

Testimony of Carolyn Rumer
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Before the Committee on Human Services
Council of the District of Columbia

Performance Oversight Hearing Regarding the Department of Human Services

March 8, 2018

The Legal Aid Society of the District of Columbia¹ submits the following testimony regarding the performance of the Department of Human Services (DHS), and in particular, to express our continuing concerns about the long lines at the Economic Security Administration's (ESA's) service centers and the agency's administration of the Healthcare Alliance and SNAP (Food Stamps) programs. These are longstanding issues that, to date, have not been adequately addressed. We urge the Committee to address them head-on this year through the steps we will explain below.

EXCESSIVE WAIT TIMES HAVE NOT BEEN FIXED AT ESA SERVICE CENTERS

The ESA service centers are plagued by significant problems with service delivery and long lines. The long lines are compounded by ongoing technological problems with the agency's computer database, the "DC Link" or DCAS system, which was adopted in October 2016. Legal Aid has been monitoring the length of lines and wait times at the service centers since 2014, checking with those who are waiting to be seen to find out when they got in line and how long they've been there.² In January of this year, Legal Aid attorneys and volunteers visited the Taylor Street and H Street service centers before they opened (at about 7:00 a.m.) on 11 occasions.³ The pictures at the end of this testimony reflect the lines prior to the doors opening

¹ The Legal Aid Society of the District of Columbia was formed in 1932 to "provide legal aid and counsel to indigent persons in civil law matters and to encourage measures by which the law may better protect and serve their needs." Over the last 85 years, tens of thousands of the District's neediest residents have been served by Legal Aid staff and volunteers. Legal Aid currently works in the areas of housing, family law, public benefits, and consumer protection. More information about Legal Aid can be obtained from our website, www.LegalAidDC.org, and our blog, www.MakingJusticeReal.org.

² *Joint Testimony of Legal Aid Society of the District of Columbia and DC Fiscal Policy Institute for Public Oversight Hearing on the Performance of the Economic Security Administration of the Department of Human Services* (May 12, 2015), <https://www.legalaiddc.org/wp-content/uploads/2015/03/CS Sharon3.12.15.pdf>; Mezey, Sharon & Rivers, *Closing the Gap Between Policy and Reality: Preventing Wrongful Denials and Terminations of Public Benefits in the District of Columbia* (May 22, 2014), <https://www.legalaiddc.org/wp-content/uploads/2014/05/Closing-the-Gap-Final.pdf>.

³ The findings from the January 18, 2018 visit to the H Street service center are not reported because customers were allowed into the lobby early, and the Legal Aid staff present that day could not get into the lobby to get an accurate head count or speak with customers.

at the H Street service center on January 12, 2018 and at the Taylor Street service center on January 22, 2018, respectively.

The chart below shows that the **latest** arrival time for the first person in line was 4:12 a.m. During the 11 visits, the **shortest** line at the time that the doors opened was 36 people and the **longest** line when the doors opened was 84 people on a different day when it was 20 degrees warmer.

Date	Service Center	Number of people in line when doors opened*	Time of arrival reported by first person in line	Weather
Jan. 9, 2018	Taylor Street	43	4:00 a.m.	28 degrees
Jan. 10, 2018	H Street	36*	4:00 a.m.	Approx. 30 degrees
Jan. 10, 2018	Taylor Street	40	3:00 a.m.	Approx. 30 degrees
Jan. 12, 2018	H Street	53*	3:45 a.m.	Approx. 60 degrees, rainy
Jan. 12, 2018	Taylor Street	43	3:30 a.m.	Approx. 60 degrees, rainy
Jan. 16, 2018	H Street	47	4:12 a.m.	Approx. 30 degrees
Jan. 16, 2018	Taylor Street	67	2:40 a.m.	Approx. 30 degrees
Jan. 18, 2018	Taylor Street	36	4:00 a.m.**	18 degrees, snow on the ground
Jan. 22, 2018	H Street	84	4:00 a.m.	50 degrees
Jan. 22, 2018	Taylor Street	63	3:00 a.m.	52 degrees

* This count was taken as of 7:00 am upon arrival of Legal Aid staff.

