

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DEBRA HATTEN-GONZALES, et al.,

Plaintiffs,

vs.

**No. CIV 88-0385 KG/CG
Consolidated with
No. CIV-88-0786 KG/CG**

**DAVID SCRASE, Secretary of the
New Mexico Human Services Department,**

Defendant.

JOINT MOTION TO APPROVE TWO CORRECTIVE ACTION PLANS

Plaintiffs and Defendant hereby jointly move this Court for an Order approving the two Corrective Action Plans (CAPs) attached hereto. In support of this Motion, the parties show:

1. Attachment 1 to this Motion is the CAP negotiated by the parties to remedy the specific systemic barriers identified in Plaintiffs' most recent file review, the results of which were previously reported to the Court.
2. Attachment 2 to this Motion is the CAP negotiated by the parties to remedy the systemic barriers identified outside the most recent file review and that have been the subject of previous Orders issued by this Court.
3. The tasks and timelines negotiated in both CAPs attached to this Motion are reasonable and appropriate tasks and timelines intended to bring Defendants into compliance with the Second Revised Modified Settlement Agreement and Order (Doc.

853 ("Consent Decree") and outstanding obligations from prior Orders necessary to the fulfillment of the Second Revised Modified Settlement Agreement and Order.

4. The parties believe that if Defendant implements the remedies set forth in both CAPs it will come into compliance with the Consent Decree in this case. When HSD has fully implemented the provisions of both CAPs, Plaintiffs will then conduct a file review. If that file review does not reveal any systemic barriers as defined in Part IV of the Consent Decree, and if Plaintiffs have not learned of other systemic barriers as defined in Part I of the Consent Decree, Defendant may move for dismissal of the case at that time.

Therefore, Plaintiffs and Defendant jointly request that the Court grant this Motion to approve the two CAPs attached to this Motion.

Respectfully submitted,

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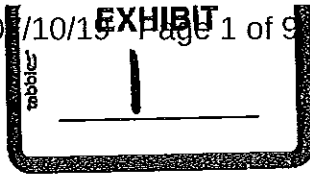
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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of July 2019, I caused a true and correct copy of the foregoing to be electronically served through the CM/ECF system to all counsel of record.

/s/ DANIEL YOHALEM
Daniel Yohalem



Title	Purpose
<u>Revision Log</u>	Records the history of the document.
<u>Verification CAP Items</u>	Describes barrier(s), solutions and anticipated completion dates
<u>Notice CAP Items</u>	Describes barrier(s), solutions and anticipated completion dates
<u>Uniformity CAP Items</u>	Describes barrier(s), solutions and anticipated completion dates
<u>Additional Non-CAP Items</u>	Describes barrier(s), solutions and anticipated completion dates, outside the CAP but
<u>Enhancement Descriptions</u>	work targeted for completion
	Referenced enhancements are hyperlinked to easily view CR description

Version #	Date	Author	Description/Change
2.0	6/26/2019	Karmela Mtz.	Draft - ready for review/feedback
2.1	7/2/2019	Sovereign Hager	Draft - with notes from 7/2 Mtg.
2.2	7/9/2019	Sovereign Hager	Draft - from Plaintiffs' Counsel with changes based on information provided by HSD.
2.3	7/10/2019	Karmela Mtz.	Final Ready for submission; format edits from v2.2
2.4	7/10/2019	Karmela Mtz.	Added descriptions for all enhancements and work requests referenced in document. FINAL submitted.

