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Food and
Nutrition
Service

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SUBJECT: Supplemental Nutrition Assistance Program - Guidance for State Agencies on Novel Waivers

To: Regional Directors
Supplemental Nutrition Assistance Program
All Regions

In recent years, the Food and Nutrition Service (FNS) has approved several innovative waiver requests that have afforded States new flexibility in administering the Supplemental Nutrition Assistance Program (SNAP). Because these waivers are relatively new, untested, and complex, FNS categorizes them as “novel” waivers. While novel waivers were developed as a result of multiple factors, most are related to and driven by States’ efforts to modernize and mitigate the increased administrative strain caused by the rapid caseload growth that followed the recent economic downturn.

FNS acknowledges and supports State agencies in their efforts to modernize, reduce administrative burden, and better serve SNAP recipients. When implemented in a measured and responsible way, novel waivers can afford States the additional flexibility needed to achieve these goals.

In partnership with State agencies, FNS has collected and analyzed evaluation data, identified indicators of success, and compiled best practices for implementing novel waivers. The attached guidance provides an overview of several novel waivers, along with State-provided best practices and keys to successful implementation. FNS encourages States to consult this information in considering novel waivers and their potential benefits to program administration and client access, as well as to support well-reasoned, thorough waiver requests.

If you have any questions about this memorandum, please contact Casey McConnell at casey.mcconnell@fns.usda.gov or Julie Tate at julie.tate@fns.usda.gov.

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Attachment

Background on Supplemental Nutrition Assistance Program (SNAP) Novel Waivers

As required by Federal regulations at 7 CFR 272.3(c), the Food and Nutrition Service (FNS) evaluates all SNAP waiver requests to ensure that the State's proposed alternative procedures do not breach provisions of the Food and Nutrition Act or cause material impairment of any SNAP participants or potential participants. In addition, the requesting State agency must provide compelling justification of how the waiver would result in a more effective and efficient administration of the program. Because novel waivers deviate from SNAP regulatory provisions in new and untested ways, FNS reviews each State agency request carefully and may request additional information or modification of the proposed alternative procedures from the State as needed.

Novel waiver approvals include extensive terms and conditions designed to ensure that the State's alternative procedures successfully achieve the desired outcomes and guard against any potential negative impacts. In addition, FNS generally requires that States use administrative and sample data to monitor and report upon novel waiver implementation. Although the conditions and reporting requirements associated with each novel waiver are generally consistent across approvals, FNS continues to refine them over time based upon State feedback and lessons learned. The State agency's ability to produce, evaluate, and distinguish trends based upon the required reports is essential for developing best practices, measuring effectiveness, and determining the overall impact of each novel waiver.

The following examples offer an overview of four novel waivers currently available to States and provide practical examples of the potential benefits, special conditions, and best practices that apply to each waiver.

1) Waiver to Postpone the Certification Interview for Certain Expedited Service Households

This waiver allows the State agency to waive regulations at 7 CFR 273.2(i)(3)(iii) that require completion of the certification interview within seven days for households that meet expedited service criteria. Under this waiver, State agencies may certify and issue benefits to households that meet expedited service criteria but are otherwise unable to complete the required certification interview within the 7-day time frame, provided identity has been verified and State agency staff have attempted to contact the household. For such households, the State agency applies the provisions on postponement of verification for expedited service cases at 7 CFR 273.2(i)(4)(iii)(A) and (B), and the required interview is postponed one to two months, depending upon the date of application. If the household does not complete the required interview within the period of postponement, the case is closed and the State agency is not required to contact the household again.

Potential Benefits

This waiver offers a last resort by which to prevent delays in providing benefits to especially vulnerable households who are otherwise unable to complete the interview within the 7-day time frame. As more SNAP applications are submitted online, completing the required interview within seven days has become more challenging. States have reported that this waiver has helped them to maintain or improve upon their expedited service processing timeliness, even amid significant caseload growth. When used appropriately, FNS agrees that this waiver can remove barriers to service for vulnerable households that are entitled to expedited benefits.

Conditions of Approval

FNS approves this waiver for a maximum of 18 months under a number of conditions designed to protect program integrity, assure appropriate access to the interview, and guard against churn:

- The waiver may be applied only at initial application for households that meet expedited service criteria and whose identity has been verified;
- The State agency must attempt to contact applicants for an interview prior to postponing the interview;
- The notice of eligibility provided to households processed under this waiver must be tailored to clearly explain the postponed interview requirement and provide a specific interview appointment. In addition, the notice must clearly advise households of the closure of their case should they not participate in the postponed interview;
- Households that do not satisfy postponed verification requirements or do not participate in the postponed interview would have any subsequent application processed under normal processing standards using 30-day processing in accordance with 7 CFR 273.2(i)(4)(iv); and
- The State agency must be diligent in attempting to conduct the interview within the 7-day time frame, and should use the waiver only when necessary. FNS recommends that the waiver be used in a targeted way, and suggests it be applied to 20 percent or less of the State agency's expedited service caseload.

