

Regulatory Analysis Form

This space for use by IRRC

JUN 16 2010 40

(1) Agency
 Department of Public Welfare/ Office of Income Maintenance/
 Bureau of Policy/ Division of Welfare Reform Initiatives

(2) I.D. Number (Governor's Office Use)

IRRC Number: 2244

(3) Short Title
 Extended TANF

(4) PA Code Cite
 Chapter 133, Redetermining
 Eligibility; Chapter 141, General
 Eligibility Provisions;
 Chapter 183, Income

(5) Agency Contacts & Telephone Numbers
 Primary Contact: Edward J. Zogby 787-4081
 Secondary Contact: Gail Bean 772-7829

(6) Type of Rulemaking (check one)
 Proposed Rulemaking X
 Final Order Adopting Regulation
 Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification
 Attached?
 No

(8) Briefly explain the regulation in clear and nontechnical language.
 This proposed regulation will define and establish eligibility requirements for Extended Temporary Assistance for Needy Families (TANF). Extended TANF is Federally-funded cash assistance for eligible families in which an adult has exhausted 60 cumulative months of TANF cash assistance. It also establishes eligibility requirements for General Assistance (GA) when a family has received 60 months of TANF and is not eligible for Extended TANF. The following sections of 55 Pa. Code Chapters 133, Redetermining Eligibility, 141, General Eligibility Provisions, and 183, Income, are amended to support these regulations: §§133.23, 141.21, 141.41, 141.51, 141.52, 141.61, and 183.13.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.
 42 U.S.C. §§602(a)(7)(A)(iii) and (B), and 608(a)(7)(A) and (C); 45 C.F.R. §264.1(c); 62 P.S. §§201(2), 401(a), 403(b), 405.1(a.3), 405.3(a), (e), (f), 432, 432(3) and (8), and 432.21(a).

Regulatory Analysis Form

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

No.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

Without these regulations, a family in which the adult reaches the 60-month time limit will become ineligible for Federally-funded TANF cash assistance. Some families face hardships and will be left without crucial Federal assistance. These Extended TANF regulations support self-sufficiency as the overarching goal of Pennsylvania's TANF program. Families who qualify for Extended TANF must meet eligibility requirements that include cooperating with assessments and service plans and participating in work activities that lead to work or otherwise promote self-sufficiency. If Pennsylvania did not create an Extended TANF program, some families that exhaust 60 months of TANF could qualify for GA for their children only. Parents in those families could not be subject to work requirements. Therefore, in the absence of Extended TANF regulations, a disincentive to work and participate in other self-sufficiency activities may exist.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

The result of nonregulation would be the loss of Federally-funded cash assistance benefits to families who have exhausted 60 months of TANF. Absent Extended TANF regulations, families may receive reduced cash assistance in the form of child-only GA benefits. Children under age 18 or age 18 through 20 and in secondary school or its equivalent may be eligible for state-funded GA. These GA benefits are not time-limited and offer no incentives for the parent to move the family toward self-sufficiency. This result would clearly be inconsistent with statutory language that requires work activity and movement toward self-sufficiency as the basis for cash assistance.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

TANF families with an adult who has reached the 60-month time limit could benefit from the regulation. The family will be eligible for Extended TANF if the adult member has a barrier to self-sufficiency which he/she cooperates in addressing or the family includes a member who is currently or has been subjected to domestic violence. In either situation, the adult is required to cooperate with the Extended TANF eligibility process. There are approximately 4,000 families with an adult who will have exhausted 60 months of TANF by March 3, 2002 and who will be offered the opportunity to qualify for Extended TANF.

Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

The family that includes an adult who has exhausted 60 months of TANF and who refuses to apply for or cooperate in establishing eligibility for Extended TANF is not eligible for GA. The family with an adult who fails to comply with the service plan or AMR developed to move the family toward self-sufficiency is not eligible for GA unless the noncompliance is related to the medical condition, functional limitation or family situation, i.e., there is good cause. The estimated number of families this will adversely affect is 400. This figure is 10% of the approximately 4,000 families with an adult who will have exhausted 60 months of TANF by March 3, 2002.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

A family with an adult who has exhausted 60 months of TANF will be offered the opportunity to qualify for Extended TANF. However, refusing to cooperate or failing to comply with eligibility requirements will render the family ineligible for both Extended TANF and GA. Approximately 4,000 adults/families will be offered the opportunity to qualify for Extended TANF to avoid an interruption in benefits.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

A notice to amend the Commonwealth's TANF State Plan to establish a program and standards to provide TANF benefits to some families who exhaust 60 months of TANF was published at 31 Pa. B. 1639 (March 24, 2001). Interested persons were invited to submit written comments and suggestions. Responses were received from Pennsylvania Coalition Against Domestic Violence (PCADV), Philadelphia Unemployment Project, the Welfare Coalition and Community Legal Services (CLS). Advocates encouraged Pennsylvania to adopt the 20% hardship rule.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures, which may be required.

There will be no costs or savings incurred by regulated communities.

Regulatory Analysis Form

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures, which may be required.

There will be no costs or savings by local governments.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures, which may be required.

The cost of implementation is reflected in item 20.

