Bill Summary Comparison of

Health and Human Services

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| Senate File 1458, 2nd Engrossment | Senate File 1458, 1st Unofficial Engrossment |
| Article 5: Simplification of Public Assistance Programs | Article 12: Public Assistance Simplification |

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April 29, 2015

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| Article 5: Simplification of Public Assistance Programs |  | Article 12: Public Assistance Simplification |
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| **Sections 1 to 21** **(119B.011, subd. 15, 119B.025, subd. 1, 119B.035, subd. 4, 119B.09, subd. 4, 256D.01, subd. 1a, 256D.02, subds. 1a and 1b, 256D.02, subd. 8, 256D.06, subd. 1, 256D.405, subd. 3, 256I.03, subds. 1b and 7, 256I.04, subd. 1, 256I.06, subd. 6, 256J.08, subds. 26 and 86, 256J.30, subds. 1 and 9, 256J.35, 256J.40, 256J.95, subd. 19)** amend the child care assistance, general assistance, group residential housing programs, and MFIP to define terms, incorporate references to chapter 256P, and to make conforming changes. | Sections 1 to 3: same  Section 4: technical difference, staff recommends House  Section 5: same  Sections 6 and 7: technical difference, staff recommends House  Sections 8 to 18: same  Section 19: technical difference; cross-reference depending on if House or Senate language adopted in section 33  Section 20: same  Section 21: technical difference; cross-reference depending on if House or Senate language adopted in section 33 | Article 12, § 1. Income. Amends § 119B.011, subd. 15. Modifies the definition of “income” under the child care assistance program and ties it to the definitions of “earned income” and “unearned income” in Minnesota Statutes, chapter 256P, Economic Assistance Program Eligibility and Verification. |
|  |  | Article 12, § 2. Factors which must be verified. Amends § 119B.025, subd. 1. Requires changes in eligibility factors to be reported according to the requirements under chapter 256P. Specifies the effective date of a change in income for purposes of the CCAP programs. |
|  |  | Article 12, § 3. Assistance. Amends § 119B.035, subd. 4. Requires families participating in the at-home infant child care program to report income and other family changes according to the requirements under chapter 256P. |
|  |  | Article 12, § 4. Eligibility; annual income; calculation. Amends § 119B.09, subd. 4. Requires lump sum payments to be annualized over 12 months. |
|  |  | Article 12, § 5. Standards. Amends § 256D.01, subd. 1a. Requires countable income under the GA program to be calculated according to the requirements under chapter 256P. |
|  |  | Article 12, § 6. Assistance unit. Amends § 256D.02, by adding subd. 1a. Defines “assistance unit” under the GA program. |
|  |  | Article 12, § 7. Cash assistance benefit. Amends § 256D.02, by adding a subd. Defines “cash assistance benefit.” |
|  |  | Article 12, § 8. Income. Amends § 256D.02, subd. 8. Modifies the definition of “income” under the GA program and ties it to the definitions of “earned income” and “unearned income” under chapter 256P. |
|  |  | Article 12, § 9. Eligibility; amount of assistance. Amends § 256D.06, subd. 1. Modifies the calculation of income under the GA program and requires countable income to be calculated according to chapter 256P. |
|  |  | Article 12, § 10. Reports. Amends § 256D.405, subd. 3. Requires MSA participants to report changes in circumstances according to the requirements under chapter 256P. |
|  |  | Article 12, § 11. Assistance unit. Amends § 256I.03, by adding subd. 1b. Defines “assistance unit” under the GRH program. |
|  |  | Article 12, § 12. Countable income. Amends § 256I.03, subd. 7. Ties the definition of “countable income” under the GRH program to the definition of “countable income” under chapter 256P. |
|  |  | Article 12, § 13. Individual eligibility requirements. Amends § 256I.04, subd. 1. Requires countable income under the GRH program to be determined according to the requirements under chapter 256P. |
|  |  | Article 12, § 14. Reports. Amends § 256I.06, subd. 6. Requires GRH recipients to report changes in circumstances according to the requirements under chapter 256P. |
|  |  | Article 12, § 15. Earned income. Amends § 256J.08, subd. 26. Modifies the definition of “earned income” under the MFIP program and ties it to the definition of “earned income” under chapter 256P. |
|  |  | Article 12, § 16. Unearned income. Amends § 256J.08, subd. 86. Modifies the definition of “unearned income” under the MFIP program and ties it to the definition of “unearned income” under chapter 256P. |
|  |  | Article 12, § 17. Applicant reporting requirements. Amends § 256J.30, subd. 1. Modifies MFIP applicant reporting requirements and requires applicants to meet the reporting requirements under chapter 256P. |
|  |  | Article 12, § 18. Changes that must be reported. Amends § 256J.30, subd. 9. Modifies MFIP participant reporting requirements and requires participants to meet the reporting requirements under chapter 256P. |
|  |  | Article 12, § 19. Amount of assistance payment. Amends § 256J.35. Modifies recoupment of MFIP overpayments by cross-referencing recoupment of overpayments in chapter 256P. |
|  |  | Article 12, § 20. Fair hearings. Amends § 256J.40. Changes the cross-reference related to recoveries of overpayments under the MFIP program. The new cross-reference is to section 256P.08, Correction of Overpayments and Underpayments. |