In addition, FNS requires States to collect specific aggregate and sample data to measure the waiver's impact on client access, timeliness, payment accuracy, program integrity, and other aspects of the certification process. These data reports allow States and FNS to evaluate success, identify trends, and gain a better overall understanding of the waiver's positive or negative consequences. Success with this waiver is largely demonstrated by a high rate (80 percent or above) of households that complete the postponed interview and are determined eligible to receive benefits for a normal certification period.

Potential Challenges

States have encountered challenges that hinder successful implementation of this waiver due to:

- Dysfunctional call centers that fail to provide sufficient access to the interview;
- Insufficient staff training on when and how to appropriately use the waiver, often coupled with high levels of staff turnover;
- Client notices that do not clearly convey that the household must complete the postponed interview in order to continue to receive benefits;
- Using the waiver too frequently without making a diligent effort to complete the interview within the normal 7-day time frame, which can lead to churn and prevent the State from providing sustained benefits to households most in need food assistance.

Best Practices for Success

States that have demonstrated positive results with this waiver attribute their success to the following practices, resources, and technologies:

- Training staff thoroughly on the waiver's alternative procedures, well in advance of the implementation date;
- Using data exchange sources readily accessible to the State eligibility system to verify applicant identity;
- Maintaining fully operational and sufficiently staffed call centers, enabling eligibility workers to contact households for an interview within the 7-day time frame and ensuring proper access to and completion of the postponed interview;
- Making follow-up attempts to contact the applicant for interview prior to postponing the interview, as some individuals may screen phone calls;
- Development of specialized call center interview units that focus solely on conducting certification interviews;
- Development of call center software that can determine the caller's case status (based on case number) and automatically forward the call to an interview unit;
- Targeting the waiver's use to a small segment of their expedited service caseload and postponing the interview only when appropriate, thereby reducing the potential for churn;
- Effective tracking of cases processed under the waiver to ensure that households that do not satisfy postponed verification requirements or do not participate in the postponed interview would have any subsequent application(s) processed under normal processing standards using 30-day processing; and
- Accurately and efficiently collecting the FNS required aggregate and sample data necessary to monitor the waiver's effects, identify trends, and make informed decisions that improve outcomes.

2) On-demand Interview Waiver

On-demand, or unscheduled, interview waivers permit the State agency to waive the face-to-face interview scheduling requirements at 7 CFR 273.2(e)(3). Instead of scheduling a specific date and time for an interview, the State agency provides households the option to complete a telephone interview at their convenience within a specified period of time. Households receive a notice instructing them to contact a call center during normal business hours generally within 4 to 12 days, depending on the State.

Applicants that do not successfully complete the interview within the specified time-frame are issued a notice of missed interview (NOMI). The NOMI instructs applicants that they must call for their interview by the 30th day from the date of application or the application will be denied.

Potential Benefits

When States have the staffing capacity and system resources to implement this waiver effectively, it can provide a convenient and customer-friendly way to conduct interviews, especially for working households. This waiver can also provide administrative relief by reducing in-office wait times and decreasing the no-show rate for scheduled interviews.

Conditions of Approval

FNS approves on-demand waivers for a maximum of two years under several conditions. In order to ensure good customer service and client access, the State agency must:

- Inform clients that the State agency will schedule the interview or provide a face-to-face interview upon request;
- Screen all applications for expedited service and process expedited service applications following the applicable procedures;
- Provide a NOMI to households that do not complete the interview within the specified time frame;
- Repeat the instructions for completing the interview in the NOMI and inform clients of the date on which their application will be denied or benefits terminated if the interview is not completed; and
- Ensure that sufficient administrative automation controls are in place so the terms of this waiver are implemented efficiently. Phone system performance and staff adequacy must be monitored and adjusted to serve incoming calls, with dropped calls, wait time and call completion time to be in conformance with industry standards.

States are also required to provide FNS with specific administrative data reports at regular intervals. This data allows States and FNS to measure the waiver's impact on client access, average interview wait times, timeliness, customer service, and other aspects of the certification process.

Potential Challenges

States have encountered challenges that hinder successful implementation of this waiver due to:

- Dysfunctional call centers that fail to provide sufficient access to the interview;
- Call centers that share the same network/system or number as that of the general State agency or local offices, causing congested phone lines, prolonged wait times, and system crashes;
- Call systems that allow for voicemails, as listening to messages can be time-consuming and the content can be difficult to interpret or mistakenly deleted;
- Failure to provide applicants the opportunity to interview in-office, face-to-face; and
- Failure to properly screen all applications for expedited service and lack of effort to contact potential expedited service households for interview, resulting in timeliness issues.