John K. Kelly 11/29/10

Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

(Dollar Amounts in Thousands)

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:						
Regulated Community	\$0	\$0	\$0	\$0	\$0	\$0
Local Government	\$0	\$0	\$0	\$0	\$0	\$0
State Government	\$0	\$0	\$0	\$0	\$0	\$0
Total Savings	\$0	\$0	\$0	\$0	\$0	\$0
COSTS:						
Regulated Community	\$0	\$0	\$0	\$0	\$0	\$0
Local Government	\$0	\$0	\$0	\$0	\$0	\$0
State Government	\$0	\$0	\$0	\$0	\$0	\$0
Total Costs	\$0	\$0	\$0	\$0	\$0	\$0
REVENUE LOSSES:						
Regulated Community	\$0	\$0	\$0	\$0	\$0	\$0
Local Government	\$0	\$0	\$0	\$0	\$0	\$0
State Government	\$0	\$0	\$0	\$0	\$0	\$0
Total Revenue Losses	\$0	\$0	\$0	\$0	\$0	\$0

(20a) Explain how the estimates listed above were derived.

The establishment of a 20 percent hardship exemption for Temporary Assistance for Needy Families (TANF) clients who have reached their 60-month lifetime limit on TANF will result in no additional State fund cost to the Commonwealth. The cost in Federal TANF funds is estimated as follows:

	SFY 2001-02	SFY 2002-03	SFY 2003-04	SFY 2004-05	SFY 2005-06	SFY 2006-07
Federal TANF Funds	\$2,186	\$7,577	\$7,577	\$7,577	\$7,577	\$7,577

Regulatory Analysis Form

(20b) Provide the past three-year expenditure history for programs affected by the regulation.
(Dollar Amounts in Thousands)

Program	FY -3	FY -2	FY -1	Current FY
Cash Grants	\$259,688	\$311,394	\$292,301	\$256,618

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

Extended TANF is consistent with DPW's goal of welfare reform, which is to promote self-sufficiency for families.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

Nonregulatory alternatives were not considered.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

No alternative regulatory schemes were considered.

Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

No

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

A majority of states have opted to extend TANF beyond the 60-month Federal time limit, including the contiguous states of Delaware, Maryland, New Jersey, New York, Ohio, and West Virginia.

Since the proposed regulation for Extended TANF is similar in many respects to requirements of contiguous states, Pennsylvania's "competitive" standing with other states in this area of welfare reform is not expected to be adversely affected.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

Yes. The proposed regulation affects existing regulations insofar as amendments are needed to 55 Pa. Code §§ 133.23, 141.21, 141.41, 141.61, and 183.13 to support eligibility requirements for Extended TANF.

Existing or proposed regulations of other state agencies are not affected.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

No

Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports, which will be required as a result of implementation, if available.

The regulation will not change existing reporting requirements or record keeping, but will require a continuation of the existing method of monitoring a TANF adult recipient's progress toward self-sufficiency.

(29) Please list any special provisions that have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

Persons who are exempt from or have good cause for not meeting the requirements of the Road to Economic Self-Sufficiency Through Employment and Training (RESET) program must enroll in the Maximizing Participation Project (MPP) and undergo a work capacity assessment (WCA). If they are determined to have a medical condition, functional limitation, or good cause situation that precludes the individual from meeting the 20-hour weekly work requirement, they must cooperate with an MPP service plan that is designed to help the person improve, control, or eliminate the medical condition, functional limitation, or family situation to the extent that it no longer interferes with movement toward self-sufficiency.

Persons who are not exempt from participation in the RESET program must agree to enroll in the Work Plus program and undergo a vocational assessment of their skills and abilities to perform work in any capacity. If the assessment does not indicate a medical condition, functional limitation or good cause situation, the adult must participate in a minimum of 30 hours per week in an activity or combination of activities, including but not limited to, work, work-related activities, skills enhancement and other training.

Families that include a member who is or has been subjected to domestic violence may be required to develop a service plan with a person trained in domestic violence services.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The regulation is effective on March 4, 2002 or upon publication in the Pennsylvania Bulletin as final-form rulemaking, whichever is later.

(31) Provide the schedule for continual review of the regulation.

TANF regulations are reviewed through the Department of Public Welfare's Quality Control and Corrective Action process.

CDL-1

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

#2244

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved
as to form and legality.
Attorney General

BY: [Signature]
(Deputy Attorney General)

JAN 15 2002

Date of Approval

Copy below is hereby certified to be a true and correct
copy of a document issued, prescribed or promulgated
by

DEPARTMENT OF PUBLIC WELFARE

(Agency)

LEGAL COUNSEL: [Signature]

DOCUMENT/FISCAL NOTE NO. 14-474
(DPW-OIM-07-00-01)

DATE OF ADOPTION: _____

BY: [Signature]

TITLE: SECRETARY OF PUBLIC WELFARE
(Executive Officer, Chairman or Secretary)

Copy below is hereby approved as to
form and legality. Executive or
Independent Agencies.

BY: [Signature]

December 18, 2001

Date of Approval

(Deputy General Counsel)
(Chief Counsel, Independent Agency
(Strike inapplicable title))

π Check if applicable. No Attorney
General approval or objection
within 30 days after submission.

π Check if applicable
Copy not approved.
Objections attached.