** First person in line did not wish to report this information. Time reported by the second person in line.

While DHS will likely tell this Committee that wait times are down and the average customer only waits two hours⁴, the agency’s data only counts wait time when the customer reaches the front desk. DHS does not collect data regarding the length of lines at service centers.⁵ The agency’s estimated wait times do not take into account how long the customer had to wait before they could even enter the service center, much less make it to the front desk. To date, DHS’s data have not captured the true time spent waiting. Nor does the agency account for those who never reach the service center front door because they are turned away. People seeking help at service centers continue to report that when the centers reach capacity, those in line are turned away and told to come back another day to try again. This is not a new issue – when we testified about DHS’s performance last year, we reported observing the same issues at service centers.⁶

⁴ DHS FY17-FY18 Performance Oversight Responses, Q110.

⁵ DHS FY17-FY18 Performance Oversight Responses, Q111(b).

⁶ *Legal Aid Testimony Regarding Agency Performance Oversight for the Department of Human Services* (March 15, 2017), <https://www.legalaidcc.org/wp-content/uploads/2017/03/CRumer.3.15.17.pdf>

THE CURRENT RECERTIFICATION REQUIREMENT FOR THE ALLIANCE PROGRAM PUTS ADDITIONAL STRAIN ON THE SERVICE CENTERS

The wait times and long lines at service centers are exacerbated by the current Alliance recertification requirements. The Department of Health Care Finance (DHCF) has adopted a policy, which DHS is charged with implementing, requiring Alliance consumers to recertify every six months with a face-to-face interview at a service center to maintain enrollment. As you know, the Alliance program serves a vital purpose, providing health insurance to low-income District residents who are not eligible for Medicaid. However, the program's excessive recertification requirements mean that month after month, individuals from some of the District's most marginalized communities needlessly lose their health coverage. Legal Aid's client community includes many Alliance enrollees, and we see first-hand how the Alliance's overly burdensome requirements create barriers for individuals trying to maintain their coverage, even when they do everything in their power to comply.

Because Alliance enrollees must recertify in person, there is little they can do to avoid having to spend several hours in line – sometimes missing work or other obligations to do so – just for the possibility of completing their interview and keeping their health coverage. We have worked with clients who have made multiple unsuccessful attempts to recertify, only to be terminated through no fault of their own. And the requirement that enrollees go through this process every six months (as opposed to the annual recertification schedule for Medicaid enrollees) doubles the opportunity to be dropped from coverage for failure to complete a difficult-to-obtain in-person interview.

As mentioned above, DHS measures wait times only from the point when a consumer reaches the front desk in the lobby of the service centers. From February 2017 through January 2018, the average wait time for Alliance recertifications and applications after a consumer reaches the front desk was never less than an hour and forty minutes.⁷ This number does not account for the amount of time the consumer spent waiting in the lobby or outside the service center or for consumers who do not reach the front desk. The agency does not track consumers who need to return to the service center multiple times due to overly long lines or being turned away.

DHCF's data shows that 31% of Alliance enrollees who were terminated in Fiscal Year 2017 re-enrolled within a year.⁸ This means that almost a third of Alliance beneficiaries who lost their benefits were later found to be eligible for the program, suggesting that they had not been medical tourists or other non-District residents who were trying to gain unlawful access to the program.⁹ DHS and DHCF have not determined what percentage of those losses of coverage

⁷ DHS FY17-FY18 Performance Oversight Responses, Q111(d).

⁸ DCHF FY17-FY18 Performance Oversight Responses, Q46.

