

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

921 KAR 2:500. Family Assistance Short Term (FAST).

RELATES TO: KRS 205.200, 205.2003, 205.211, 600.020(1), 45 C.F.R. 260-265, 42 U.S.C. 601-619, 42 U.S.C. 9902(2)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary to promulgate all administrative regulations authorized by applicable state laws necessary to operate the programs and fulfill the responsibilities vested in the cabinet 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 205.200(2) requires the cabinet to prescribe, by administrative regulation, the conditions of eligibility for public assistance, in conformity with the Social Security Act, 42 U.S.C. 601-619, and federal regulations. This administrative regulation establishes requirements for the Family Assistance Short Term (FAST) program in accordance with Temporary Assistance for Needy Families (TANF) provisions established in 45 C.F.R. 260-265.

Section 1. Definitions.

- (1) "Benefit group" means a group that meets the eligibility requirements established in 921 KAR 2:006.
- (2) "Kentucky Transitional Assistance Program" or "KTAP" means the program established in 921 KAR 2:006.
- (3) "Overpayment" means a FAST benefit received by an individual who:
 - (a) After an initial determination of eligibility is determined to be ineligible for the program and erroneous benefits were received by the individual; or
 - (b) Is determined eligible for the program and refuses to apply the benefit to the provider of the service needed to resolve the short-term emergency as indicated by the individual at the time of the application.
- (4) "Self-supporting" means an individual who:
 - (a) Is employed; or
 - (b) Shall be employed within the subsequent three (3) months.
- (5) "Unsubsidized child care" means child care for which financial assistance is not provided.

Section 2. Eligibility for FAST.

- (1) To qualify for FAST benefits, the benefit group shall:
 - (a) Meet the technical requirements of KTAP in accordance with 921 KAR 2:006;
 - (b) Not be currently receiving ongoing KTAP benefits;
 - (c) Have a verified, non-recurrent short-term need such as:
 1. Car repair, to be:
 - a. Completed by a mechanic who is employed by a garage;
 - b. Completed by a vocational school automotive program; or
 - c. The responsibility of the FAST recipient, if a payment is made for a new or used automotive part;
 2. Other transportation assistance;
 3. Unsubsidized child care;
 4. Utilities payment assistance;
 5. Housing payment assistance; or

6. Items required for employment; and

- (d) Be determined by the cabinet to be self-supporting if the short-term need is met.
- (2) The cabinet shall determine if a potential KTAP applicant's eligible benefit group is eligible to receive FAST benefits.
- (3) The KTAP eligible benefit group shall be notified of the option to decline FAST benefits in lieu of applying for ongoing KTAP benefits.
- (4) FAST shall be utilized instead of KTAP if:
 - (a) Requested by the benefit group; and
 - (b) The benefit group is deemed eligible for FAST.
- (5)
 - (a) The benefit group's countable gross income shall include earned and unearned income in accordance with 921 KAR 2:016, Sections 4 and 5.
 - (b) The benefit group's gross income shall be computed using the best estimate of income for the month of application in accordance with 921 KAR 2:016, Section 10.
 - (c) The benefit group's total gross earned and unearned income shall not exceed 100% of the official federal poverty income guidelines updated annually in the Federal Register by the U.S. Department of Health and Human Services pursuant to 42 U.S.C. 9902(2).
- (6)
 - (a) The FAST eligibility period for an approved FAST application shall be a three (3) consecutive month period beginning with the date of FAST approval.
 - (b) One (1) or more checks with a combined total of up to \$2,600, to the extent funds are available, may be issued to resolve a short-term need as specified in subsection (1) (c) of this section during the three (3) month eligibility period.
 - (c) An adult member of a benefit group shall not be approved to receive FAST benefits until a twelve (12) month period has passed since the last FAST payment was issued.
 - (d) If the adult member of a benefit group has voluntarily quit employment, the adult member shall not be eligible to receive FAST, unless the adult meets criteria specified in 921 KAR 2:370, Section 6(1)(a) through (k).

Section 3. Authorization of a FAST Payment.

- (1) The amount of the eligible FAST payment shall be issued in one (1) or more checks to:
 - (a) A vendor;
 - (b) The eligible FAST benefit group and vendor, as a two (2) party check; or
 - (c) The eligible FAST benefit group.
- (2) Except for payments for purchases of merchandise or goods, a FAST payment shall not be issued to a vendor of services who is required and fails to provide signed documentation of:
 - (a) A tax identification number or Social Security number; and
 - (b) Verification of services.
- (3) Total payments during the three (3) month FAST eligibility period shall not exceed \$2,600, to the extent funds are available.

Section 4. Coordination with KTAP and Other Benefit Programs.

- (1) Receipt of a FAST payment shall exclude the benefit group from receiving ongoing KTAP benefits for twelve (12) months unless nonreceipt would result in:
 - (a) Abuse or neglect of a child, as defined by KRS 600.020(1); or
 - (b) The parent's inability to provide adequate care or supervision due to the loss of employment through no fault of the parent.
- (2) A benefit group shall not be eligible to receive Work Incentive (WIN), KTAP, or FAST funds concurrently.

(3) An application shall be taken or a referral made for the following benefits as needed for a FAST eligible family:

- (a) Supplemental Nutrition Assistance Program (SNAP);
- (b) Medicaid;
- (c) Child Care Assistance Program (CCAP); and
- (d) Child support.

(4) For a FAST eligible benefit group, a referral shall be made as needed for other services offered through other state agencies, contractors, or charitable organizations to include the following services:

- (a) Job search;
- (b) Job readiness assessment;
- (c) Life skills; and
- (d) Other food benefit programs.

Section 5. Overpayments.

(1) The cabinet shall recover the amount of an overpayment, including assistance paid pending the outcome of a hearing, from the claimant-payee.

(2) An overpayment shall be recovered through:

- (a) Repayment by the claimant-payee to the cabinet; or
- (b) Cabinet initiation of a civil action in the court of appropriate jurisdiction after the claimant-payee has exhausted or abandoned the administrative and judicial remedies specified in 921 KAR 2:055.

Section 6. Hearing Rights. Hearing rights for FAST shall be the same as hearing rights for a KTAP recipient in accordance with 921 KAR 2:055.

(25 Ky.R. 2075; Am. 2913; eff. 6-16-1999; Recodified from 904 KAR 2:500, 7-8-1999; 26 Ky.R. 1732; eff. 5-10-2000; 29 Ky.R. 831; 1666; eff.12-18-2002; 30 Ky.R. 2411; 31 Ky.R. 97; eff. 8-6-2004; TAm eff. 10-27-2004; TAm eff. 1-27-2006; 37 Ky.R. 1909; eff. 4-1-2011; 42 Ky.R. 607; eff. 11-18-2015; 49 Ky.R. 684; eff. 3-16-2023.)

MARTA MIRANDA-STRAUB, Commissioner
ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: August 2, 2022

FILED WITH LRC: August 4, 2022 at 8:10 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on October 24, 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 October 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 October 31, 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.

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