

State Plan Approval Check List

This checklist serves as an outline format for required components of State Plans for ORR-funded refugee resettlement services and benefits. States may include additional information as appropriate or desired.

State: _____

I. ADMINISTRATION

A. Authority

1. Designates accountable State Agency (§400.5(a)).
2. Identifies State Coordinator by title (designated by Governor or designee) (§400.5(d)).
3. Describes if the program is publicly-administered or a public-private partnership (PPP) program.
 - a. Describes if the program is statewide.
 - b. If the program is in certain locations only, provides list the locations.

B. Organization

1. Describes organizational structure & functions (§400.5(a)).

C. Assurances

1. State will comply with the provisions of Title IV, Chapter 2 of the Act, and official issuances of the Director (§400.5(i) (1)).
2. State will meet the requirements in Part 400 (§400.5(i) (2)).
3. State will comply with all other applicable Federal statutes and regulations in effect during the time that it is receiving grant funding (§400.5(i) (3)).
4. State will amend the Plan to comply with ORR standards, goals and priorities established by the Director, as needed (§400.5(i) (4)).
5. State assures provision of services to all refugees without regard to race, religion, nationality, sex, or political opinion (§400.5(g)).
6. State assures it will convene planning meetings of public/private sector at least quarterly, unless exempted by ORR (§400.5(h)).
7. State will use the same mediation/conciliation procedures as those for TANF if a publicly-administered RCA program (§400.83(a) (2)).
8. State will use the hearings standards & procedures as set forth in (§400.83(b)).

9. State provides assurance that refugee programs and populations are included in the state pandemic influenza emergency plan and other emergency operational plans (SL # 09-30 and SL # 06-10).

II. **ASSISTANCE AND SERVICES**

A. Describes how State will coordinate CMA with support services to promote employment and encourage refugee economic self-sufficiency (§400.5(b)).

B. Describes how the State will ensure that language training and employment services are made available to refugees receiving cash assistance, including State efforts to actively encourage refugee registration for employment services (§400.5(c)).

C. Refugee Cash Assistance (RCA) 45 CFR Part §400.45

1. Describes the elements of its TANF program which will be used in its RCA program (§400.65(b)).
 - a. Determination of initial and on-going eligibility treatment of income and resources, budgeting methods, need standard (§400.66(a) (1)).
 - b. Determination of benefit amounts (payment levels based on size of the assistance unit, income disregards) (§400.66(a) (2)).
 1. Describes TANF payment standard for case sizes 1-5.
 2. Describes RCA payment standard for case sizes 1-5.
 - c. Proration of shelter, utilities and similar needs (§400.66(a) (3)).
 - d. Any other State TANF rules relating to financial eligibility and payments (§400.66(a) (4)).
 - e. Will not consider resources remaining in the applicant's country of origin (§400.66(b)).
 - f. Will not consider a sponsor's income & resources as accessible to the refugee solely because the person is serving as a sponsor (§400.66(c)).
 - g. Will not consider any cash grant received by the applicant under the DOS or DOJ R&P program (§400.66(d)).
 - h. Will use date of application as the date RCA begins (not required) (§400.66(e)).
 - i. State will notify promptly local resettlement agency whenever refugee applies for RCA (§400.68(a)).
 - j. State will contact applicant's sponsor or local resettlement agency at time of application for RCA concerning offers of employment, etc. (§400.68(b)).

- k. Will stay within prescribed assistance and budget levels in Public-Private Partnership programs (§400.60).
 - l. Describes if program provides any type of differentials or incentive payments and describes types and levels of incentive payments.
 - m. Describes the criteria for exemption from registration for employment services, participation in employability service programs, and acceptance of appropriate offers of employment (§400.76(b)).
 - n. Describes if the State meets the requirements regarding Limited English Proficient (LEP) Guidance and Language Materials (clarify that translations of written policies, notices, and determinations in refugee languages will be provided to recipients in both public/private RCA programs and publicly-administered programs (§400.55).
2. RCA program administration 45 CFR Part §400.13
- a. Describes if RCA eligibility is done by State TANF office staff, other agency staff or by private refugee agency (RA) (SL # 12-13, SL #13-03).
 - b. Describes if the RCA benefits distribution is done by State TANF office staff, other agency staff or by RA (SL # 12-13, SL #13-03).
 - c. Describes how staff is allocated between TANF and RCA at the state level (SL # 12-13, SL #13-03).
 - d. Describes how many full-time equivalents are allocated to RCA Administration for RCA distribution (SL # 12-13, SL #13-03).
 - e. Describes if the State is charging CMA an indirect cost rate, rate charged and if HHS is the cognizant agency (SL # 12-13, SL #13-03).