NOTICE OF PROPOSED RULEMAKING
DEPARTMENT OF PUBLIC WELFARE
OFFICE OF INCOME MAINTENANCE
BUREAU OF POLICY

[55 PA.CODE CHAPTER 133]
REDETERMINING ELIGIBILITY

[55 PA. CODE CHAPTER 141]
GENERAL ELIGIBILITY PROVISIONS

[55 PA. CODE CHAPTER 183]
INCOME

STATUTORY AUTHORITY

Notice is hereby given that the Department of Public Welfare (DPW), under the authority of the Social Security Act (42 U.S.C. §§602(a)(7)(A)(iii) and (B), and 608(a)(7)(A) and (C)); 45 C.F.R. §264.1(c); and the Public Welfare Code, §§201(2), 401(a), 403(b), 405.1(a.3), 405.3(a), (e) and (f), 432, 432(3) and (8), and 432.21(a), proposes to amend 55 Pa. Code Chapters 133, 141 and 183 as set forth in Annex A.

Annex A builds on proposed Temporary Assistance for Needy Families (TANF) regulations published at 31 Pa. B. 5875 (October 20, 2001) by establishing Pennsylvania's requirements for provision of TANF beyond the 60-month Federal time limit for receipt of TANF. The new program will be referred to as Extended TANF cash assistance. The final-form regulations for Extended TANF will be effective after promulgation of the final-form TANF regulations.

42 U.S.C. §608(a)(7)(A) provides that a state may not provide TANF to a family that includes an adult who has received TANF for 60 cumulative months. However, 42 U.S.C. §608(a)(7)(C) and 45 C.F.R. §264.1(c) give states the option to extend TANF beyond the 60-month limit to families that have a hardship as defined by the State or include someone who has been battered or subjected to extreme cruelty (domestic violence). The number of families that may receive Extended TANF is limited to 20% of the average monthly number of families receiving TANF during the current or preceding fiscal year.

PURPOSE

DPW is choosing the Federal option that permits the State to extend cash assistance beyond 60 months to a family on the basis of hardship or domestic violence.

In creating the Extended TANF program, DPW recognizes that some families, due to domestic violence and/or other barriers which may be known or unknown to the Department, will not achieve self-sufficiency within the 60-month time limit for receipt of TANF prescribed under Federal law.

The legislative intent of Pennsylvania's cash assistance programs is to promote self-sufficiency of all the people of the Commonwealth and to provide temporary assistance. 62 P.S. §401(a). The legislation authorizing both the TANF and General Assistance (GA) cash assistance programs makes clear that employment, work activity, and movement toward self-sufficiency are expected of recipients.

One of the purposes of these proposed regulations is to define and specify eligibility standards and procedures for Extended TANF. Families which have exhausted 60 months of TANF may be eligible for Extended TANF on the basis of individual or family circumstances. A family may qualify for Extended TANF on the basis of domestic violence. A family that does not qualify on this basis may qualify for Extended TANF if the adult agrees to enroll in and cooperate with specific programs and activities designed to promote self-sufficiency.

As a condition of eligibility for cash assistance, the adult who has exhausted 60 months of TANF and who is exempt from the Road to Economic Self-Sufficiency through Employment and Training (RESET) program or establishes good cause for not meeting RESET requirements, shall agree on the Agreement of Mutual Responsibility (AMR) to enroll in the Maximizing Participation Project (MPP). The MPP is a program that helps individuals remedy medical conditions, functional limitations or good cause situations that preclude the individuals from complying with RESET requirements. The MPP team is comprised of a multidisciplinary group consisting of a County Assistance Office worker or an agent authorized by the Department and other individuals including, but not limited to, representatives from State and local agencies.

An integral component of MPP is a Work Capacity Assessment (WCA). The WCA will be completed by a physician or psychologist approved by DPW. The purpose of the WCA is to take an independent comprehensive look at the individual whose barrier to employment (for example, a medical condition, functional limitation or good cause situation) precludes the individual from complying with RESET requirements. The WCA will include a reevaluation of documented medical conditions and functional limitations and consideration of previously undiagnosed conditions and limitations. The WCA will seek to identify: 1) the nature and extent of any medical conditions, functional limitations or good cause situations that preclude the individual from complying with RESET requirements; and 2) the individual's range of ability to engage in work and work-related activities, with and without appropriate treatment.

The WCA is premised on the Department's commitment to determine why an individual who has received TANF for 60 months continues to need cash assistance, and what that individual can do to maximize employability and financial independence. For the most current, comprehensive evaluation of the individual's limitations and abilities after 60 months of TANF, the WCA will be much more than a mere snapshot of that individual. To facilitate this, all available records of the individual's treating physician and psychologist will be considered, and additional testing will be performed as needed. Existing records may or may not provide an updated, detailed diagnostic and therapeutic picture of the individual, even if that individual was exempt or had good cause from work requirements due to a medical condition, functional limitation or good cause situation that precluded the individual from complying with RESET requirements. These records and test results, and the individual's own statement regarding known or potential conditions and limitations, will supplement the current examination portion of the WCA. If the client has a good cause situation other than a medical condition or functional limitation, the WCA may or may not require an examination of the client. The WCA will always include an evaluation of existing documentation of the good cause situation.