⁹ An additional 24% of Alliance beneficiaries who lost their benefits in 2017 were not reenrolled in a year. *Id.* While DHCF might claim that these individuals who were never eligible for Alliance in the first place, our

were attributable to failure to complete the recertification process. But data from last year's DHCF oversight hearing demonstrated the difficulty that the majority of Alliance beneficiaries had completing the recertification process.¹⁰ One could therefore assume that the implementation of burdensome requirements has led to the disruption of coverage and care for thousands of vulnerable District residents, many of whom are already facing daily threats to their safety and security from the federal government due to being immigrants, and placed increase strain on already long lines at the ESA service centers.

THE AGENCY CONTINUES TO EXPERIENCE PROBLEMS WITH THE TIMELY ADMINISTRATION OF SNAP BENEFITS AND PROVIDING NOTICES RELATED TO RECERTIFICATION

Legal Aid has seen a drastic increase in problems related to SNAP benefits since the agency implemented DCAS in October 2016. DHS continues to struggle with failure to process SNAP benefits on time. Under federal law, the agency has 30 days to process SNAP applications unless the consumer qualifies for expedited SNAP which requires that the agency make benefits available on the consumer's EBT card within 7 days. DHS also struggles to process recertifications on time, causing individuals and families to be terminated from benefits through no fault of their own.

Of particular concern is the agency's difficulty issuing notices notifying consumers that they are required to recertify for SNAP. Without these notices, SNAP consumers are being terminated because they have no knowledge of their deadlines to complete their recertifications. For example, DHS failed to provide notice to all SNAP consumers with a recertification deadline of September 30, 2017, causing many individuals and families to be terminated and go without benefits. Even when consumers complete the necessary paperwork on time, DHS has technological difficulties loading consumers' benefits to their EBT cards. Recently, a Legal Aid client who did not receive Food Stamps in February was told that "a ticket" was opened by the agency to investigate technical issues related to his benefits and that the problem would be resolved within 14-30 days, meaning two weeks to a month without benefits to buy food. It is difficult to calculate the full scale of the agency's failures around the SNAP program as DHS does not track data for individuals who were terminated from SNAP due to agency error.¹¹ In June 2017, Legal Aid filed a class action against DHS regarding the agency's systemic failures to provide timely SNAP benefits and legally required notices. The case is currently pending in the United States District Court for the District of Columbia.

experience (and the limits of DHCF's data) suggest that this is not the case. In fact, it is entirely possible that some of these 24% got back on benefits after a year.

¹⁰ In 2016, between 56% and 71% of Alliance enrollees who were due to recertify each month did not complete the re-certification process. *Legal Aid Testimony Regarding Agency Performance Oversight for the Department of Health Care Finance* (March 8, 2017). DHCF did not update this data in its FY 2018 responses to this Committee.

¹¹ DHS FY17-FY18 Performance Oversight Responses, Q123.

THE COMMITTEE SHOULD TAKE THE FOLLOWING STEPS TO ADDRESS THESE ISSUES

There are two key steps this Committee can take, both during today's hearing and over the rest of this performance oversight/budget oversight season, to respond to these problems.

Fund Legislative Changes to the Alliance Recertification Process

Perhaps the most important thing that the Committee can do to simultaneously address wait times at the services centers and stabilize the eligibility of Alliance enrollees is to fund legislative changes to the Alliance recertification process that have already passed the Council. We thank you, Chairperson Nadeau, for your leadership in finding potential legislative solutions both as Chair of this committee and in your role as a member of the Committee on Health. This work has included both support of legislation that was marked up in the Health Committee (which we will discuss below) and introducing and marking up your own Alliance legislation in this committee. We hope that you and your Health Committee counterpart, Councilmember Gray, will work together to ensure that legislation fully repealing the six-month re-certification requirement is funded in the FY19 budget.

As you know, in December, the Council passed the DC Healthcare Alliance Amendment Act of 2017, which would repeal the current six month, in-person recertification requirement and replace it with an annual certification schedule similar to what is already in place for Medicaid enrollees. The legislation passed the Council by votes of 13-0 and 12-0,¹² reflecting widespread recognition that current policy is unnecessary, harmful, and needs to change. The Act would solve the problems created by the current recertification process in two key ways. First, it would eliminate the requirement that Alliance enrollees recertify every six months, reverting to annual recertifications. This would significantly reduce the burdens on enrollees, who would no longer be in danger of losing their health coverage every few months. Second, it would allow enrollees to recertify at community health centers.