D. Refugee Medical Assistance (RMA) 45 CFR Part §400.90

- 1. Opportunity to apply for medical assistance (§400.93), Determination of eligibility for Medicaid (§400.94)
 - a. Describes process to determine eligibility for Medicaid and SCHIP. If applicable, include the transition process for refugees on RMA who qualify for Medicaid expansion (SL # 13-10).
 - b. Describes process for new arrivals to apply for RMA. Includes description of any procedural and programmatic changes to the administration of RMA as a result of changes in federal, state or local statutes and requirements (e.g. implementation of the Affordable Care Act).
- 2. Financial eligibility standards (§400.101), Consideration of income and resources (§400.102)

- a. Describes the income standard and income methodology used to determine RMA eligibility. Income standard is the maximum income one can make and still qualify for RMA. Income methodology is the method used to count income (e.g., AFDC, MAGI)
- b. Provides assurance of compliance with the consideration of income and resources outlined at §400.102.
3. Continued Coverage of recipients who receive increased earnings from employment (§400.104)
 - a. Provides assurance of compliance with continued coverage of recipients per requirements at §400.104.
4. Mandatory services (§400.105)
 - a. Provides assurance that RMA will cover at least the same services in the same manner and to the same extent as Medicaid.
5. Additional services (§400.106)
 - a. Describes additional coverage and justify the need to provide such services. If the service is a medical screening service it must be stated in the Medical Screening Program §400.107 section of the State Plan.
6. Describes procedure for identifying newly arrived refugees in need of care and procedure established to monitor any necessary treatment or observation (§400.5(f))
 - a. Describes State and clinic access to the CDC's Electronic Database Notification (EDN) and how this information is used during medical screening (SL # 12-09).
 - b. Describes State's coordination of medical screenings with screening providers (e.g., official contracts with providers). Includes a description of any coordination that is provided to facilitate the refugee medical screenings and describe how this coordination is funded (SL # 12-09).
 - c. Provides a description of medical screening providers categorized by type (e.g., FQHC, private clinics, local public health departments) and basic description of providers conducting the screening (e.g., registered nurse [RN], mid-level provider such as nurse practitioner [NP] or physician assistant [PA], or physician [MD/DO]) (SL # 12-09).
 - d. Describes screening services covered by Medicaid. Includes description of services provided based on age and risk factors. The medical screening protocol may be provided as an attachment for clarification (SL # 12-09).
7. RMA Costs – State should submit a State Plan that mirrors their CMA budget estimate (SL # 13-03).

- a. RMA - Direct costs: Describes the RMA health insurance delivery system (e.g., managed care or fee-for-service). Describes services included in direct costs that are non-medical (e.g., interpretation and transportation).
- b. RMA - Administrative costs: Describes administrative services that are included in administrative costs (e.g., interpretation, transportation, and RMA eligibility determination, and responsibilities of the Refugee Health Coordinator).

E. Refugee Medical Screening Program (RMS) 45 CFR Part §400.107

- 1. Written approval for medical screening program (400.107(a) (2))
 - b. Describes if the state is requesting to operate a medical screening program per §400.107 with RMA funds. This may be re-approval to continue operating a §400.107 medical screening program or approval for the first time to use RMA for a §400.107 medical screening program.
- 2. Provides assurance that the RMS is in accordance with the requirements prescribed by the Director (§400.107(a) (1))
 - a. Describes screening services outlined in SL # 12-09 that are not covered by or billed to Medicaid. Includes description of services provided based on age and country of origin. Describes why Medicaid is not paying for these services (SL # 12-09).
 - b. Describes additional services beyond SL # 12-09 and justify the need to provide such services (SL # 12-09).
 - c. Provides assurance that medical screening costs are reasonable (SL # 12-09).
 - d. Describes how to ensure that screenings will be done in the first 90 days to comply with (§400.107(b)).
- 3. Medical Screening Costs – State should submit a State Plan that mirrors their budget estimate (SL # 13-03)
 - a. Medical Screening Direct Costs: Describes the medical screening payment model (flat rate or fee-for-service). Describe services included in direct costs that are non-medical (e.g., interpretation and transportation).
 - b. Medical Screening Administrative costs: Describes administrative services that are included in administrative costs (e.g., interpretation, transportation, coordination, and responsibilities of the Refugee Health Coordinator).

F. Refugee Social Services (RSS) 45 CFR Part §400.140

- 1. Describe if the State provides social services (§400.154 or §400.155). If not, the State needs to submit a waiver request as described in §400.155(h).

2. Describe if services described are consistent with §400.154 and §400.155.
 - a. Citizenship and naturalization preparation services and assistance in obtaining Employment Authorization Documents (EADs) may be provided under social services, but cannot include the actual fee to INS as part of the cost.

G. Cuban/Haitian Entrant Program (C/H) 45 CFR Part §401

Each State that wishes to provide CMA to C/H entrants with refugee funds must include C/H entrants in the plan.