The WCA will be followed by development of an MPP service plan that lists the activities designed to increase client self-sufficiency. Consistent with facts and conclusions derived from the WCA and the MPP team's recommendations, the MPP

service plan will outline the types of work and work-related, vocational, and therapeutic activities the individual can currently do. The service plan is designed to help the individual improve, control, or eliminate the medical condition, functional limitation or good cause situation to the extent that it no longer precludes the individual from complying with RESET requirements. Clients who do not have a medical condition, functional limitation or good cause situation that precludes them from complying with RESET requirements are referred to the Work Plus Program (WPP). WPP offers 30 hours per week of work and work-related activities. Eligibility for Extended TANF is contingent upon cooperation with the WCA and accompanying MPP service plan. Failure to comply with these requirements, without good cause, will result in the family's ineligibility for Extended TANF and GA.

Extended TANF benefits are not only available to clients who are exempt or have good cause, but are also available to a family that includes an adult who is required to participate in the RESET Program if the adult agrees on an AMR to enroll in the WPP and cooperates in obtaining a vocational assessment. The vocational assessment includes, but is not limited to, an evaluation of the client's educational level, employment preferences, work history, skills, abilities and life circumstances as they relate to the client's ability to perform work. If the results of this assessment indicate that the adult has a medical condition, functional limitation or good cause situation that precludes the

individual from complying with RESET requirements, the individual will be referred to MPP as discussed above. If the results of the assessment indicate that the adult is able to comply with RESET requirements, the adult must participate a minimum of 30 hours per week in a combination of work and work-related activities. Willful failure to comply, without good cause, with the requirements of the WPP will result in the imposition of durational sanctions on the family.

These regulations also set forth eligibility requirements for the GA program when a family has exhausted 60 months of TANF and are necessary to comply with the statutory and regulatory mandates that applicants and recipients pursue Federal programs first, and that benefits for GA be consistent with Federally-funded cash assistance to the extent possible. 62 P.S. §§403(b) and 432.21. Further, these regulations are consistent with the General Assembly's legislative intent to promote self-sufficiency. 62 P.S. §401(a).

To avoid an interruption of Federally-funded cash assistance, every family approaching 60 months of TANF will have the opportunity to apply for Extended TANF before their TANF benefits end. Also, a family who has exhausted TANF may apply for Extended TANF at any time. Pending promulgation of these regulations, families will continue to receive TANF cash assistance if otherwise eligible.

NEED FOR REGULATION

These regulations are needed to incorporate into 55 Pa. Code Pennsylvania's rules for Extended TANF for certain TANF families who will continue to need cash assistance beyond the 60-month Federal limit for TANF cash assistance. Absent such regulations, exhaustion of the 60-month time limit for receipt of TANF benefits could leave some families facing hardships without crucial cash assistance, and could create unintended incentives to avoid work activity and employment or otherwise minimize movement toward self-sufficiency. These regulations are also needed to clarify that Extended TANF is a Federal benefit which cash assistance applicants must seek instead of GA, if they are potentially eligible, in accordance with 62 P.S. §§432(8) and 432.21(a).

SUMMARY OF REQUIREMENTS

1. 55 Pa. Code §133.23(a)(1)(vi). This subparagraph is added to specify that a change from TANF benefits to Extended TANF benefits requires a complete redetermination.
2. 55 Pa. Code §141.21(n). This subsection identifies TANF, including Extended TANF, as a Federal program.

3. 55 Pa. Code §§141.21(n)(1) and (n)(2). Technical language changes are made in these paragraphs to change Federal “benefits” to Federal “programs” and to simplify the wording.

4. 55 Pa. Code §§141.21(n)(1) and (n)(1)(i)-(iv). This paragraph is revised and these subparagraphs are added to distinguish between the periods of ineligibility for TANF, Extended TANF and GA when an applicant fails, without good cause, to cooperate in establishing eligibility for Federal programs. An applicant for TANF is ineligible until the applicant complies. An applicant for GA is ineligible for a minimum period of 60 days and thereafter until the applicant complies. For Extended TANF, the applicant and the applicant’s family are ineligible until the applicant complies. For GA, if the applicant has received 60 months of TANF, the applicant and the applicant’s family are ineligible for a minimum period of 60 days and thereafter until the applicant complies. The change to §141.21(n)(1) is consistent with regulation found at §183.13(c) relating to potential sources of income.

5. 55 Pa. Code §141.21(n)(2). This paragraph is revised to specify that for Extended TANF and GA, if the recipient has received 60 months of TANF, the recipient and the recipient’s family are ineligible until the recipient complies.

6. 55 Pa. Code §141.41(e). This subsection is added to specify that a family is ineligible for TANF if it includes an adult who has received 60 cumulative months of TANF. TANF received by a minor child is not counted unless the minor child is a head-of-household or married to a head-of-household.

7. 55 Pa. Code §§141.51 and 141.51(a). This section and subsection are added to establish the policy requirements for receipt of Extended TANF. The requirements of TANF apply as well as the additional requirements set forth in the subsequent paragraphs in §141.51.

8. 55 Pa. Code §141.51(a)(1). This paragraph is added to specify that a family which includes an adult who has received 60 cumulative months of TANF may be eligible for Extended TANF if a family member is or has been battered or subjected to extreme cruelty (domestic violence).