1. Verification									
Citation	Systemic Barrier	Interim Solution	Proposed Completion Dates	IT/Policy Permanent Solution	Proposed Completion Dates	Training	Proposed Completion Dates		
1.a	Triggering verification requests for all programs in active case	See interim solution for 1.b below	7/13/2019	1. CR 2936	1. 9/29/2019	Provide training in each field office on the QuickGuide and the verification matrix	10/31/2019		
				2. Verification matrix added in the QuickGuide	2. 10/31/2019				
1.b	Medicaid termination period at SNAP IR Processing or Change Action when the member(s) remain otherwise eligible.	Until automated corrections are made regarding manual Medicaid case terminations, a daily report will be generated and central processing will work the case prior to potential MA closure or reinstate eligibility no later than one business day after closure, as applicable to any MA categories closed in error. HSD will also attempt a cold call to client if case is improperly closed.	7/19/2019	1. CR 2946	9/29/2019	1. Provide training in each field office on the QuickGuide and the verification matrix	1. 10/31/2019		
				2. CRs 2881 and 2759; HSD States: a. Autoclosure will only run on the category in which it is due to renew; therefore not impacting the associated MA category if not due for renewal. b. Autoclosure for Interim Report will only run on the category in which it is due to renew; therefore not impacting the associated MA categories.	a. 05/31/2018 b. 09/30/2018			2. Train staff on MAGI Medicaid recertification requirements to more accurately process cases.	2. 08/02/2019
1.c	Administrative Renewal Improvements	Tasks will be generated when admin renewal is not successful due to failure of reasonable compatibility, and when the outcome results in family planning cascading to a better category of eligibility. HSD states that all other cases that fail to administratively renew through the automated process fail for a valid reason, that cannot be corrected through worker intervention.	7/21/2019	CR 2931	12/22/2019	Train staff on CR 2931 and supply ASPEN Release Notes	12/1/2019		
1.d	Staff application of reasonable compatibility.	n/a	n/a	n/a	n/a	Train staff on MAGI Medicaid recertification requirements to more accurately process cases.	8/2/2019		
1.e	Improper SNAP verification requests at IR and TANF/BHEAP change.	n/a	n/a	1. CR 2848	1. 04/28/2019	1. Train staff on CR 2848 (plaintiffs need to review)	1. 05/24/2019		
				2. HMAC 8.139, 110.12 (c)(2) changes re: outdated.	2. 10/31/2019			2. HUMAD	2. 10/31/2019
				3. Verification Matrix added into QuickGuide	2. 10/31/2019			3. Provide training in each field office on the QuickGuide and the verification matrix	2. 10/31/2019

2. Notices							
Citation	System's Barrier	Interim Solution	Proposed Completion	IT/Policy Permanent Solution	Proposed Completion	Training	Proposed Completion
2.a	HUMAD does not: 1. Request accurate information	1. No viable process	1. n/a	1. CR 2958	1. 12/22/2019	1. Training on revised HUMAD, proper use of HUMAD prior to implementation of enhancement.	1. 12/15/2019
	2. Request info following questionable verification	2. Complete trainings for standardized processing expectations.	2. 6/28/2019	2. Verification Matrix added into QuizGuide	2. 10/31/2019	2. Provide training in each field office on the QuizGuide and the verification matrix	2. 10/31/2019
	3. HUMAD VCL detail on types of docs hasn't been reviewed by a literacy expert	3. No viable process	3. n/a	3. Literacy review will go through a literacy review based on efforts through CR 2958	3. Prior to release.	3. n/a	n/a
2.b	MAD 608 Does not prepopulate	n/a	n/a	WR implemented in two phases: 1. WR 4864 - MAD 608 Pre-populating Zero Income 2. WR 4728 - MAD 608 Value on top right corner are not correctly signed	1. 5/20/2019 2. 6/17/2019	1. n/a 2. n/a	1. n/a 2. n/a
	NOCA: 1. Does not have a calculation table in all circumstances 2. States benefits changed, but they haven't 3. Does not include correct reason codes (English and Spanish)	1. n/a 2. n/a 3. n/a	1. n/a 2. n/a 3. n/a	1. CR 2840 2. CR 2452 3. Continuous review and improvement thru NOCA enhancement CRs.	1. 12/22/2019 2. 09/10/2018 3. Ongoing	1. Training pre release 2. Training pre release 3. n/a	1. 12/20/2019 2. 09/08/2019 3. n/a
2.d	FSP300	n/a	n/a	CR to fix Notice to contain a due date for the information, triggering factors to make sure it only goes to folks that are mandatory for work requirements, and to add application for SSI as reason for unfit to work.	2/28/2020		n/a

3. Uniformity							
Citation	Systemic Barrier	Interim Solution	Proposed Completion	IT/Policy Permanent Solution	Proposed Completion	Training	Proposed Completion
3.a	Consistent actions and application of eligibility policy requirements	1. Issue QuickGuide Field Operations statewide to provide instant access to ISO practices and procedures.	1. 05/31/2019	1. Implement all CRs/VAs identified in the CAP	1. 12/27/2019	1. Train all staff to consistently apply eligibility requirements and use QuickGuide.	1. 7/31/2019
		2. Train on use of the QuickGuide	2. 5/31/2019	2. QuickGuide Phase 1	2. 5/31/2019	2. Integrate QuickGuide into New Employee Training	2. 7/22/2019
		3. Add verification matrix into QuickGuide	3. 10/31/2019	3. HSD will add content provided by Plaintiff's Counsel (attached as Exhibit 1) into QuickGuide but may change organization as needed.	3. TBD	3. Train all staff to consistently apply eligibility requirements and use QuickGuide through each phase.	3. TBD

CR2946

This change request will eliminate unnecessary requests for information for Medicaid cases.