1. Describes if the state is serving C/H entrants and if has included them in the Plan.
2. Describes if State Cuban/Haitian Entrant Program is consistent with 45 CFR Part §401 and State Letter # 94-22.

H. Unaccompanied Refugee Children (URM) 45 CFR Part §400.5(e)

1. Presence of Unaccompanied Refugee Minors Program
 - a. Indicates whether the State is receiving funds to operate an Unaccompanied Refugee Minors (URM) program.
 1. If the State is not receiving funds to operate a URM program, describes the State's plan for care and supervision of, and legal responsibility for, refugee children who become unaccompanied in the State.
 2. If the State is receiving funds to operate a URM program, responds to all additional elements in this section.
2. Administrative Structure and State Oversight - §400.117; §400.120; ORR Statement [1] III. Program Standards, Administration/Management
 - a. Describes:
 1. The administrative arrangements for provision of services for URMs with any public or private agency in the State, and the roles of agencies involved in the URM program.
 2. The process for the State's review of required placement and outcome reports for URMs.
 3. How the State exercises oversight responsibility for the care of URMs.
 4. How the State conducts monitoring of contracted URM providers.
 - b. Assures the following:
 1. The State assumes program accountability for all aspects of the program, including fiscal and program reporting.

2. URM service providers are licensed according to State requirements.
 3. The State or county supervising and or contracting agency for URM's confer at least annually with provider agencies.
3. Legal Responsibility - §400.115(a) and ORR Statement, III. Program Standards, Legal Considerations
 - a. Describes:
 1. The State's procedures for initiating within 30 days the process of establishing legal responsibility.
 2. The entity that takes legal responsibility of the URM and the types of legal authority allowed by the State (e.g. custody, guardianship, conservatorship, etc.) for URM enrollment.
 3. Court oversight for URM's in the State, and related age parameters.
 4. Any voluntary placement process for older youth to remain in care beyond age 18.
 4. Eligibility - §400.111; TVPA (2000), Sec. 107 (b) (1) (A); [2] TVPRA 2008, Sec. 235 (d) (4) (A); [3] VAWRA 2013, Sec. 1263; [4] §400.113; §400.116; SL # 09-09; SL # 14-01
 - a. Assures that the State serves all URM-eligible populations.
 - b. Indicates the ages that:
 1. Foster care or other placement services end (absent continued placement on a voluntary basis).
 2. Youth 'age-out' from voluntary placements.
 - c. Describes:
 1. The triggers that would terminate eligibility from the URM program in the State.
 2. Available provisions in the State which allow former foster children to return to placement and/or services.
 - d. If the State provides ORR-funded independent living services or education benefits (to be indicated below), indicates the higher age that eligibility for such services and benefits end.
 5. Services and Case Review/Planning - §400.115(c); §400.116(a); §400.118; SL # 09-09; ORR Statement, III. Program Standards, Legal Considerations and Programmatic
 - a. Assures provision of benefits and services with the same range as available to other foster children in the State, including the State's plans under titles IV-B and IV-E of the Social Security Act.

- b. Case Review
 - 1. Assures that cases are reviewed every six months for the continuing appropriateness of living arrangements and services.
 - 2. Describes the State's arrangements for permanency plan reviews, including those conducted in parity with the State's Title IV-B plan, addressing the full range of permanency options, including but not limited to adoption.
 - c. Assures that the following elements are addressed in case plans:
 - 1. Family Reunification
 - 2. Placement
 - 3. Health Screening and Treatment
 - 4. Mental Health Needs
 - 5. Social Adjustment
 - 6. Education/Training
 - 7. English Language Training
 - 8. Career Planning
 - 9. Preparation for Independent Living
 - 10. Preservation of Ethnic and Religious Heritage
 - d. Describes:
 - 1. Placement options available in the State, including any special arrangements to diversify the range of placement (e.g. through subcontracts, memoranda of understanding, etc.).
 - 2. How health coverage is provided for URM.
 - e. Indicates if youth who have emancipated from foster care placement services are eligible for and receive independent living services and educational training vouchers (ETVs) available to other foster children in State or county custody.
 - 1. If the answer is no, describes the State's arrangements for providing such services and benefits with ORR funding.
 - f. Provides additional information on available benefits and services, as desired.
6. Interstate Movement - §400.119

- a. Describes the procedures in the State for the movement of minors to other States.

[1] Statement of Goals, Priorities, Standards and Guidelines for the Unaccompanied Minor Refugee and Cuban/Haitian Entrant Program, (Federal Register Vol. 52 No. 198, October 14, 1987, Notices 3814. Abbreviated above as "ORR Statement"

[2] Trafficking Victims Protection Act (2000), Section 107(b) (1) (A)

[3] Trafficking Victims Protection Reauthorization Act (2008), Section 235(d) (4) (A)

[4] Violence against Women Reauthorization Act (2013), Section 1263