

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

921 KAR 2:060. Delegation of power for oaths and affirmations.

RELATES TO: KRS 205.170(1), 42 U.S.C. 601-619

STATUTORY AUTHORITY: KRS 194A.050(1), ~~[205.170(1),]~~ 205.200~~[-42 U.S.C. 601-619]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary ~~[of the cabinet]~~ to promulgate administrative regulations necessary under applicable state laws to protect, develop, and maintain the health~~[welfare]~~, personal dignity, integrity, and sufficiency of the citizens of the commonwealth~~[Commonwealth]~~ and to operate the programs and fulfill the responsibilities of the cabinet. KRS 205.200 requires the Cabinet for Health and Family Services to administer ~~[the]~~ public assistance programs~~[program]~~ in conformity with the public assistance titles~~[Public Assistance Titles]~~ of the Social Security Act, its amendments, and other federal acts and regulations, including 42 U.S.C. 601 to 619, and to provide supplemental payments to persons who are aged, blind, or have a disability. This administrative regulation establishes the designation of certain employees by the secretary of the cabinet to administer oaths and affirmations~~[,]~~ in conformity with KRS 205.170(1).

Section 1. Specific Worker Designation. The following classifications of employees shall be designated as duly authorized representatives of the Secretary of the Cabinet for Health and Family Services to administer an oath or affirmation to an applicant or recipient:

- (1) Family support specialist ~~[HH]~~;
- (2) Case management specialist;
- (3) Public assistance program specialist ~~[Program specialist]~~;
- (4) Field services supervisor;
- (5) Service region administrator associate (SRAA); and
- (6) Service region administrator (SRA).

Section 2. Purpose. An oath or affirmation shall be administered by a designated representative to an applicant or recipient to:

- (1) Obtain a sworn statement regarding a claim that a check issued through a cabinet program has been:
 - (a) Lost;
 - (b) Misplaced; or
 - (c) Stolen;
- (2) Request a replacement check; or
- (3) View a check endorsement.

Section 3. Process.

- (1) A "PAFS-60, Affidavit" form~~[,]~~ shall be used if:
 - (a) A check is reported lost or stolen to request a replacement check within twelve (12) months of intended receipt; or
 - (b) A check endorsement is viewed when a reported lost or stolen check is cashed.
- (2) If the payee reports non-receipt, loss, or theft of a check, the payee shall come into the office to complete a PAFS-60 form within four (4) business~~[work]~~ days of reporting non-receipt of the check in effort to place a stop payment on the check.
- (3) If the original check has been cashed, a photocopy of the cashed check shall be forwarded to the local office.

- (a) The payee shall view the endorsement; and
- (b) If the signature is not that of the payee, the payee shall sign the PAFS-60 form stating the:
 - 1. Signature on the photocopy is not the payee's signature; and
 - 2. Payee received no benefit from the cashing of the check.

Section 4. Incorporation by Reference.

- (1) The "PAFS-60, Affidavit", 09/22~~[12/28/15]~~, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Cabinet for Health and Family Services, 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>.

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; CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Laura Begin, Staff Assistant

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes criteria for the delegation of power for oaths and affirmations for Kentucky's public assistance programs in accordance with KRS 205.170(1).

(b) The necessity of this administrative regulation:

This administrative regulation is needed to establish employee designations for the administration of oaths and affirmations in accordance with KRS 205.170(1).

(c) How this administrative regulation conforms to the content of the authorizing statutes:

This administrative regulation conforms to the content of the authorizing statutes by establishing the designation of specific employees by the secretary of the cabinet to administer oaths and affirmations.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation assists in the effective administration of the statutes by establishing the designation of specific employees to administer oaths and affirmations in Kentucky's public assistance programs.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

This amendment changes the existing administrative regulation by updating Kentucky state government employee classification titles, makes minor revisions to incorporated material related to anti-discriminatory language, and makes technical corrections in accordance with KRS Chapter 13A.

(b) The necessity of the amendment to this administrative regulation:

This amendment is also necessary to keep the administrative regulation from expiring pursuant to KRS 13A.3102 and 3104. The administrative regulation was reviewed for certification and determined to require updating.

(c) How the amendment conforms to the content of the authorizing statutes:

The amendment conforms to the authorizing statutes by maintaining standards for the delegation of power for oaths and affirmations for Kentucky's public assistance programs.

(d) How the amendment will assist in the effective administration of the statutes:

The amendment reflects updates in state government employee personnel titles.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

The Department for Community Based Services (DCBS) administers this program throughout Kentucky's 120 counties. As of April 2022, there were approximately 10,422 KTAP cases in Kentucky.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the

change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

The amendment to this administrative regulation will require no new or additional action by regulated entities.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There are no costs associated with this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Additional agency staff will be able to administer oaths in public assistance programs.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

There are no costs associated with this amendment.

(b) On a continuing basis:

There are no costs associated with this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

The implementation and enforcement of this administrative regulation is funded by the federal Temporary Assistance for Needy Families (TANF) Block Grant.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

An increase in fees or funding will not be necessary to implement this amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This administrative regulation does not establish fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied?

Tiering is not applied because this administrative regulation will be applied in a like manner statewide.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate.

42 U.S.C. 601-619

(2) State compliance standards.

KRS 194A.050(1), 205.170(1), 205.200

(3) Minimum or uniform standards contained in the federal mandate.

N/A

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?

N/A

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.

N/A

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Department for Community Based Services will be impacted by this administrative regulation by administering public assistance programs.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 194A.050(1), 205.170(1), 205.200, 42 U.S.C. 601-619.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

This administrative regulation does not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

This administrative regulation does not generate revenue.

(c) How much will it cost to administer this program for the first year?

This administrative regulation will not result in any new or additional costs.

(d) How much will it cost to administer this program for subsequent years?

This administrative regulation will not result in any new or additional costs.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

Cost savings are not generated by this administrative regulation, but it also does not require costs from regulated entities.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

There are no cost savings associated with this amendment.

(c) How much will it cost the regulated entities for the first year?

There are no costs to regulated entities associated with this amendment.

(d) How much will it cost the regulated entities for subsequent years?

There are no costs to regulated entities associated with this amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] This administrative regulation does not have a major economic impact.