9. 55 Pa. Code §141.51(a)(1)(i)-(vi). These subparagraphs are added to specify eligibility conditions for receipt of Extended TANF on the basis of domestic violence. Domestic violence must be verified. Eligibility for Extended TANF must be reviewed no less often than every six months. The adult must comply with a Domestic Violence Plan. A family in which

child support and/or work requirements were waived due to domestic violence during receipt of TANF may receive Extended TANF for a period of time equal to the period of time that the good cause waiver was in effect. A family that has a current waiver of TANF child support or TANF work requirements may receive Extended TANF for the period the waiver is in effect. A family that does not qualify for Extended TANF on the basis of domestic violence may qualify for Extended TANF or GA pursuant to §141.51(a)(2) or (a)(3).

10. 55 Pa. Code §141.51(a)(2), (2)(i) and (i)(A)-(C). This paragraph, subparagraph and clauses are added to specify that a family may qualify for Extended TANF if the adult who has received 60 cumulative months of TANF is exempt from RESET requirements or establishes good cause for not meeting RESET requirements.

11. 55 Pa. Code §141.51(a)(2)(ii). This subparagraph is added to specify that the adult must agree on the AMR to enroll in the MPP and cooperate in obtaining a WCA. A physician or psychologist approved by the Department completes the WCA.

12.55 Pa. Code §141.51(a)(2)(ii)(A) and (B). These clauses are added to specify that an adult whose WCA indicates a medical condition, functional limitation or good cause situation that precludes the adult's ability to work shall comply with the MPP service plan as documented on the AMR. Clients who do not have a medical condition, functional limitation or good cause situation that precludes them from complying with RESET requirements are referred to the Work Plus Program (WPP).

13.55 Pa. Code §141.51(a)(3) and (3)(i) and (ii). This paragraph and subparagraphs are added to establish eligibility conditions for Extended TANF when the adult must comply with RESET requirements. The adult must agree to enroll in the WPP and cooperate in obtaining a vocational assessment.

14.55 Pa. Code §141.51(a)(3)(ii)(A) and (B). These clauses are added to specify that when the vocational assessment indicates that the adult is able to work, the adult shall participate a minimum of 30 hours per week in work and work-related activities. An adult whose vocational assessment indicates that the adult has a barrier that precludes the individual from complying with RESET requirements shall be referred to the MPP.

15. 55 Pa. Code §141.51(b). This subsection is added to establish the conditions or actions that make families ineligible for Extended TANF.

16. 55 Pa. Code §141.51(b)(1). This paragraph is added to specify that a family is ineligible for Extended TANF when the adult fails, without good cause, to cooperate in establishing eligibility for Extended TANF or other Federal programs. That family is also ineligible for GA pursuant to §141.61(a)(1)(xii).

17. 55 Pa. Code §141.51(b)(2). This paragraph is added to specify that a family is ineligible for Extended TANF when the adult fails, without good cause, to cooperate with the MPP service plan, WCA or domestic violence service plan, whichever is applicable. The family is also ineligible for GA.

18. 55 Pa. Code §141.51(b)(3). This paragraph is added to specify that a family is subject to sanction when the adult willfully fails, without good cause, to comply with the WPP.

19. 55 Pa. Code §141.51(b)(3)(i)-(iii). These subparagraphs are added to specify the durational sanction periods that apply to adults who willfully fail to comply with the WPP.

20. 55 Pa Code §141.52. This section is added to define the following terms: adult, Extended TANF, Maximizing Participation Project (MPP), MPP Team, Road to Economic Self-Sufficiency Through Employment and Training (RESET), service plan, victim of domestic violence, vocational assessment, Work Capacity Assessment (WCA) and Work Plus Program (WPP).

21. 55 Pa. Code §141.61(a)(1)(xii). This subparagraph is revised to specify that a family in which an adult refuses or fails, without good cause, to cooperate in establishing eligibility for Extended TANF is ineligible for GA.

22. 55 Pa. Code §183.13(b). This subsection is revised to identify TANF and Extended TANF as Federal programs, to change the phrase Federal “benefits” to Federal “programs,” and to simplify the wording. This subsection is also revised to specify that for Extended TANF and GA, if the recipient has received 60 months of TANF, the recipient and the recipient’s family are ineligible until the recipient complies.

23. 55 Pa. Code §§183.13(c) and (c)(1) and (2). This subsection and these paragraphs are revised to change the phrase Federal “benefits” to Federal “programs,” to simplify the wording, and to change “AFDC” to “TANF.”

24.55 Pa. Code §183.13(c)(3). This paragraph is added to specify that the applicant and the applicant's family are ineligible for Extended TANF until the applicant complies.

25.55 Pa. Code §183.13(c)(4). This paragraph is added to specify that for GA, if an applicant has received 60 months of TANF, the applicant and the applicant's family are ineligible for a minimum period of 60 days and thereafter until the applicant complies.

26.55 Pa. Code §§183.13(d). Technical revisions are made to change "AFDC" to "TANF" and to add a reference to Extended TANF.

