

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1333

By: Boyd (Betty)

AS INTRODUCED

An Act relating to poor persons; providing and requiring waivers; authorizing certain extended and continued assistance benefits; providing conditions; authorizing additional services; providing for fill-the-gap budgeting; authorizing pilot program; defining term; establishing a disability benefits project; providing procedures; authorizing certain one-time expenses; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.1 of Title 56, unless there is created a duplication in numbering, reads as follows:

The Department of Human Services shall submit any federal waiver requests as necessary no later than January 1, 1996, to implement the provisions of this act. This act shall not be implemented until such federal waivers are approved and a certification is made by the Department of Human Services to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate

that implementation of this act shall not result in the loss of any federal funds.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.2 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. A family that becomes ineligible for Aid to Families with Dependent Children because of increased income from employment or increased hours of employment shall receive medical assistance for:

1. Six (6) calendar months following the month in which the family becomes ineligible for Aid to Families with Dependent Children if all of the following apply:

- a. the family is eligible for Aid to Families with Dependent Children for at least three (3) of the six (6) months immediately preceding the month in which the family becomes ineligible,
- b. the family continues to include a child who is, or would be if needy, a dependent child, and
- c. the family complies with reporting requirements promulgated by the Department of Human Services by rule;

2. Six (6) calendar months following the six (6) months under paragraph 1 of this subsection if all of the following apply:

- a. the family chooses to continue to receive medical assistance,
- b. the family continues to include a child who is, or would be if needy, a dependent child,
- c. the family complies with reporting requirements promulgated by the Department by rule,
- d. the caretaker relative has earnings in each month of the period unless the caretaker lacks earnings because of illness, involuntary loss of employment or other good cause as determined by the Department, and

e. the family's average gross monthly earnings, less the cost of child care necessary for the employment of the caretaker relative, during the immediately preceding three-month period do not exceed one hundred eighty-five percent (185%) of the poverty line for a family the size of the family.

B. Medical assistance shall be provided to a dependent child, a relative with whom the child is living or the spouse of the relative if the spouse meets the requirements of rules promulgated by the Department pursuant to federal law for persons eligible for Aid to Families with Dependent Children for four (4) calendar months beginning with the month in which the child, relative or spouse is ineligible for Aid to Families with Dependent Children because of the collection or increased collection of maintenance or support, if the child, relative or spouse received Aid to Families with Dependent Children in three (3) or more of the six (6) months immediately preceding the month in which that ineligibility begins.

C. A family that becomes ineligible for Aid to Families with Dependent Children because of increased income from employment or increased hours of employment shall continue to receive transitional child care assistance for twenty-four (24) months following the initial date of employment unless:

1. The employer provides child care benefits; or
2. The monthly salary received from the employer exceeds the monthly allowance of assistance pursuant to the Aid to Families with Dependent Children program plus the cost of child care to which the recipient would be entitled.

D. The Department shall revise applicable standards and rules which will allow recipients of assistance pursuant to the Aid to Families with Dependent Children program who become employed to receive case management and transitional support services pursuant to the Family Support Act, for a period of ninety (90) days. Such

services will include, but are not limited to, transportation assistance, ensuring that the family received transitional Medicaid and child care, familiarity with the Earned Income Tax Credit, and any other problems which emerge in the initial months of employment.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.3 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. 1. The Department of Human Services shall seek federal approval to operate a pilot project in five counties for the purpose of testing "fill-the-gap" budgeting and determining whether such an approach leads to improved rates of employment entry and employment retention by AFDC recipients.

2. In the affected counties, if a family's net nonexempt income is below the standard of need, the amount of assistance to be paid to the family shall be the difference between the standard of need and the family's net nonexempt income, multiplied by the percentage of the deficit to be paid.

3. For purposes of implementing "fill-the-gap" budgeting in the pilot counties, the "percentage of the deficit" is defined as the percentage of the state's standard of need reflected by the amount of assistance to be paid to a family with no income.

B. It is the intent of the Legislature that the Department:

1. Should eliminate the time restriction for the Thirty Dollars (\$30.00) and one-third (1/3) of the remainder work disregard; and

2. Should couple its development of a revised disregard policy with an approach to "fill-the-gap" budgeting. In so doing, however, the Department of Human Services should avoid creating new inequities between AFDC families and nonwelfare ("working poor") families.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.4 of Title 56, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Commission for Human Services shall establish and maintain a disability benefits project, hereinafter called the project, for the exclusive purpose of providing increased legal assistance for mentally or physically disabled persons to secure federal disability benefits provided through the Social Security Disability Insurance program under Title II of the Social Security Act, through the Supplemental Security Income program under Title XVI of the Social Security Act, and through such other programs subsequently established by Congress to accomplish similar purposes for persons with disabilities. The Department of Human Services may administer or contract with any organization for the purpose of administering the project. The Department may further appoint a disability advisory committee, consisting of members of the legal community including those with experience in advocacy for persons with disabilities and members of the disabled community, for the purpose of assisting the Department in matters pertaining to the project. The composition of the committee, the terms of its members, and the scope of its responsibilities shall be determined by the Department.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 512 of Title 56, unless there is created a duplication in numbering, reads as follows:

The Department of Human Services should increase the amount spent to provide, pay for, or reimburse one-time, work-related expenses for JOBS participants and other AFDC recipients who enter employment. Such assistance shall include, but shall not be limited to, costs of auto repair or registration, uniforms, clothing, and transportation costs. The Department should also assure that Medicaid benefits to cover prescription eyeglasses and dental services are made available to those qualifying for the one-time, work-related expenses.

SECTION 6. This act shall become effective July 1, 1995.

SECTION 7. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

45-1-5287

KSM