

ENGROSSED HOUSE
BILL NO. 1867

By: Smith (Bill) of the
House

and

Helton of the Senate

(poor persons - amending 56 O.S., Sections 164 and 175 -
Department of Human Services - effective date)

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 56 O.S. 1991, Section 164, as amended by Section 11, Chapter 364, O.S.L. 1993 (56 O.S. Supp. 1994, Section 164), is amended to read as follows:

Section 164. A. Assistance shall be given under this act:

1. To any needy person who has attained the age of sixty-five (65) years; provided, however, that when authorized by federal law or regulations, and in conformity therewith, the age requirement for needy persons under this act shall be sixty-two (62) years. In addition to the above age requirements, said needy person shall possess the following qualifications:

- a. shall be residing in this state with intent to remain in the state at the time assistance is received,
- b. has not sufficient income or other resources to provide for himself or herself,
- c. is not an inmate of a public institution as defined by the Oklahoma Commission for Human Services, and

- d. has not made an assignment, transfer or encumbrance of property for the purpose of rendering himself or herself eligible for assistance under this act, at any time within five (5) years immediately preceding the filing of an application for assistance;

2. To any needy person who is blind and who possesses the following qualifications:

- a. shall be residing in this state with intent to remain in this state at the time assistance is received,
- b. has not sufficient income or other resources to provide for himself or herself,
- c. is not an inmate of a public institution as defined by the Oklahoma Commission for Human Services,
- d. has not made an assignment, transfer or encumbrance of property so as to render himself or herself eligible for assistance under this act at any time within five (5) years immediately preceding the filing of an application for assistance, and
- e. shall not, during the period of receiving assistance, solicit alms;

3. To any child possessing the following qualifications:

- a. is crippled or is suffering from conditions which may lead to crippling,
- b. is in need of medical, surgical, corrective or other services and care,
- c. has not sufficient income or other resources to provide such medical, surgical, corrective or other services and care,
- d. has no relatives who are financially able and who are required by law to provide such services and care,
- e. shall be residing in this state with intent to remain in the state at the time assistance is received, and

- f. who is not receiving adequate aid under other provisions of law;

4. To or on behalf of any dependent child who is under the age of eighteen (18) years of age or will graduate from high school prior to reaching nineteen (19) years of age and who possesses the following qualifications:

- a. shall be residing in this state with intent to remain in the state at the time assistance is received,
- b. has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and who is living with a relative of the proper degree as designated by the Commission for Human Services in a place of residence maintained by one or more of such relatives as his or their own home,
- c. has not sufficient income or other resources to provide for himself, and
- d. is a resident of the state at the time of receiving assistance.

As an incentive to accept employment, an amount as established by the Commission for Human Services may be disregarded in the determination of the amount of earned income to be considered against the grant of aid to families with dependent children.

Incapacitated parents of dependent children and all other disabled persons receiving public assistance from the Department of Human Services, who, considering age, degree of incapacity, and ability to work, appear to be able to return to a status of self-support through surgery, medical treatment, vocational training, and selective placement, or any one or any combination of these services, shall be referred to the State Department of Rehabilitation Services, and encouraged to accept such rehabilitation services as may be available to them. The Department

of Human Services and the State Department of Rehabilitation Services are directed to jointly formulate an agreement for the orderly referral of such cases, and the prevention of duplication of effort and expense, and the full implementation of this policy, such agreement to become effective when approved by the Oklahoma Public Welfare Commission and the Commission for Rehabilitation Services; provided that, in cases where either parent would be required to support such child or children except for his or her physical incapacity, it is the duty of the Director of the Department of Human Services to furnish the name of such parent to the State Department of Rehabilitation Services. The State Department of Rehabilitation Services shall review the available medical and social information and shall contact such parent, if it can be ascertained that he or she can be rehabilitated. If such parent refuses to allow an examination by the State Department of Rehabilitation Services, the State Department of Rehabilitation Services shall so notify the Director of the Department of Human Services and the children of such parent may be immediately removed from the welfare rolls. If said parent submits to examination and it is found that he or she can be rehabilitated, the State Department of Rehabilitation Services shall proceed to rehabilitate him or her. If said parent refuses to submit himself or herself for rehabilitation, whether by medical treatment or otherwise, said service shall so certify to the Director of the Department of Human Services who may immediately order the children of said parent removed from the welfare rolls; and

5. To any needy person who is permanently and totally disabled and who possesses the following qualifications:

- a. shall be residing in this state with intent to remain in the state at the time assistance is received,
- b. has not sufficient income or other resources to provide for himself or herself; provided, that the

resources or income of a person's parents shall be considered in determining his or her eligibility for assistance for persons under eighteen (18) years of age; provided further, that no person shall be eligible to receive assistance under this subsection for any period of time with respect to which he or she receives assistance under any other provision of the section of which this subsection is a part,

- c. is not an inmate of a public institution as defined by the Oklahoma Commission for Human Services, and
- d. has not made an assignment, transfer or encumbrance of property so as to render himself or herself eligible for assistance under this act, at any time within five (5) years immediately preceding the filing of an application for assistance.

B. 1. The Department of Human Services may require applicants for assistance who are incapacitated because of drug or alcohol addiction to participate in drug and alcohol treatment programs.

2. The Department may refuse to grant assistance to persons incapacitated on the basis of drug or alcohol abuse who refuse to participate in drug and alcohol treatment if so requested by the Department.

C. Eligibility for assistance under provisions of this ~~subsection~~ section shall be determined under rules promulgated, from time to time, by the Department of Human Services as provided by law.

SECTION 2. AMENDATORY 56 O.S. 1991, Section 175, is amended to read as follows:

Section 175. It shall be the duty of the county department in the several respective counties in accordance with the rules ~~and regulations~~ of the Commission to take the initiative in ascertaining the need for assistance of persons eligible for assistance under the

provisions of ~~subsection (c)~~ of Section 164 of this title and report in writing on forms furnished by the Department its recommendations showing the nature of the need for assistance, the kind and amount of assistance needed in each case. The Department shall have authority to enter into agreements with physicians, nurses, hospitals, agencies, laboratories and individuals for the purpose of carrying into effect the provisions of ~~subsection (c)~~ of Section 164 of this title. All claims approved for payment under this section shall be drawn against the Human Services Medical and Assistance Fund and paid in the same manner as other expenditures.

SECTION 3. This act shall become effective November 1, 1995.

Passed the House of Representatives the 16th day of March, 1995.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1995.

President of the Senate