AFFECTED INDIVIDUALS AND ORGANIZATIONS

The proposed regulation affects TANF families with an adult who has received TANF for 60 cumulative months. These families may qualify for Extended TANF on the basis of domestic violence or their willingness to enroll in and cooperate with programs and activities designed to lead toward self-sufficiency.

FISCAL IMPACT

Commonwealth: The estimated cost in TANF Federal funds for 2001-2002 is \$2,186,000.

Public Sector: No other government entity will incur any costs or realize any savings.

Private Sector: No private sector will incur any costs or realize any savings.

PAPERWORK REQUIREMENTS

This proposed regulation will increase the paperwork requirements associated with the eligibility process for affected families. Families who are eligible for Extended TANF must comply with additional requirements related to medical/functional assessments and associated service plans, increasing the number of client contacts and related paperwork.

EFFECTIVE DATE

The regulation is effective on March 4, 2002 or upon publication in the Pennsylvania Bulletin as final-form rulemaking, whichever is later.

SUNSET DATE

There is no sunset date. TANF regulations are also reviewed through DPW's Quality Control and Corrective Action review process.

PUBLIC COMMENT PERIOD

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulation to the Department of Public Welfare, Edward Zogby, Director, Bureau of Policy, Room 431, Health and Welfare Building, Harrisburg, Pennsylvania 17120, telephone (717) 787-4081 within 30 days after the date of publication of this Notice in the Pennsylvania Bulletin. All comments received within 30 calendar days will be reviewed and considered in the preparation of the final regulation. Comments received after the 30-day comment period will be considered for any subsequent revisions of this regulation.

Persons with a disability may use the AT&T Relay Service by calling 1-800-654-5984 (TDD users) or 1-800-654-5988 (Voice users).

REGULATORY REVIEW ACT

Under §5(a) of the Regulatory Review Act, the Act of June 25, 1997 (P.L. 252, No. 24) (71 P.S. §§745.1-745.15), the agency submitted a copy of this proposed regulation on *JAN 16 2002* to the Independent Regulatory Review Commission and to the Chairmen of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare. In addition to submitting the regulation, the agency has provided the Commission and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under §5(g) of the Regulatory Review Act, if the Commission has any objections to any portion of the proposed regulation, it will notify the agency within ten days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Act specifies detailed procedures for review, prior to final publication of the regulation of objections raised, by the agency, the General Assembly and the Governor.

cc: Legislative Reference Bureau

ANNEX A
TITLE 55. PUBLIC WELFARE
PART II. PUBLIC ASSISTANCE MANUAL
Subpart B: INTAKE AND REDETERMINATION
CHAPTER 133. REDETERMINING ELIGIBILITY

* * * * *

§133.23. Requirements.

(a) Reapplication. A reapplication or complete redetermination of eligibility shall conform to the following:

(1) General requirements. General requirements are as follows:

* * * * *

(vi) A complete redetermination is required when a budget group transfers from TANF to Extended TANF.

* * * * *

Subpart C: ELIGIBILITY REQUIREMENT

CHAPTER 141. GENERAL ELIGIBILITY PROVISIONS

* * * * *

ELIGIBILITY PROVISIONS FOR TANF/GA

§141.21. Policy.

* * * * *

(n) An applicant or recipient shall [Cooperate] cooperate with the CAO in identifying and applying for Federal programs as the primary source of financial assistance, such as, but not limited to, SSI, [and] RSDI, Temporary Assistance for Needy Families (TANF), and Extended TANF, in accordance with the following:

(1) An applicant for TANF, Extended TANF or GA who fails, without good cause, [fails] to cooperate in establishing eligibility for Federal [benefits shall be determined] programs is ineligible for cash assistance [for a period of no less than 60 days and thereafter until such time as the individual complies.] as follows:

(i) For TANF, the applicant is ineligible until the applicant complies.

(ii) For GA, the applicant is ineligible for a minimum period of 60 days and thereafter, until the applicant complies.

(iii) For Extended TANF, the applicant and the applicant's family are ineligible until the applicant complies.

(iv) For GA, if the applicant has received 60 months of TANF, the applicant and the applicant's family are ineligible for a minimum period of 60 days and thereafter until the applicant complies.

(2) A recipient of TANF, Extended TANF or GA who fails, without good cause, [fails] to cooperate [with the CAO] in establishing [their] eligibility for SSI, RSDI, TANF, Extended TANF or other Federal [benefits, shall have assistance terminated] programs is ineligible for cash assistance until such time as the recipient complies. For Extended TANF and GA, if the recipient has received 60 months of TANF, the recipient's family is also ineligible until the recipient complies.

* * * * *

ELIGIBILITY PROVISIONS FOR TANF

§141.41. Policy.

* * * * *

(e) A family is ineligible for TANF cash assistance payments if it includes an adult who has received 60 months of TANF cash assistance.

(1) Assistance received as a minor child is not counted toward the 60-month limit.

(2) Assistance received as a minor child head-of-household or a minor child married to the head-of-household counts toward the 60-month limit.

(3) Periods of receipt of TANF need not be consecutive to count toward the 60-month limit.

* * * * *

ELIGIBILITY PROVISIONS FOR EXTENDED TANF

§141.51. Policy.