The implementation of this CR will:

1. Eliminate the termination of eligibility due to Integrated Eligibility Processing;
2. Ensure the proper triggering of requests for verification/action for all programs; and
3. Eliminate Medicaid Termination during the certification period at SNAP Interim Report (IR) processing or Change Action when the member(s) remain otherwise eligible.

CR2931

The implementation of this CR will:

1. Expand the data sources that are available;
2. Allow the system to cascade to a better category of Medicaid using the interface data between reporting periods;
3. Generate a task for worker review when the automated administrative renewal is not successful; and
4. Provide a more detailed case comment when the automated renewal is not successful.

Through the implementation of this CR HSD will:

1. Review and apply automation system requirements improvements; and
2. Increase the number of Medicaid EDGs that are successfully administratively renewed, ensuring continued eligibility for New Mexicans.

CR2848

Implementation of this CR will:

1. Eliminate unnecessary requests for information or verification during interim reporting for SNAP; and
2. Eliminate incorrect closures of SNAP as a result of changes reported for other programs such as TANF and LIHEAP.

CR2958

This CR will enhance the HUMAD to include:

1. The name of the employer from whom the income information is being requested;
2. The actual pay dates for the customer, based on client statement of pay dates;
3. New language on the HUMAD that will explain what types of verifications can be used to verify self-employment; and
4. Assurance that the verification checklist is updated to correctly reflect examples of verifications the client may provide.

Through the implementation of this CR HSD will:

1. Ensure the HUMAD contains specific information about what is requested to improve the client experience, increase access, facilitate accuracy and reduce administrative burden; and
2. Eliminate confusing requests for information sent to the client.

CR2840

This change request will amend and update the NOCA to:

1. Implement updates to the calculation table to increase readability;
2. Ensure the calculation table is generated for all Medicaid categories of eligibility for approvals and financial based denials and closures;
3. Add a trigger to the NOCA to reflect when a change or interim report has been processed, without affecting the benefit amount; and
4. Ensure the correct reasons are triggered.

Implementation of this CR will address:

1. NOCA Calculation Tables;
2. NOCA that states benefits have changed, but the benefit amounts are the same; and
3. Ensure the proper reason codes (English & Spanish) are triggered.

CR2499

This CR was implemented to:

1. Update existing NOCA triggers to inform a household their SNAP benefits were transitioning to and from SNAP to Transitional Food Stamps (TFS); and
2. Update existing Transitional Food Stamp triggers to clarify the TFS certification period, reporting requirements, certification period and reason for change or closure.

CR2881

Auto Denial Closure and Other Improvements

- The 'Notification of Birth' is now a valid verification source/document for Citizenship for all programs.
- Changes have been made to the Eligibility Summary screen to display the message when eligibility is evaluated on a case which has at least one individual who is active in multiple cases.
- Changes have been made to pend the eligibility determination for SNAP and Cash COEs with the reason as 'Pending due to Interview not completed.' Under specific circumstances.
- Changes have been made to calculate and update the correct program due date for the MSPs.
- Changes have been made to the existing auto closure for periodic review and auto closure for interim review mass updates to be run daily and to perform closures based on the evaluation of the EDG for the auto closure process by the auto closure for periodic review and auto closure for interim review alert jobs.
- Changes have been made to the ISD 120 Interim Report print jobs to run and process respective pending triggers daily.
- If the ISD 120 Interim Report being printed has at least one EDG with the interim review due date in the past or in the same month as the ISD 120 Interim Report print date.

CR2759

State wide implementation of auto-closure at time of Interim Report ensures auto-closure for will not:

- Evaluate or run eligibility for Medicaid, MSP and LIHEAP COEs.
- Evaluate or run eligibility for SNAP and Cash COEs that are not overdue for Interim Review.
- Generate HUMADs.
- Auto-renew the Medicaid COEs in the case where the SNAP/Cash COE in the case is being auto closed.