|  |  | Article 12, § 21. DWP overpayments and underpayments. Amends § 256J.95, subd. 19. Changes the cross-reference specifying how ATM errors under the DWP program must be recovered by referencing the language in chapter 256P related to recovering ATM errors. |
| **Section 22 (256P.001)** modifies the applicability of chapter 256P to include child care assistance programs. | Same | Article 12, § 22. Applicability. Amends § 256P.001. Applies chapter 256P to the child care assistance programs. |
| **Section 23 (256P.01, subd. 2a)** defines the term "assistance unit." | Same | Article 12, § 23. Assistance unit. Amends § 256P.01, by adding subd. 2a. Defines “assistance unit” under the Economic Assistance Program Eligibility and Verification chapter. |
| **Section 24 (256P.01, subd. 3)** modifies the definition of "earned income." | Same | Article 12, § 24. Earned income. Amends § 256P.01, subd. 3. Modifies the definition of “earned income” for purposes of the GA, MSA, CCAP, GRH, and MFIP programs. |
| **Section 25 (256P.01, subd. 8)** defines the term "unearned income." | Same | Article 12, § 25. Unearned income. Amends § 256P.01, by adding subd. 8. Defines “unearned income” for purposes of the GA, MSA, CCAP, GRH, and MFIP programs. |
| **Sections 26, 27, 28, and 30 (256P.02, subd. 1a, 256P.03, subd. 1, 256P.04, subd. 1, 256P.05, subd. 1)** exempt child care programs from several requirements in 256P that were passed last year because the child care programs contain specific policies that are unique to that program, which include different documentation requirements related to authorized hours of care and authorized activities, and the use co-pays instead of income disregards.  Child care programs must, however, comply with the new requirements related to the calculation of income and reporting requirements in **section 32**. | Same | Article 12, § 26. Exemption. Amends § 256P.02, by adding subd. 1a. Exempts CCAP participants from the personal property limitations in the Economic Assistance Program Eligibility and Verification chapter. |
|  | Same | Article 12, § 27. Exempted programs. Amends § 256P.03, subd. 1. Exempts CCAP participants from the earned income disregard under the Economic Assistance Program Eligibility and Verification chapter. |
|  | Same | Article 12, § 28. Exemption. Amends § 256P.04, subd. 1. Exempts CCAP participants from the documentation, verification, and recertification requirements under the Economic Assistance Program Eligibility and Verification chapter. The Child Care Assistance chapter of statutes contains separate documentation, verification, and recertification requirements for these programs. |
| **Section 29 (256P.04, subd. 4)** requires certain nonrecurring income to be verified. | Same | Article 12, § 29. Factors to be verified. Amends § 256P.04, subd. 4. Adds nonrecurring income to the list of factors that must be verified at the time of application. |
|  | Same | Article 12, § 30. Exempted programs. Amends § 256P.05, subd. 1. Exempts CCAP participants from self-employment earnings requirements under the Economic Assistance Program Eligibility and Verification chapter. |
| Section 31 (256P.06) adds a new section of law specifying the calculation of income, and what is included in determining the income of an assistance unit | Technical difference in subd. 2.  Staff recommends Senate. | Article 12, § 31. Income calculations. Creates § 256P.06.  Subd. 1. Reporting of income. Requires the county agency to evaluate income received by members of the assistance unit, or by others whose income is considered available to the assistance unit, and to only count income that is available to the assistance unit to determine eligibility.  Subd. 2. Exempted individuals. Exempts certain members of an assistance unit under the CCAP and MFIP programs from having their earned income count toward the income of the assistance unit.  Subd. 3. Income inclusions. Lists the items that must be included in determining the income of an assistance unit. |
| **Section 32 (256P.07)** adds a new section of law related to reporting income and reporting changes in income. This section requires that changes in income listed in this section must be reported within a specific period of time. | Subds. 1 to 6 are the same.  Subd. 7 has a technical difference in the subdivision title. Staff recommends House. | Article 12, § 32. Reporting of Income and Changes. Creates § 256P.07.  Subd. 1. Exempted programs. Exempts MSA and GRH participants who qualify on the basis of eligibility for SSI from the requirements of this section.  Subd. 2. Reporting requirements. Requires applicants or participants to provide information on an application and any subsequent reporting forms about the assistance unit’s circumstances that affect eligibility or benefits. Requires applicants or participants to report changes according to the requirements of this section. Allows benefits to be delayed or denied when information or documentation is not provided, depending upon the type of information required and its effect on eligibility.  Subd. 3. Changes that must be reported. Requires assistance units to report certain changes within ten days of the date they occur, at the time of recertification, or within eight calendar days of a reporting period, whichever occurs first. Requires assistance units to report other changes at the time of recertification of eligibility or at the end of a reporting period, as applicable. Specifies the manner in which delays in reporting are handled. Lists the changes an assistance unit must report within ten days.  Subd. 4. MFIP-specific reporting. Lists the additional changes in circumstances MFIP assistance units must report within ten days.  Subd. 5. DWP-specific reporting. Lists additional information DWP participants must report on an application.  Subd. 6. CCAP-specific reporting. Lists the additional changes in circumstances CCAP assistance units must report within ten days of the change.  Subd. 7. MSA-specific reporting. Requires MSA shelter needy participants to report shelter expenses within ten days of a change. |
