



Food and  
Nutrition  
Service

Date: November 23, 2020

1320 Braddock  
Place  
Alexandria, VA  
22314

SUBJECT: Supplemental Nutrition Assistance Program (SNAP) – 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 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,

/s/ Jessica Shahin

Jessica Shahin  
Associate Administrator  
Supplemental Nutrition Assistance Program

Enclosure

<b>Issuing Agency/Office:</b>	FNS/SNAP
<b>Title of Document:</b>	Questions and Answers – QC Related Provisions of P.L. 116-159
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<b>Summary:</b>	This question and answer document addresses inquiries received about the implementation of QC related provisions in the continuing resolution (P.L. 116-159) signed into law on October 1, 2020.
<b>Disclaimer:</b>	<b>The contents of this guidance document have the force and effect of law as authorized by the Continuing Appropriations Act, 2021 and Other Extensions (P.L. 116-159).</b>

### Questions and Answers - QC Related Provisions of P.L. 116-159

**1. How do States take advantage of the suspension of QC case reviews provided in the Continuing Resolution (CR)?**

To ensure that FNS can comply with its reporting requirements under Section 2302 of the Families First Coronavirus Response Act, as amended, States must notify FNS in writing, within 30 days of issuance of this memo, of their plans for conducting and submitting QC reviews under 7 CFR 275.11(b)(1) and (2), 275.12, and 275.13 for each month of the suspension period (June 2020 through September 2021).<sup>1</sup>

If a State does not notify FNS of their plan within 30 days of this memo, it will be assumed that they have opted to continue following QC regulatory requirements for the entire suspension period.

**2. What is the definition of “suspend” in the CR, does this mean that these months will still be reviewed, just at a later time, or is it that no case reviews will be required?**

For States that opt to suspend the QC requirements, no case reviews will be required to be conducted for the months they suspended the requirements.

**3. How does this impact payment accuracy?**

The suspension of QC case reviews does not alleviate FNS and State responsibility to effectively administer the program and ensure financial stewardship of taxpayer dollars. Given this responsibility, FNS strongly encourages States to continue conducting QC case reviews to the greatest extent feasible. QC case reviews are a critical source of information and provide an opportunity to ensure States are applying eligibility policy correctly to protect applicants and recipients.

<sup>1</sup> The Paperwork Reduction Act burden for this activity is included in the revision for the Office of Management and Budget (OMB) Control Number 0584-0654, which is under OMB review as of 11/16/20.

Case review results provide insight into how well States are serving their customers and help to identify deficiencies in a timely manner. In response to the COVID-19 pandemic, serving customers effectively while ensuring stewardship of taxpayer dollars is more important than ever, and QC case reviews are a critical component of monitoring service delivery.

**4. Does a State's decision to suspend QC impact Federal administrative funding for Quality Control?**

Electing to suspend case reviews does not affect administrative funding for Quality Control. The 50/50 match of State administrative funds is still available to State agencies to match QC related expenses regardless of whether the State opts to suspend the QC requirements. Any activity that directly involves SNAP administration remains an allowable expense eligible for Federal reimbursement. FNS encourages States to continue their efforts to improve payment accuracy, including identification of errors and their root causes, even during the time of QC case review suspension.

**5. Is the period June 2020 through September 2021 calendar month or review month?**

Pursuant to the CR and consistent with the waivers provided in the April 30, 2020, blanket approval for waiver of Quality Control case reviews, it is a suspension of case reviews for the review months of June 2020 through September 2021.

**6. If my State opts for the QC case review suspension, what happens to the cases we have already completed and/or submitted?**

FNS will need to work with States in order to correct electronic SNAP Quality Control System (QCS) records to appropriately reflect which months are suspended and which are not. For this reason, please also notify your regional office if your State submitted data for any cases for the review months between June and October 2020 QC prior to the passage of the CR and now wants to opt for QC suspension for these months. FNS is working on a system edit in order to address this issue for June through October 2020 only.

Please note that even if the State chooses to retroactively suspend case reviews, the State must retain any QC case review records (even if the results of those case reviews are not transmitted to FNS) in accordance with data retention requirements at 7 CFR 275.4, which were not waived.

**7. If our State suspends QC case reviews, can we move State QC workers to perform other functions?**

States can manage staff how they see fit with the bounds of law and regulations. States are reminded that regulatory requirements at 7 CFR 275.2(b) were not suspended under the CR. FNS regulations at 7 CFR 275.2(b) state, "The State agency shall employ

sufficient State level staff to perform all aspects of the Performance Reporting System as required in this part of the regulations.” As State agencies make decisions moving forward, FNS strongly urges States to consider how best to maintain the knowledge level among State personnel necessary to conduct thorough QC case reviews.

**8. If staff are reassigned to determine eligibility, will there be accommodations to allow them to review QC files again?**

FNS does not believe an accommodation would be necessary. Regulations at 7 CFR 275.2(b) and Section 154 of the FNS Handbook 310 already contain procedures for this situation—QC reviewers must disqualify themselves from cases for which they have prior knowledge.

Prior knowledge includes, for example, participating in a decision made in a case and discussing the case with staff who participated in the decision.

As such, QC reviewers should recuse themselves from any case they have prior knowledge of, which would include all cases they processed while working in the State’s eligibility unit. Any such case should be assigned to another reviewer without prior knowledge.

**9. If States have the option to review or not review cases, would it be reasonable to assume that States would review the entire sample month?**

If you opt to take the suspension allowed by the CR and waive regulatory requirements at 7 CFR 275.11(b)(1) and (2), 275.12 and 275.13, while continuing to conduct State level QC case reviews to help you improve upon payment accuracy, States may use whichever sample size or sample selection requirements you deem necessary. States that do not opt for the suspension provided in the CR must continue to sample and review cases following existing regulatory requirements.

**10. If we are conducting reviews and the client refuses to cooperate, would we penalize the client as we do now?**

States that choose not to use the QC suspension provided by the CR would continue to follow all normal QC review rules, including requirements regarding refusal to cooperate.

**11. Does the QC review suspension impact my State's new investment plan requirements?**

Neither the FNS blanket approval of waivers of QC case reviews for March through May 2020 nor the CR suspension of QC requirements from June 2020 through September 2021 has any impact on a State's new investment plan requirements. States required to submit new investment plans, such as those who signed a settlement agreement for their FY 2018 or 2019 high error rate related liabilities, must still comply with the necessary requirements, including submitting a new investment plan to FNS for review and approval, achieving the spending requirements in the State's approved new investment plan, and submitting all required progress reports.