As we have noted previously,¹³ allowing enrollees to recertify at community health centers would have a number of potential benefits. Enrollees would have additional options that would allow them to complete their interviews while avoiding the lines and capacity issues at service centers.¹⁴ Furthermore, community health centers have language capacity that would make the process easier for enrollees with limited English proficiency. Finally, enrollees' familiarity with and trust in their local community health center would facilitate recertifications.

¹² See, <http://lims.dccouncil.us/Legislation/B22-0231?FromSearchResults=true>

¹³ See *Legal Aid Testimony Regarding Agency Performance Oversight for the Department of Human Services* (March 15, 2017), <https://www.legalaiddc.org/wp-content/uploads/2017/03/CRumer.3.15.17.pdf>

¹⁴ This would also be beneficial for the service centers. As we noted in last year's testimony, a significant number of individuals in line at service centers are there for Alliance recertification. Giving enrollees more non-service center options would help service centers reduce their wait times.

If allowed to go into effect, the Act would also ease the burden on the service centers by both cutting the number of re-certification trips Alliance enrollees would have to make in half and diverting a number of enrollees to health centers, away from service centers entirely. This would be beneficial, not just to enrollees, but to everyone who is involved in or dependent on the service centers' operations.

We urge that the Mayor to work with this Committee and the Committee on Health to fund the act and fulfill its commitment to providing health insurance to our immigrant communities, whose members rely on the Alliance for health coverage. These changes will help members of a vulnerable population to maintain health insurance and send an important message to the District's larger immigrant communities: That, at a time that they are under attack on so many fronts, the District Government does not believe that they are more likely to commit fraud than any other DC resident, and will not burden them with draconian requirements just to meet a basic human need. Further, there is a clear benefit to DHS, as it will reduce traffic to service centers that are clearly overburdened.

Exercise Continuing Oversight over DHS Regarding Its Handling of the Service Centers and the SNAP program

In addition to funding Alliance legislation, the Committee needs to ensure that DHS collects complete and accurate data about service center wait times and makes this data available to the Committee and the public. DHS should not be able to continue to claim that wait times are getting better at the same time that District residents seeking help are standing out in the cold at 4:00 AM just to make sure they receive basic District Government services. DHS needs to collect data that captures to true length of wait times – from the time that individuals get in line to the time that they leave – with a breakdown of each step in the process so that we can understand where breakdowns are occurring.