(a) In addition to the requirements of §§133 (relating to redetermining eligibility), 141.21 (relating to policy), 142 (relating to monthly reporting), 177 (relating to resources) and 183 (relating to income) a family may be eligible for Extended TANF as follows:

(1) A family that includes an adult who has exhausted 60 months of TANF may receive Extended TANF if the adult applicant or recipient or other family member is or has been a victim of domestic violence as defined in §141.52 (relating to definitions). Eligibility for Extended TANF under this paragraph is subject to the following:

(i) Domestic violence must be verified. If the family has a current or past waiver of TANF child support cooperation or TANF work requirements due to domestic violence, no further verification is required.

(ii) An applicant or recipient who was granted a good cause waiver of TANF child support cooperation or TANF work requirements due to domestic violence may receive Extended TANF for a period of time equal to the period of time that the good cause waiver was in effect.

(iii) An applicant or recipient who has a current waiver of TANF child support cooperation or TANF work requirements due to domestic violence may receive Extended TANF during the period the waiver is in effect, subject to periodic review in accordance with subparagraph (v) of this paragraph.

(iv) A family in which a member is or has been a victim of domestic violence shall comply with a domestic violence plan developed with a person trained in domestic violence services.

(v) Eligibility must be reviewed at least every six months.

(vi) The adult whose family is ineligible for Extended TANF under this paragraph may qualify for Extended TANF or GA under paragraphs (2) or (3) of this subsection.

(2) The adult in a family which does not qualify for Extended TANF under paragraph (1) of this subsection may qualify for Extended TANF under this paragraph if the adult:

(i) Establishes good cause as specified in §165.52

(relating to good cause) for not meeting the requirements of the Road to Economic Self-Sufficiency Through Employment and Training (RESET) Program, as defined in §141.52 (relating to definitions), or is exempt from participation in RESET because the person is one of the following:

(A) Mentally or physically disabled as verified by a physician or licensed psychologist and the disability temporarily or permanently precludes any form of employment or work-related activity.

(B) The parent or other caretaker who is personally providing care for a child under 6 years of age for whom alternate child care arrangement is unavailable.

(C) The custodial parent in a one-parent household who is caring for a child who has not attained 12 months of age. This exemption is limited to a maximum of 12 months in the parent's lifetime.

(ii) Agrees to enroll in the Maximizing Participation Project (MPP), as defined in §141.52, and cooperate in obtaining a Work Capacity Assessment (WCA), also defined in §141.52. The agreement to enroll in MPP and to cooperate in obtaining a WCA will be documented, as a requirement of the client, on the Agreement of Mutual Responsibility (AMR), as specified under 62 P.S. §405.3.

(A) If the results of the WCA indicate that the adult has a medical condition, functional limitation or good cause situation that precludes the individual from complying with RESET requirements, the adult shall comply with a service plan developed by the MPP Team, as defined in §141.52, and documented on the AMR.

(B) If the results of the WCA indicate that the adult does not have a medical condition, functional limitation or good cause situation that precludes the individual from complying with RESET requirements, the adult will be referred to the Work Plus Program (WPP), as described in paragraph (3) of this subsection, and defined in §141.52.

(3) The adult in a family which does not qualify for Extended TANF under paragraphs (1) or (2) of this subsection may qualify for Extended TANF under this paragraph if the adult:

(i) Agrees to enroll in the WPP, as documented on the AMR.

(ii) Cooperates in obtaining a vocational assessment, as defined in §141.52.

(A) If the results of the vocational assessment indicate that the adult is able to comply with RESET requirements, the adult must participate a minimum of 30 hours per week in a combination of work and work-related activities, as specified in 62 P.S. §402.

(B) If the results of the vocational assessment indicate that the adult may have a medical condition, functional limitation or good cause situation that precludes the individual from complying with RESET requirements, the adult shall be referred to the MPP, as described in paragraph (2).

(b) A family is ineligible for Extended TANF if:

(1) The adult fails, without good cause, to cooperate in establishing eligibility for Extended TANF and other Federal programs, as specified under §141.21(n)(relating to policy). The family is also ineligible for GA, as specified under §§141.21(n) and 141.61(a)(1)(xii) (relating to conditions of eligibility).

(2) The adult fails, without good cause, to obtain a WCA or to comply with the MPP service plan or the domestic violence plan, whichever is applicable. The family is also ineligible for GA, as specified under §§141.21(n) and 141.61(a)(1)(xii).

(3) The adult willfully fails, without good cause, to obtain a vocational assessment or to comply with the WPP, whichever is applicable. A sanction will be imposed on the family as follows:

(i) For the first occurrence, 30 days or until the adult is willing to comply, whichever is longer.

(ii) For the second occurrence, 60 days or until the adult is willing to comply, whichever is longer.

(iii) For the third occurrence, permanently.

§141.52. Definitions.

Adult – An individual who is 19 years of age or older or who is age 18 and not a full-time student in a secondary school or in the equivalent level of vocational or technical training.

Extended TANF – Federally-funded TANF cash assistance for eligible families in which an adult has exhausted 60 cumulative months of TANF cash assistance.

MPP – Maximizing Participation Project – A program to assist individuals remedy medical conditions, functional limitations and good cause situations that preclude the individual from complying with RESET requirements.

MPP Team -- A multidisciplinary group consisting of a County Assistance Office worker or an agent authorized by the Department and other individuals including, but not limited to, representatives from state and local agencies.

