommendations included in the draft report.

Please refer to the attached letters dated 9/25/03 from the New York State Office of Temporary and Disability Assistance (NYSOTDA) and 9/26/03 from the New York State Department of Health for further clarification of these points.

Audit Finding (1):

Violations of NYS Mandated AFIS Requirements:

Recommendations:

DSS should enforce AFIS requirements in the determination of program eligibility; internal procedures should be established to incorporate AFIS into the eligibility process for all programs; and training should be provided to all workers regarding eligibility requirements and documentation.

Department Response:

The Department requires all applicants 18 years of age or older, (and heads of households under 18 years of age) in the Family Assistance, Safety Net Assistance, Food Stamp, Emergency Assistance to Families (EAF), Emergency Safety Net (ESN), and Food Assistance Program (FAP) to be finger imaged as a condition of eligibility.

During the period January 2003 through August 2003, the Department has finger-imaged 4043 applicants/recipients in the various Temporary Assistance/Food Stamp programs. It is important to note many applicants/recipients of Food Stamps are elderly or disabled and as such, are not required to appear at the office for a face-to-face interview. They have not been required to visit the office to be finger imaged. The Department is preparing to submit a formal amendment to our AFIS Plan of Operation exempting the elderly and disabled from the finger-imaging requirements, as permitted by law. All non-exempt Temporary Assistance applicants are referred for finger imaging at the time of application.

On March 18, 2003 the New York State Office of Temporary and Disability Assistance (OTDA) conducted AFIS Report Training for Nassau County staff. The Director and Assistant Director of Temporary Assistance as well as the Supervisor and eligibility staff of the Special Investigation Unit were in attendance. Additionally, the Director, Assistant Directors and Supervisors in Temporary Assistance and Food Stamps review AFIS requirements pertaining to eligibility determinations regularly and share this information with eligibility staff.

DSS Departmental Response

Procedures will be in place as of 11/1/03 to ensure that all those non-exempt individuals who choose to visit the office to file their application for Medicaid comply with AFIS requirements as a condition of eligibility.

Auditors Comments Finding (1):

Under 99ADM-9 and the county AFIS Plan of Operation, elderly and disabled are exempt from the AFIS requirement. This population is not the focus of the audit finding, but rather those not qualifying under NYS approved exemptions. As stated in the letter from DOH accompanying the DSS response, "Medicaid policy requires that certain Medicaid-only applicants/recipients must have their identity verified by Finger Imaging." Applicants during the audit period 2000-2003 were allowed to leave the building without the correct eligibility procedures being followed. In addition, there are thousands of names on the report that are for programs other than Medicaid that need to be addressed by the department. It must be reiterated that the elderly and homebound exemption should be entered into the system so these names will be removed from the report making this a meaningful indicator of who needs further investigation.

We are pleased to hear that as of November 1, 2003 all applicants/recipients in the building will be finger imaged as required for proper eligibility determination. However, as our report noted, this should have begun in 2000.

Audit Finding (2):

NYS/WMS AFIS Reconciliation Report:

Recommendations:

DSS should prepare an action plan to address the 15,240 recipients on the WMS/AFIS Reconciliation Report; the conflicting data in WMS and AFIS should be investigated and resolved for the 770 recipients reported; workers should be instructed that eligibility determinations cannot be made without an AFIS clearance or qualified exemption; and Management should ensure that future WMS/AFIS Reconciliation Reports are resolved when received.

Department Response:

The draft audit report references a March 2003 WMS/AFIS Reconciliation Report listing 15,240 active clients "who have not been finger-imaged and are without a state approved exemption". By the state's own acknowledgement, the report is flawed and cannot be used as a reliable tracking document. Please refer to attached letter from the New York State Department of Health dated September 26, 2003.