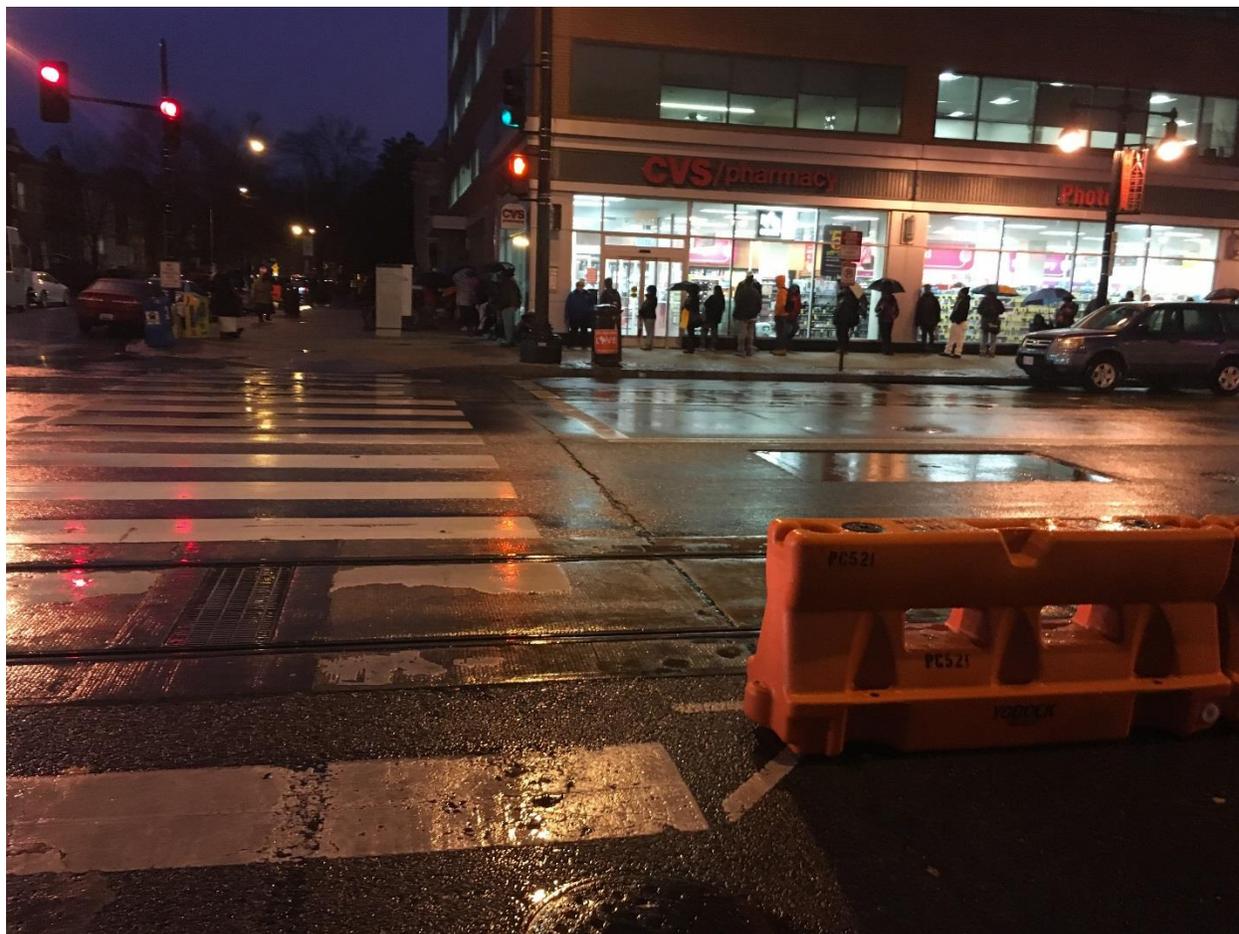
Additionally, the Committee must hold the agency accountable for collecting accurate data about agency errors in the processing of SNAP recertifications, providing SNAP notices, and loading benefits to EBT cards. It is unacceptable that DHS is not able to provide data regarding the percentage of SNAP applications that were timely processed.¹⁵ DHS does not track SNAP terminations due to agency error versus consumer inaction. Although the agency is working to track data on “re-applications” for customers who had active benefits and re-applied, they are not tracking the reason for the loss of benefits. The Committee should ask additional questions and track data to ensure that the agency is processing applications on time, providing required notices, and making consumer's benefits available to their cards. For example, the agency could track all cases that require a ticket to be opened due to the agency's inability to load SNAP benefits to the EBT card on time. The agency should also be able to provide data for consumers who did not receive timely notice regarding recertifications.

The Committee needs to exercise ongoing oversight, in the form of follow-up questions and, if necessary, further oversight hearings, to ensure that DHS takes affirmative steps to

¹⁵ DHS FY17-FY18 Performance Oversight Responses, 2018 Key Performance Indicators.

address what District residents are experiencing in regard to their SNAP benefits and service center visits.

LINE AT THE H STREET SERVICE CENTER ON JANUARY 12, 2018
About 7:00 am. Approximately 60 degrees and rainy
First person in line arrived at 3:45 am



LINE AT THE TAYLOR STREET SERVICE CENTER ON JANUARY 22, 2018
About 7:00 am. Approximately 52 degrees.
First person in line arrived at 3:00 am