CR2174

Agreed Eligibility Content for the Quick-guide:

SNAP
Application acceptance policies and timeline for processing.
Eligibility Factors <ul style="list-style-type: none"> • Financial <ul style="list-style-type: none"> ○ Income (earned, unearned, exempt) ○ Resources ○ Deductions • Nonfinancial <ul style="list-style-type: none"> ○ Households ○ Residency ○ Identity ○ Us citizenship/eligible immigration status ○ SSN ○ Work requirements
Interview
Expedited SNAP <ul style="list-style-type: none"> • Eligibility • Verification
Verification <ul style="list-style-type: none"> • Verification required • Acceptable documents • Alternative forms of verification Requests for verification • Determining eligibility and issuing benefits
Certification periods
Interim Reports
Changes
Recertification
Transitional SNAP
Fair Hearings

Medicaid
Application acceptance policies and timeline for processing.
MAGI Medicaid related categories - overview
<p>MAGI related categories</p> <ul style="list-style-type: none"> • Financial • Non-financial eligibility factors <ul style="list-style-type: none"> ○ households ○ Identity ○ Age ○ Residency ○ Citizenship/Immigration status • Verification <ul style="list-style-type: none"> ○ Reasonable compatibility requirements ○ Verification required ○ Acceptable documents ○ Alternative forms of verification ○ Requests for verification • Change reporting • Renewal
<p>Non-MAGI categories</p> <ul style="list-style-type: none"> • Overview • Non MAGI - Eligibility Factors <ul style="list-style-type: none"> ○ Family Planning Medicaid ○ Pregnancy related Medicaid ○ Medicaid Savings Program ○ EMSA ○ SSI related Medicaid ○ Transitional Medicaid ○ Newborn ○ Refugee ○ Adoption and Foster Care ○ Breast and cervical ○ Institutional Care ○ Home and Community Based Waivers • Verification <ul style="list-style-type: none"> ○ Verification required ○ Acceptable documents ○ Alternative forms of verification ○ Requests for verification • Change reporting • Renewal
Determining eligibility and benefits
Changes between categories
Fair Hearings

4. Other (non-CAP item)							
Citation	Systemic Barrier	Interim Solution	Proposed Completion Dates	IT/Policy Permanent Solution	Proposed Completion Dates	Training	Proposed Completion Dates
4.a	YES-NM	1. Align CIP and Insight reviews to address all comments.	1. 8/30/2019	1. Prioritize and implement based on reconciliation.	Ongoing, this would be based on the progress and consensus of the workgroup.	Training will be conducted prior to changes being implemented.	Pending, dependent on agreed upon implementation dates.
4.b	Immigrant Eligibility	1. Provide requested artifacts through the existing workgroup.	1. 7/18/2019 (next workgroup mtg)	1. CR 2174 (perform gap analysis, identify most viable products for prioritization)	1. Ongoing, this would be based on the progress and consensus of the workgroup.	1. Prior to CR release.	1. Pending, dependent on agreed upon implementation dates.
		2. Training completed for the immigrant specialist.	2. 6/21/2019	2. Review comments regarding the immigration tool prior to implementation into the QuickGuide.	2. 9/30/2019	2. Release tool kit.	2. Pending, dependent on agreed upon implementation dates.
				3. Implement improved immigrant related trainings.		3. Trainings in scope	Dates below
						a. Tool on Quickguide b. Blackboard (pre-training for new hires and annual for all staff) c. Webinar d. final version of current new hire includes immigration throughout	a. 06/17/2019 b. 10/25/2017 c. Pending, dependent on agreed upon implementation dates. d. 06/21/2019
4.c	EBT Card	n/a	n/a	ISD has always offered an alternative id to pin their EBT card. In order to ease this process for customers: 1. Implemented update to FIS IVR, Website and Customer Service Scripts to enter SSN or Alternative #. 2. Implemented update to FIS IVR, Website and Customer Service Scripts to call the ISD Customer Service # if they don't know their alternative id. FNS is not authorizing the waiver of the expedite interview. States have until 5/2020 to implement changes to remove this waiver option. After this waiver is implemented, all persons will be required to have an interview (face to face or phone) even if eligible for expedite services or be subject to standard processing timelines. Since an interview is required all persons will receive their alternate id.	1. 1/28/2019	1) Call center scripts were updated to support the IVR updates. 2) Language will be added to Quickguide.	1. 01/28/2019
					2. 7/21/2019		2. 07/15/2019
4.d	EMSA Notification Issue: 1. Old denial reasons showing up on NOCA. 2. Denial reason code for a non-qualifying emergency.			Implement individualized and detailed denial reasons reviewed by a literacy expert.	Ongoing - see 2 c. Case review CAP item.	1. Dependent upon implemented solutions. 2. Dependent upon implemented solutions.	n/a
							7/10/2019
		ISD will provide denial notice referenced in the NOCA for individuals denied EMSA due to non-emergency.					

