

Testimony
House Bill 1308 Department of Human Services
House Human Services Committee
Representative Weisz, Chairman
January 23, 2017

Chairman Weisz, members of the House Human Services Committee, I am Carol Cartledge, Director of the Economic Assistance Division, for the Department of Human Services (Department). I am here today to provide information on Temporary Assistance for Needy Families (TANF).

TANF provides cash assistance to eligible low-income families that include a child, deprived of support of a parent, who is living with a parent or a caretaker relative. The average monthly caseload was 1,145 and the average month benefit was \$274 per month according to the Quarterly Budget Insight for July 2015 through September 2016. Adult members in receipt of TANF must comply with TANF requirements by participating in the Job Opportunity and Basic Skills (JOBS) program.

TANF program has a five year limit for receiving benefits. The five year limit applies if the adult member is in receipt of a TANF benefit for themselves. A disqualification removes the adult's benefits; the benefit is for the children only and does not count towards the five year limit.

Through the JOBS program, the adult member is assessed for barriers to employment, and an employment plan is developed that provides a work plan for the individual to achieve self-sufficiency. If a plan includes a requirement to receive treatment, such as substance use treatment, and the individual does not follow-through with the recommended treatment, the individual is sanctioned. A sanction means the TANF benefit is reduced to the

amount needed for the child or children only, and if the individual does not resolve the issue within a month, the entire case is closed.

Information received through the JOBS program, provided that less than one percent of adult members identified a substance use disorder either through the initial or ongoing assessment and case management. According to The Center for Law and Social Policy (CLASP) article dated October 2016, in states that have implemented these policies, few applicants have been identified as likely users, and even fewer have tested positive – in many cases, less than one percent of applicants. This compares to our findings of less than one percent.

Impact

TANF is administered locally through a county social service office. Each county social service office would be required to administer the provisions outlined in the bill.

This bill would require county social service agencies to refer the individual to a local facility for a drug test. To assure appropriate chain of custody, the county would need to receive the drug test results directly from the clinic or lab. There are federal and state safeguarding rules that require the results to be received and maintained in a secure area and which define who may receive the results and who may have access to the results. The counties would need to retain the actual drug test results as the results become a requirement of eligibility and are subject to review during routine program audits.

In addition, the bill states a minor parent who is an applicant for benefits who does not live with a parent may be subject to a drug test. Minor parents may not have the authority to give consent to obtain the results of

the drug test without parental consent and the county may not be able to receive the results to determine eligibility for TANF.

Additionally, confidentiality requirements for drug and alcohol treatment records are governed by 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records, so allowance would have to be made within the program to ensure that any records relating to an applicant's participation in a treatment program are afforded the confidentiality required under 42 CFR Part 2. This would need to include a process for the county to obtain a release of information to receive treatment records and to redisclose them to the Department and to the Office of Administrative Hearings if necessary.

The bill states the applicant is responsible for expense of treatment. A majority of TANF applicants also apply for and are eligible for Medicaid. A Medicaid beneficiary may not be charged for Medicaid covered services rendered by providers enrolled with Medicaid.

This concludes my testimony and I would be happy to answer any questions.