RESET – Road to Economic Self-Sufficiency Through Employment and Training – A program operated by the Department, within the constraints of available funds, to enable recipients of cash assistance to secure permanent full-time unsubsidized jobs, entry-level jobs or part-time jobs which can establish a work history, preferably in the private sector, with wages and benefits that lead to economic independence and self-sufficiency as soon as practicable.

Service Plan – A document developed to outline the steps necessary to enable an adult to engage in work, increase work participation or otherwise increase self-sufficiency.

Victim of Domestic Violence – An individual who is or has been battered or subjected to extreme cruelty, as defined at 42 U.S.C. §608 (a)(7)(C)(iii).

Vocational Assessment – An evaluation of the factors that impact the client's ability to perform work, including but not limited to, the client's educational level, employment preferences, work history, skills, abilities and life circumstances.

WCA – Work Capacity Assessment – An independent medical, vocational, or functional evaluation, or a combination of these, conducted by a physician or psychologist approved by the Department. If the client has a medical condition or functional limitation, the WCA is to be conducted based upon accepted medical standards, as well as standard framework and method of analysis. The standard framework and method of analysis used will be the most recent edition of the American Medical Association, Guides to the Evaluation of Permanent Impairment. If the client has a good cause situation other than a medical condition or functional limitation, the WCA may or may not require an examination of the client. The WCA will always include an evaluation of existing documentation of the good cause situation.

WPP – Work Plus Program -- An employment and training program funded by the Department providing work and work-related activities for at least 30 hours per week.

* * * * *

ELIGIBILITY PROVISIONS FOR GA

§141.61. Policy.

(a) Conditions of eligibility. The following relates to eligibility for GA:

(1) A person is eligible for GA under the requirements established in subsection (d) and if the appropriate eligibility conditions in the following chapters are met:

* * * * *

(xii) Furthermore, eligibility for GA requires that the person be ineligible for TANF and Extended TANF because of failure to meet TANF and Extended TANF definitive conditions. An applicant or recipient who does not [meet a definitive condition] qualify for TANF or Extended TANF solely because of a refusal or failure, without good cause, to establish eligibility for TANF or Extended TANF is ineligible for GA. A person meeting definitive conditions but ineligible for TANF because of income, resources or participation in a strike is ineligible for GA. A person who

refuses without good cause to cooperate in establishing paternity or support as required in the TANF or Extended TANF program is [not eligible] ineligible for GA. A family in which an adult refuses or fails, without good cause, to cooperate in establishing and maintaining eligibility for Extended TANF as provided in §§141.51(a)(1) - (3) is also ineligible for GA.

* * * * *

CHAPTER 183. INCOME
INCOME POLICY FOR TANF/GA

* * * * *

INCOME

* * * * *

§183.13. Potential sources.

* * * * *

(b) A recipient of TANF, Extended TANF or GA who fails, without good cause, [fails] to cooperate with the CAO in [an effort to establish] establishing and maintaining eligibility for SSI, RSDI, TANF, Extended TANF, or other Federal [benefits] programs [shall have assistance terminated] is ineligible for cash assistance until the recipient complies. For Extended TANF and GA, if the recipient has received 60 months of TANF, the recipient's family is also ineligible until the recipient complies.

(c) An applicant for TANF, Extended TANF or GA who fails, without good cause, [fails] to cooperate in establishing eligibility for Federal [benefits] programs is [shall be determined to be] ineligible for cash assistance as follows:

(1) For [AFDC] TANF or Extended TANF, the applicant is [not eligible] ineligible until [he] the applicant complies.

(2) For GA, the applicant is [not eligible] ineligible for a minimum period of 60 days and thereafter, until [he] the applicant complies.

(3) For Extended TANF, the applicant's family is also ineligible until the applicant complies.

(4) For GA, if the applicant has received 60 months of TANF, the applicant and the applicant's family are ineligible for a minimum period of 60 days and thereafter until the applicant complies.

(d) An individual who is eligible for [AFDC] TANF or Extended TANF and SSI may choose to receive a benefit from one of [the two] these programs. The individual may not receive SSI and [AFDC] TANF or Extended TANF simultaneously.

* * * * *

PLEASE RETURN TO:
Independent Regulatory
Review Commission
14th Floor, Harristown II

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO
 REGULATORY REVIEW ACT**

I.D. NUMBER: 14-474
 SUBJECT: Extended TANF
 AGENCY: DEPARTMENT OF PUBLIC WELFARE

TYPE OF REGULATION

- X Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
 - a. With Revisions
 - b. Without Revisions

RECEIVED
 INDEPENDENT REGULATORY
 REVIEW COMMISSION
 JAN 16 10:40 AM '02

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
1-16-02	<i>[Signature]</i>	HOUSE COMMITTEE ON HEALTH & HUMAN SERVICES
1-16-02	<i>[Signature]</i>	
1-16-02	<i>[Signature]</i>	SENATE COMMITTEE ON PUBLIC HEALTH & WELFARE
1-16-02	<i>[Signature]</i>	
1-16-02	<i>[Signature]</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
1-16-02	<i>[Signature]</i>	LEGISLATIVE REFERENCE BUREAU

January 15, 2002