



Food and
Nutrition
Service

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DATE: February 19, 2021

SUBJECT: Supplemental Nutrition Assistance Program (SNAP) – Second Questions and Answers on Quality Control (QC) Related Provisions of Public Law 116-159

TO: All Regional Administrators
All SNAP Regional Directors

The Food and Nutrition Service (FNS) is issuing the attached second set of questions and answers to address inquiries received about the implementation of QC related provisions in the continuing resolution (P.L. 116-159) signed into law on October 1, 2020.

Thank you for your continued partnership and patience in responding to the current public health emergency and associated legislative changes in order to continue providing SNAP households the nutrition assistance they need. Please let us know if you have any additional questions.

Sincerely,

Jessica Shahin
Associate Administrator
Supplemental Nutrition Assistance Program

Enclosure

Enclosure 1

Issuing Agency/Office:	FNS/SNAP
Title of Document:	Questions and Answers related to Public Law 116-159 - Quality Control
Document ID:	
Z-RIN:	
Date of Issuance:	February 19, 2021
Replaces:	N/A
Summary:	Provides guidance to SNAP State agencies implementing Quality Control provisions of Public Law 116-159.
Disclaimer:	The contents of this guidance document do not have the force and effect of law and are not meant to bind the public or FNS in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Pursuant to the Congressional Review Act and Executive Order 13891, the Office of Information and Regulatory Affairs has designated this document as not major and not significant.

General Questions:

- 1. Can States that do not take the Quality Control (QC) suspension continue to waive the QC face-to-face interview?**

For any month in which a State does not suspend QC under the Continuing Appropriations Act of 2021 (the Continuing Resolution or CR), States must request a waiver from FNS for the QC face-to-face interview.¹ For any month in which a State chooses to suspend QC under the CR, a QC face-to-face interview waiver is unnecessary.

- 2. For States that elect to suspend QC, is QC required to refer all over- or under-payments for collection or supplemental payments?**

Any time a State agency find households were either overissued or underissued benefits, it must follow rules under 7 CFR 273.17 and 7 CFR 273.18, regardless of whether the State suspended QC due to the CR.

- 3. Will States that suspend QC still be able to work incomplete cases for the October through February sample months?**

¹FNS provided a blanket waiver to allow all State agencies (States) to waive the QC face-to-face interview through December 31, 2020. For January 2021 and any month thereafter, States must request a waiver for any month in which they are not suspending QC under the CR.

Yes, States may continue to attempt completion of incomplete cases within 115 days from the end of the sample month to dispose of and report findings in accordance with 7 CFR 275.21 (b)(2) through (4).

4. Are States allowed to modify the QC review process when conducting internal reviews under a suspension?

State agencies that choose to suspend QC requirements as allowed by the CR are not required to comply with the specific regulations identified in the CR. However, State agencies must ensure that any deviation from standard QC operations during the suspension will not cross into sampling operations or case reviews as of the July 2021 sample month, which is the first sample month after the QC suspension period ends. Please note that while the CR originally provided an end date of September 2021, the Consolidated Appropriations Act, 2021 provided a new end date of July 2021.

States must also ensure that any modified process they utilize must comply with all other statutory and regulatory requirements not suspended by the CR.

5. How will States meet reporting requirements for demonstration projects, such as Combined Application Projects, Elderly Simplified Application Projects (ESAP), and Standard Medical Deduction (SMD) projects? Some demonstration projects require QC data and/or case reviews to occur and guidance is needed on how to handle these evaluation requirements.

The CR does not change any evaluation requirements of demonstration projects. Any State that has concerns about its ability to meet the requirements of its demonstration project as a result of a suspension of QC requirements should work with FNS to request a modification to its evaluation plan accordingly.

Impact on Corrective Action Plans (CAPs) and Management Evaluations (MEs):

6. How will the QC suspension impact CAPs and MEs? Are states still required to submit QC cases to meet FNS evaluation needs?

The CR does not change CAP or ME requirements. States should alert their FNS Regional Office of any potential impacts the QC suspension may have on CAPs and MEs as they are identified, then work with the Regional Office to determine whether and how to adapt in order to meet CAP or ME requirements.

For example, if suspending QC impacts a State's ability to provide standard ME data as part of a CAP or ME, the State should consult with FNS to determine whether alternative data or information is needed.

7. **Will FNS continue to conduct Federal Quality Control Integrity and Case and Procedural Error Rate ME reviews as planned for Fiscal Year 2021? If so, will there be some type of guideline for State staff interviews (since some will be re-assigned temporarily)?**

8. Yes, FNS will continue to conduct MEs of the integrity of the QC system of no fewer than two State agencies per fiscal year to the maximum extent practicable. Concerning State staff interviews, States should work with their FNS Regional Office as they normally would to ensure interviews are conducted with the appropriate State staff.

Liabilities and New Investment:

9. **How will FY 2019 QC liabilities be impacted if a national performance measure is announced for FY 2020? Is not announced?**

FNS is still evaluating the situation. More information on FY 2020, and any impact it may have on FY 2019 QC liabilities, will follow at a later date.

Federal Assistance/Reviews during Suspension Period:

10. **Will States that chose to suspend QC be afforded technical assistance, including Federal re-reviews by regional office QC staff? If so, will there be any limitations to that assistance because they chose to suspend QC?**

States may request technical assistance from their FNS Regional Office, including to conduct Federal re-reviews of cases reviewed internally by States operating under the QC suspension. Any Federal re-reviews will follow all regulations and guidance, including FNS Handbook 310 and 315 requirements, regardless of any modifications to the review process by State staff. The choice to take the option and suspend QC will not limit technical assistance provided by FNS.

SNAP-QCS:

11. **Can States that elected to suspend QC use SNAP-QCS?**

SNAP-QCS will be available for States that have elected to suspend QC.

- 12. Must States that are suspending QC requirements but are still utilizing SNAP-QCS release results to FNS? Are there any impacts to SNAP-QCS functionality if States do not release cases to FNS in the system?**

No, if a State suspends QC requirements then cases do not need to be released to FNS. States that do not release cases to FNS may encounter some irregularities, such as receipt of overdue reminders when cases exceed the 115-day deadline and issues running certain reports.

- 13. Should States that did not suspend QC for June, July, and August 2020 cases continue to transmit reviews weekly and upload sub-sampled files when they receive requests?**

States that did not suspend QC for June, July, or August 2020 must continue to adhere to all QC requirements for those months.

Clarification on Refusal to Cooperate and Related Penalties:

- 14. If a State sanctions a household for refusing to cooperate before the suspension, do they need to undo those terminations if they decide to take the option to suspend?**

Any sanctions imposed prior to implementation of the QC suspension would require resolution, following standard protocols.

- 15. For States suspending QC regulations that continue to conduct internal state level reviews, do the rules and provisions around refusal to cooperate with quality control reviewers still apply?**

If a State elects to suspend QC requirements, they may not sanction a household for failure to cooperate at a point in time within the suspension period under 7 CFR 275.12(g)(1)(ii), even if the State continues to conduct internal reviews.