



STATE OF NEW MEXICO  
**Human Services Department**  
**Governor Michelle Lujan Grisham**  
David R. Scrase, M.D., Cabinet Secretary  
Angela Medrano, Deputy Cabinet Secretary  
Kari Armijo, Deputy Cabinet Secretary

April 9, 2020

Dwight Crudup  
Regional Director  
Southwest Region US DA/FNS  
110 Commerce Street, Room 5-C- 30  
Dallas, Texas 75242

Subject: Telephonic Signature Waiver

Dear Mr. Crudup:

New Mexico, like many of its surrounding states, is operating under a State of Public Health Emergency related to the COVID-19 pandemic. There are currently over 800 individuals in NM that have tested positive for COVID-19. It is also expected that the number of positive cases will increase exponentially as this outbreak continues. Social distancing is the primary non-hygiene related preventative measure identified to prevent the spread of this communicable disease. Governor Michelle Lujan-Grisham has issued many public health orders encouraging New Mexicans to practice social distancing. All executive and public health orders for New Mexico can be located at: <https://cv.nmhealth.org/public-health-orders-and-executive-orders/>.

Supplemental Nutrition Assistance Program (SNAP) regulations at 7 CFR 273.2(c)(7)(viii)(B) require that to constitute a valid telephonic signature, the State agency's telephonic signature system must make an audio recording of the household's verbal assent and a summary of the information to which the household assents. An example of a telephonic signature is a recording of "Yes" or "No", "I agree" or "I do not agree", or otherwise clearly indicating agreement or disagreement during an interview over the telephone.

In an effort to help promote social distancing and person-to-person contact the New Mexico Human Services Department (NMHSD) is advising customers to utilize telephonic interviews. Some applications that are submitted are missing signatures which delay benefits as NMHSD must reach out to the customer to request a signature. The NMHSD is requesting to waive SNAP regulations at 7 CFR 273.2(c)(7)(viii)(B) to not be required to create an audio recording of the customer attestation or link that recording to the case file. The State will summarize the information to which the household attests to and will allow a verbal signature from the customer that will be documented by the State. The information that will be documented in the case file will include; the customer's name, date & time of application, a summary of the information to which the customer verbally attests to, and the customer's responses indicating agreement or disagreement.

If additional information is needed, your staff may contact Gavino Archuleta, SNAP Program Manager, at 505-827-7244 or via e-mail at [Gavino.Archuleta@state.nm.us](mailto:Gavino.Archuleta@state.nm.us).

Thank you for your assistance in processing this request.

A handwritten signature in black ink that reads "Karmela Martinez". The signature is written in a cursive style.

Karmela Martinez, Division Director  
New Mexico Human Services Department  
Income Support Division

## WAIVER REQUEST

- 1. TYPE OF REQUEST:** Initial
- 2. REGULATION CITATION:** 7 CFR 273.2(c)(7)(viii)(A), 7 CFR 273.2(c)(7)(viii)(B), 7 CFR 273.2(e)(7)(viii)(C)
- 3. STATE:** New Mexico
- 4. REGION:** SWRO
- 5. REGULATORY REQUIREMENTS:** Supplemental Nutrition Assistance Program (SNAP) regulations at 7 CFR 273.2(c)(7)(viii)(A) require State agencies that choose the option to accept telephonic signatures to specify in their State plans of operation that they have taken the option.

Regulations at 7 CFR 273.2(c)(7)(viii)(B) require that to constitute a valid telephonic signature, the State agency's telephonic signature system must make an audio recording of the household's verbal assent and a summary of the information to which the household assents. An example of a telephonic signature is a recording of "Yes" or "No", "I agree" or "I do not agree", or otherwise clearly indicating agreement or disagreement during an interview over the telephone.

Regulations at 7 CFR 273.2(c)(7)(viii)(C) require that a telephonic signature system must provide for linkage from the audio file of the recorded verbal assent to the application so that the State agency has ready access to the household's entire case file.

- 6. DESCRIPTION OF ALTERNATIVE PROCEDURES:** The State will not be required to create an audio recording of the client attestation or link that recording to the client case file. The State will summarize the information to which the household attests and allow a verbal signature from the client that is documented by the State. The documentation will include a case comment in the State's eligibility system to demonstrate that the client has signed the application. The information the State documents in the case file must include the client's name, date and time of application, a summary of the information to which the client verbally attests, and the client's responses indicating agreement or disagreement. If a client submits an application without a signature and the State is able to connect with the client over the phone, the State will also note on the application that verbal attestation of the signature was given. The State is not required to amend its State Plan of Operation to indicate it is taking the telephonic signature option.
- 7. JUSTIFICATION FOR REQUEST:** This request is justified pursuant to 7 CFR 272.3(c)(1)(ii) which permits FNS to authorize waivers that result in a more effective and efficient administration of the program.

**8. ANTICIPATED IMPACT ON HOUSEHOLDS AND STATE AGENCY OPERATIONS:** New Mexico believes that this waiver will improve the public health response to the spread of the COVID-19. This will also reduce the number of staff and SNAP recipients potentially exposed to COVID-19 minimizing its spread as well as a possible workforce shortage in the State Agency.

**9. CASELOAD INFORMATION, INCLUDING PERCENT, CHARACTERISTICS, AND QUALITY CONTROL ERROR RATE FOR AFFECTION PORTION:** As of February 2020, the NM SNAP caseload included 444,727 people in 218,839 SNAP households. Of these numbers, 49,077 individuals were aged 60+ elderly and an additional 183,486 were children.

**10. ANTICIPATED IMPLEMENTATION DATE AND TIME PERIOD FOR WHICH WAIVER IS NEEDED:** New Mexico will implement accepting telephonic signature upon approval of the waiver.

**11. PROPOSED QUALITY CONTROL REVIEW PROCEDURES:** Quality Control will review under the guidelines of this waiver in place of the FNS 310 requirements for the duration of this waiver.

**12. SIGNATURE AND TITLE OF REQUESTING OFFICIAL:**

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**Karmela Martinez, Director of Income Support Division**

**13. DATE OF REQUEST:** April 8, 2020

**14. REGIONAL OFFICE CONTACT PERSON (TO BE COMPLETED BY FNS REGIONAL OFFICE)**