Best Practices for Success

States that have demonstrated positive outcomes with this waiver attribute their success to the following practices, resources, and technologies:

- Establishing a call center prior to waiver implementation that is fully-functional, appropriately staffed, and has the system capacity to handle a large volume of calls and to measure key aspects of customer service;
- Prioritizing customer service and preventing unreasonable interview wait times;
- Placing incoming calls that are not immediately connected with an eligibility worker for interview into a queue;
- Providing approximate wait times for callers that are placed into a queue, allowing the customer to decide whether they should remain on the line or call back at a later time;
- An organizational understanding that callers expect telephone wait times to be shorter than in-office wait times, and that prolonged call wait times cost clients time and money;
- Providing access to language lines, or an alternative, for non-English speaking clients;
- Developing a system to monitor calls that allows managers to review performance and workflow, and to adjust staff levels as needed to decrease call wait times; and
- Providing an independent, alternative phone number for applicants that wish to request a face-to-face interview to reduce confusion and decrease the overall incoming call volume for the on-demand call center.

3) Electronic Notice Waiver

Electronic notice (e-notice) waivers allow States to issue notices electronically to clients instead of mailing notices to a physical address. Clients receive an email and paper confirmation notice with instructions for how to retrieve their e-notices. Each time a notice is available, households receive an email that directs them to visit a secure website/portal where they can access their account to view the notice. States currently approved for this waiver use e-notices to inform clients of a variety of case-related actions, such as the notice of missed interview, eligibility, denial, pending status, expiration, and required verification.

Potential Benefits

E-notice waivers allow clients with regular email access to receive their notices sooner and provide easily accessible copies of notices. E-notices also make it easier for clients without a permanent mailing address to receive notices in a timely manner, and may reduce other issues associated with relying on a physical address to contact clients. Notices viewed through secure portals also reduce security concerns related to notices. Furthermore, this waiver can save States money by reducing printing and mailing costs.

Conditions of Approval

E-notice waivers are generally approved for two years. In order to ensure that e-notices provide case information sufficiently and in a way that does not compromise program rules or client rights, FNS approvals include the following requirements:

- E-notices must contain the same information as the paper notifications;
- Each time an e-notice becomes available, the State must send the household an email prompting them to view the e-notice;
- E-notices sent as text messages may only be sent in conjunction with an email; text messages cannot be sent on their own;
- Households must be allowed to opt-out of receiving e-notices at any time; and
- If the household's email account is found to be invalid or inactive, the State must automatically resume sending the household paper notices from that point forward (or until they re-enroll to receive e-notices).

States must also provide FNS with administrative data reports to help determine the effects and popularity of this alternative method of providing and receiving notices. Namely, States are required to capture the percentage of their caseload that opts to receive e-notices and information on how soon the household views the notices on their respective web account after being prompted that a notice is available.

Potential Challenges

Although this waiver seems relatively straightforward, States have encountered setbacks due to the following oversights:

- Failure to ensure that e-notices are available to Federal and State quality control reviewers; and

- Failure to send an email prompt to the household each time a notice becomes available. Sending a text message alone does not sufficiently notify households that an e-notice is available, as States have no way to track household receipt of a text message or if the client's phone is out of service.

Best Practices for Success

States have demonstrated success with this waiver through:

- Providing notices through a portal or system that is independent from the rest of the State system to reduce system strain;
- Ensuring that their system can track when e-notices are opened/viewed and sending paper notices if e-notices are not opened by clients within a reasonable amount of time;
- Making notices available on the website/portal for at least 36 months;
- Including information in the confirmation email explaining that the recipient is responsible for reading the e-notices and instructions for how to log-in to their account to view the e-notices; and
- Providing a link to the secure website/portal in the email notification.

4) Paper Copy of Application Waiver

Paper copy of application waivers allow the State agency to forego the regulations at 7 CFR 273.2(c)(1) that require the State to provide clients who apply for benefits on-line at the local office with a paper copy of the information submitted for their records. Under this waiver, the State agency continues to provide applicants with the opportunity to review the information they have submitted in their application electronically, but only provides a paper copy of the information upon request.

Benefits of Waiver

This waiver eases program administration by reducing staff workload and printing costs. Additionally, this waiver reduces the number of paper applications that may be abandoned or discarded at the offices, which may help prevent private client information from being compromised.

Conditions of Approval

Paper copy of application waivers are approved for two years under the condition that applicants are provided the opportunity to review the information recorded electronically and are provided a paper copy upon request.

Best Practices for Success

States have demonstrated success with this waiver through:

- Clearly informing clients of their right to request and obtain a paper copy of their application in the area where clients apply using posters, signs, or other methods.