In addition, attached find a September 25, 2003 letter from Diane H. Ley, AFIS Project Manager, New York State Office of Temporary and Disability Assistance (OTDA)

DSS Departmental Response

stating that the Reconciliation Report was not released to local districts between March 2002 and June 23, 2003. The March 2003 Reconciliation Report, discussed at a training session, and used by your auditors as the basis for many of their findings, was never distributed to local staff. The letter also references changes in the certification and re-certification process for Medicaid recipients and indicates that OTDA is in the process of creating additional AFIS exemption codes to appropriately reflect those Medicaid cases listed on the Reconciliation Report that are exempt from AFIS requirements.

The September 2003 Reconciliation Report for Nassau County totals 17,851 individuals. 15,503 individuals, or 87% are Medicaid only individuals. A sample conducted of the Medicaid only clients indicated that 58% were exempt and will be coded as such when codes are developed by OTDA. Of the remaining 42%, approximately 75% apply with facilitated enrollers outside of the building, leaving approximately 10% of the applications from non-exempt individuals taking place in the building. Of this remaining number, 15% are applications made by authorized representatives. The remaining number of applicants available for finger imaging is reduced to 7% of the Medicaid population. Procedures will be in place effective 11/1/03 to insure that this portion of Medicaid applicants complies with finger imaging requirements.

It was recommended by OTDA that that Nassau County concentrate on the Temporary Assistance and Food Stamp individuals listed on the report, which we have done.

Most of these individuals have been finger-imaged but due to systems problems with the WMS interface, some may not appear in the AFIS system. The Special Investigations Unit continues to review this group and resolve conflicting data.

The 770 recipients listed on the Reconciliation report (the first released in 15 months) indicating conflicting information in WMS have been reviewed and reduced to 561 on the September 23, 2003 report. A plan has been implemented to review all remaining recipients and to be current with new cases that may appear on subsequent reports. The length of time required to complete this review will be indicated on the corrective action plan currently being prepared. The Aging Status Report (which also represents a 15 month period) has been reduced from 396 cases to 19. All other AFIS reports have been reviewed in a timely manner.

A mechanism has been implemented to address those individuals in Temporary Assistance cases who have recently reached the age of 18 and now appear on the report.

Auditors Comments Finding (2):

We were invited and attended the March 2003 training, where OTDA physically delivered the full report to the director of the SIU unit. The auditors received copies of pertinent pages (6 out of 374) because OTDA would only release the report to DSS.

DSS Departmental Response

In a follow up call to NYS OTDA on this subject, it was confirmed that the March 2003 Report was not flawed, but instead was a “draft”; regular issuance began again in June. The September 2003 report mentioned by OTDA contained even more names than the draft March report totals used by our auditors: 17,851 neither finger imaged nor containing a properly documented exemption.

We are pleased to hear that DSS is addressing the state reports. Fortunately, the OTDA letter states DSS will not be cited for the Medicaid-only cases until the new exemption codes are in place. However, we reiterate, as does OTDA, that 2,347 Temporary Cash Assistance and Food Stamp recipients need to be finger imaged. Even using DSS’ argument that only 7% of those listed as Medicaid only need imaging (due to exemptions) 1,085 cases remain where eligibility has not properly determined. In addition, 14,417 cases are either miscoded or their exempt status has not been properly documented.

The total of 3,432 individuals represents a high level of noncompliance with the NYS required regulations for determining eligibility. Again the purpose of this state regulation is to detect individuals who could be collecting benefits in other districts and/or in Nassau County under other identities.

Audit Finding (3):

Photo Identification Cards:

Recommendations:

To ensure that only authorized clients receive benefits, the Department should immediately formulate a plan and implementation schedule for the issuance of common benefit identification cards (photo ID’s) to Medicaid applicants and recipients.

Department Response:

In the fall of 2001, in an effort to increase enrollment of adults, families and children in Medicaid, Child Health Plus and Family Health, the New York State Department of Health introduced the concept of facilitated enrollers. This means far less Medicaid applicants are seen at local department of social services offices.

