

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Family Support
(Amendment)

921 KAR 2:040. Procedures for determining initial and continuing eligibility.

RELATES TO: KRS Chapter 205, 42 U.S.C. 601-619

STATUTORY AUTHORITY: KRS 194A.050(1), 205.200(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary to promulgate administrative regulations necessary to implement programs mandated by federal law or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. KRS Chapter 205 requires the Cabinet for Health and Family Services to administer the Kentucky Transitional Assistance Program (KTAP) and the State Supplementation Program (SSP). KRS 205.200(2) requires the cabinet to prescribe, by administrative regulation, the conditions of eligibility for public assistance, in conformity with Title IV-A of the Social Security Act, 42 U.S.C. 601-619, and federal regulations. This administrative regulation establishes the procedures used to determine initial and continuing eligibility for assistance under these programs.

Section 1. Eligibility Determination Process.

(1) A household shall, for the month payment is intended to cover the household, meet the eligibility criteria in:

- (a) 921 KAR 2:006 and 921 KAR 2:016 for KTAP; or
- (b) 921 KAR 2:015 for SSP.

(2) A household shall not receive assistance until approval of the application for benefits.

(3) Each decision regarding eligibility for assistance shall be supported by facts recorded in the applicant's or recipient's case record.

(4) The applicant or recipient shall be the primary source of information and shall be required to:

- (a) Furnish verification of:
 - 1. Income;
 - 2. Resources; and
 - 3. Technical eligibility; and

- (b) Give written consent to contacts necessary to verify or clarify a factor pertinent to the decision of eligibility.

(5) If informed in writing of the appointment or necessary information to be provided, failure of the applicant or recipient to appear for a scheduled interview or present required information when requested shall be considered a failure to present adequate proof of eligibility.

(6)

- (a) An application shall be considered filed if a "PA-77, Intent to Apply for KTAP, Medicaid, State Supplementation, or Child Care Assistance", or a "PA-100, Application/Recertification for KTAP or Kinship Care", containing the name, address, and signature of the applicant, is received by an office of the Department for Community Based Services (DCBS).

- (b) An application shall be processed after the:

- 1. Applicant or representative is interviewed;
- 2. Required information and verification for the application is provided to the DCBS office; and

3. Application and related documents, pursuant to subsection (4) of this section, are received by the DCBS office.

(c) If an electronic form is not used, the cabinet shall record information for recertification to determine continuing eligibility for KTAP by using form PA-100.

Section 2. Continuing Eligibility.

(1) The recipient shall be responsible for reporting, within ten (10) calendar days, any change in circumstances that may affect eligibility or the amount of payment.

(2) Eligibility shall be redetermined:

- (a) If a report is received or information is obtained about a change in a circumstance;
- (b) Every twelve (12) months for SSP cases; and
- (c) Every twelve (12) months for KTAP cases.

Section 3. Child Care Assistance Program. Procedures used to determine initial and continued eligibility for the Child Care Assistance Program shall be in accordance with 922 KAR 2:160.

Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "PA-77, Intent to Apply for KTAP, Medicaid, State Supplementation, or Child Care Assistance", 09/22; and
- (b) "PA-100, Application/Recertification for KTAP or Kinship Care", 09/22.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Community Based Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be viewed on the department's Web site at <https://chfs.ky.gov/agencies/dCBS/Pages/default.aspx>.

(PA-52.3, 54, 70; 1 Ky.R. 1283; eff. 7-2-1975; Am. 7 Ky.R. 71; 569; 650; eff. 2-3-1981; 8 Ky.R. 1190; eff. 6-25-1982; 16 Ky.R. 243; eff. 9-20-1989; 2569; eff. 6-27-1990; 18 Ky.R. 3262; eff. 6-24-1992; 21 Ky.R. 136; eff. 9-21-1994; 981; 1529; 1682; eff. 2-17-1998; Recodified from 904 KAR 2:040, 10-30-1998; 29 Ky.R. 1415; 1824; eff. 1-15-2003; 37 Ky.R. 866; Am. 1213; eff. 11-17-2010; 38 Ky.R. 411; eff. 10-19-2011; 40 Ky.R. 466; 849; eff. 10-16-2013; 44 Ky.R. 1150; eff. 3-15-2018; 49 Ky.R. 924; eff. 2-16-2023.)

MARTA MIRANDA-STRAUB, Commissioner

ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: September 6, 2022

FILED WITH LRC: September 12, 2022 at 12:50 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on November 28, 2022, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by November 17, 2022, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until November 30, 2022. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of

consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-6746; fax 502-564-7091; email CHFSregs@ky.gov.