| **Section 33 (256P.08)** adds a new section of law specifying the procedure for the correction of overpayments and underpayments, and specifies procedures for general assistance, Minnesota supplemental aid programs, and MFIP overpayments. | Technical, structural, and grammatical differences.  House only, subd. 2, new paragraph (c), exempts participants from repaying overpayments due to agency error, unless the amount is large enough that a reasonable person would know it was an error.  Technical amendment is necessary to subd. 3, to add a reference to Senate subd. 4a or House subd. 4, depending  on which language is adopted.  House only, subd. 4, new paragraph (i), provides that overpayments by another maintenance benefit program shall not be recovered from the GA or MSA grant. | Article 12, § 33. Correction of Overpayments and Underpayments. Creates § 256P.08.  Subd. 1. Exempted programs. Exempts CCAP and GRH participants from this section.  Subd. 2. Scope of overpayment. Specifies the process for recouping or recovering overpayments. Limits establishment of overpayments to six years prior to the month of discovery due to client error or an intentional program violation. Prohibits participants or former participants from being responsible for agency errors.  Subd. 3. Notice of overpayment. Requires county agencies to notify participants or former participants of overpayments in writing. Lists the information that must be included in the notice. Specifies no limit applies to the period in which the county agency is required to recoup or recover an overpayment.  Subd. 4. Recovering GA and MSA overpayments. Specifies the process counties must follow when recovering GA or MSA overpayments.  Subd. 5. Recovering MFIP overpayments. Specifies the process counties must follow when recovering MFIP overpayments.  Subd. 6. Recouping overpayments from MFIP participants. Allows a participant to voluntarily repay, in part or in full, an overpayment even if assistance is reduced, until the total amount of the overpayment is repaid. Specifies the process counties must follow when recovering overpayments due to fraud and nonfraud.  Subd. 7. Recovering automatic teller machine errors. For recipients receiving benefits by electronic benefit transfer, allows county agencies to recover ATM errors by immediately withdrawing funds from the recipient’s electronic benefit transfer account, up to the amount of the error, if the overpayment is the result of an ATM dispensing funds in error to the recipient.  Subd. 8. Scope of underpayments. Requires a county agency to issue a corrective payment for underpayments made to a participant or to a person who would be a participant if an agency or client error causing the underpayment had not occurred. Limits corrective payments to 12 months prior to the month of discovery. Specifies the manner in which corrective payments must be issued.  Subd. 9. Identifying the underpayment. Allows an underpayment to be identified by a county agency, participant, former participant, or person who would be a participant except for agency or client error.  Subd. 10. Issuing corrective payments. Requires county agencies to correct underpayments within seven calendar days after the underpayment has been identified, by adding the corrective payment amount to the monthly assistance payment of the participant, issuing a separate payment to a participant or former participant, or reducing an existing overpayment balance. Lists the methods the county agency must use to correct underpayments. Excludes corrective payments when determining income and resources for the month of payment.  Subd. 11. Appeals. Allows a participant to appeal an underpayment, an overpayment, or a reduction in an assistance payment made to recoup an overpayment. Requires the participant’s appeal of each issue to be timely according to the human services appeals process. Prohibits the fact or amount of an overpayment to be considered as part of a later appeal when an appeal is not timely. |
| **Section 34** repeals redundant language in law and rule. | Same | Article 12, § 34. Repealer. Paragraph (a) repeals Minn. Stat. §§ 256D.0513 (budgeting lump sums); 256D.06, subd. 8 (recovery of ATM errors); 256D.09, subd. 6 (recovery of overpayments); 256D.49 (payment correction); and 256J.38 (correction of overpayments and underpayments).  Paragraph (b) repeals Minn. Rules, part 3400.0170, subp. 5 (earned income of wage and salary employees), 6 (excluded income), 12 (determination of unearned income), and 13 (treatment of lump sum payments). |
| **Section 35** makes this article effective August 1, 2016. | Technical difference.  Staff recommends Senate. | Article 12, § 35. Effective date. Makes sections 1 to 34 effective August 1, 2016. |