In addition, a New York State legislative requirement eliminated face-to-face recertification for Medicaid-only recipients effective April 1, 2003. Nassau County received a waiver to pilot this requirement effective December 2002. This legislative change means that Medicaid recipients have no reason to go to the local department of social services since they are able to apply off-site and be recertified by mail.

As a result of facilitated enrollment and the elimination of face-to-face recertification requirements, we have been directed by the New York State Department of Health not to require Medicaid only recipients to come into the office for the sole purpose of fulfilling

DSS Departmental Response

identification requirements. Please refer to attached Department of Health Letter dated 9/26/03.

Auditors Comments Finding (3):

Medicaid policy still requires certain Medicaid only applicants/recipients to have their identity verified by finger imaging. We have modified our recommendation to “As a photo identification card is issued as part of the AFIS procedure, DSS should ensure that non-exempt applicants are properly finger imaged”. Applicants in the building should properly have their identity verified through the state finger imaging system.

Audit Finding (4):

Notification to Public Benefit Recipients:

Recommendations:

DSS should update the “Nassau County Finger Imaging Notice” to include regulatory language regarding the consequences of failure to comply with AFIS requirements; notify all new applicants in writing of AFIS requirements as part of the application; at the time of recertification, notify all recipients that they will be discontinued for failure to be finger-imaged; and develop case closure notices using suggested language in the state’s administrative directive.

Department Response:

Applicants for assistance are initially notified of the requirement to be finger-imaged in Book 1, “What You Should Know About Your Rights and Responsibilities” (LDSS-4148A). This booklet is included with the statewide application (LDSS-2921), which all applicants are given at the time of their initial contact with the Department. Additionally, applicants are given a Finger-Imaging notice at the time they submit their completed application. The notice clearly states in part, “If you refuse to participate in this mandatory program, your public assistance (and food stamps, if applicable) will be denied or terminated”. This same form is used at the time of recertification.

Non-exempt clients who fail to comply with AFIS requirements are sent an automated discontinuance notice generated by the WMS Client Notice System. The language contained in these notices has been developed by the state and contains all regulatory required language. Local districts are not permitted to make any revisions to these notices.

Auditors Comments Finding (4):

Your response has the two notifications reversed. We are aware that the client is notified on page 15 (in book one of three NYS booklets), our recommendation suggests you

DSS Departmental Response

correct the internal DSS form “Nassau County Department of Social Services Finger Image Notice” that is given to applicants. It has not been revised in over five years, states programs no longer in existence and does not mention that Medicaid applicants need to be finger imaged. It states only HR and ADC. Employees in the application area questioned by the auditors stated they only distributed this notice to Public Assistance / Food Stamp applicants, not all applicants, as required by law.

Audit Finding (5):

Lack of DSS Procedures for State Notification of Fingerprint Matches:

Recommendations:

All employees assigned to the unit handling AFIS matches and reports should be trained regarding procedures to follow for investigating reported AFIS matches; written procedures should be developed to ensure that investigations are conducted promptly; and case files should contain documentation substantiating the action taken on the AFIS match report.

Department Response:

At the time of the audit, the Department lost 80 experienced employees due to early retirement, impacting all sections of the Agency. A Supervisor from another unit assumed the responsibilities of the Special Investigations and related AFIS functions. Since that time, additional staff has been assigned to the unit, and training has taken place.

On March 18, 2003, the New York State Office of Temporary and Disability Assistance (OTDA) conducted AFIS Report Training for Nassau County staff. The Director and Assistant Director of Temporary Assistance as well as the Supervisor and eligibility staff of the Special Investigations Unit were in attendance.

Since October 2002, staff in Special Investigations has developed specific protocols to ensure compliance with AFIS requirements including proper record keeping and accountability.

Auditors Comments Finding (5):

The development of protocols to properly address DSS’ response to state reported AFIS matches is welcomed. Their effectiveness will be determined upon a follow up audit of these procedures functioning over an extended time frame.