

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

921 KAR 2:017. Kentucky Works Program (KWP) supportive services.

RELATES TO: KRS 45.237-241, 205.200, 205.211, 205.2003, 45 C.F.R. 260-265

STATUTORY AUTHORITY: KRS 194A.050(1), 205.200(2), 205.2003(1), 42 U.S.C. 601-619

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 public assistance programs. KRS 205.200(2) requires the secretary to promulgate administrative regulations prescribing the conditions of eligibility for public assistance, in conformity with the Social Security Act, 42 U.S.C. 601 to 619, and federal regulations. KRS 205.2003(1) requires the cabinet to promulgate administrative regulations to develop a work program for recipients of public assistance to provide for immediate employment or preparation for employment, and to provide supportive services to assist in the pursuit of work and self-sufficiency. This administrative regulation establishes requirements for receiving Kentucky Works Program (KWP) supportive services in accordance with Temporary Assistance for Needy Families (TANF) provisions established in 45 C.F.R. 260-265.

Section 1. Definitions.

- (1) "Approved KWP activity" means participation in a countable activity in accordance with 921 KAR 2:370, Section 2(1)(c).
- (2) "Component" means a service or activity in accordance with 921 KAR 2:370, Section 2(1)(c).
- (3) "Component preparation" means the period in which assessment, testing, completion of the transitional assistance agreement in accordance with 921 KAR 2:370, and referral for removal of barriers takes place.
- (4) "Improper payment" is defined by KRS 45.237(1)(f).
- (5) "Kentucky Transitional Assistance Program" or "KTAP" means the program established in 921 KAR 2:006.
- (6) "Kentucky Works Program" or "KWP" means the program established in 921 KAR 2:370.
- (7) "Precomponent" means a waiting period between the dates of component assignment and component commencement.
- (8) "Work-eligible individual" is defined by 45 C.F.R. 261.2(n).

Section 2. Kentucky Works Program (KWP) Participation and Supportive Services Payment. The cabinet shall make a payment for a supportive service cost:

- (1) For an individual participating in the KWP, except for the restrictions established in Section 12(2) of this administrative regulation;
- (2) Necessary for participation in an approved KWP activity; and
- (3) To the extent funds are available.

Section 3. Transportation. Transportation reimbursement shall be paid in the following situations:

- (1) Precomponent;

- (2) Component preparation; or
- (3) Component participation.

Section 4. Transportation Payment Amount and Authorization.

- (1)
 - (a) To the extent funds are available, payment for transportation pursuant to paragraph (b) or (c) of this subsection shall be provided for an individual participating in an approved KWP activity, if:
 - 1. Free transportation that meets the needs of the work-eligible individual is unavailable; and
 - 2. The individual is required to incur a transportation expense in order to participate.
 - (b) If a need for transportation reimbursement for six (6) days or more is determined, a direct payment of \$300 per month to the individual shall be made through the Online Tracking Information System (OTIS).
 - (c) If a need for transportation reimbursement for five (5) days or less is determined, a payment of fifty (50) dollars per month to the individual shall be made through the OTIS.
- (2) A payment shall be issued in accordance with 921 KAR 2:050.
- (3) In precomponent, if necessary to guarantee that the transportation arrangement shall be maintained, a transportation payment shall be provided for the period of up to:
 - (a) Two (2) weeks prior to the scheduled start of component activity; or
 - (b) One (1) month during a break in component activity if subsequent component activity is scheduled to begin within that period.

Section 5. Restriction on Authorization of a Transportation Payment. A transportation payment shall not be made if the work-eligible individual is not in compliance with a KWP activity, in accordance with 921 KAR 2:370.

Section 6. Other Supportive Services.

- (1) To the extent funds are available, the cabinet shall provide other supportive services to a work-eligible individual if necessary for the individual's participation in the approved KWP activity for:
 - (a) Component preparation;
 - (b) Component participation while the KTAP case remains active; or
 - (c) Acceptance of a new job or retention of an existing one if the parent or other adult:
 - 1. Has accepted employment and a start date of employment is provided, except if an item is required as a condition of being hired by the employer; or
 - 2. Is employed.
- (2) If requirements of subsection (1) of this section are met, the cabinet may approve an item or service needed by the work-eligible individual for participation in a KWP activity, such as:
 - (a) A drug screening test fee;
 - (b) Up to three (3) uniforms for employment, if:
 - 1. Not reimbursable by the employer; and
 - 2. The work-eligible individual provides an estimate;
 - (c) One (1) suitable interview outfit for pre-employment purposes;
 - (d) Required clothing or shoes particular to a service, profession, or company, if:
 - 1. Not reimbursable by the employer; and
 - 2. The work-eligible individual provides an estimate;
 - (e) School supplies and books for the KWP participant;
 - (f) A licensing fee, which includes:
 - 1. Exam costs required to obtain a professional license or certificate; or
 - 2. Driver's license fee;

- (g) A timepiece necessary for employment or training;
 - (h) The cost to obtain or renew a photo identification;
 - (i) The cost of a criminal records check fee, if required by the provider or employer;
 - (j) A driver's education class fee; or
 - (k) Tools required for employment.
- (3) Payment for other supportive services shall be limited to a cumulative total of \$600 per individual in a twelve (12) month period, beginning with the first day the initial form "KW-32, Authorization for Supportive Services Payments", is issued to the work eligible individual.
- (4) A penalized or sanctioned work-eligible individual shall not be eligible for other supportive services.
- (5) A retroactive payment for other supportive services shall not be made for an item purchased by a penalized or sanctioned work-eligible individual who later cures the penalty. After the individual cures the penalty or sanction, an eligible expense may be authorized.
- (6) Except in accordance with Section 7 of this administrative regulation, a medical service or item shall not be an allowable supportive service.

Section 7. Allowable Medical Service or Item. To the extent that non-Temporary Assistance for Needy Families (TANF) funding is available, the purchase of the following item or service shall be allowed for a work-eligible individual, if needed for participation in the KWP activity and not reimbursable through Medicaid and limited to:

- (1) Eyeglasses or corrective lens;
- (2) Dentures;
- (3) Hearing aids; and
- (4) Medical service or item required as a condition of employment.

Section 8. Vehicle Repairs.

- (1) If a free service for vehicle repairs, including a vocational school automotive program, is unavailable that meets the needs of the work-eligible individual, a vehicle repair expenditure shall be provided, to the extent funds are available, if necessary for participation in the approved KWP activity of:
- (a) Component preparation; or
 - (b) Component participation, including employment while the KTAP case remains active. If a KWP participant requests a vehicle repair expenditure prior to KTAP case discontinuance, but the request is not processed by the cabinet prior to discontinuance and the participant is otherwise eligible, the discontinued KWP participant shall be eligible for vehicle repair assistance.
- (2) A vehicle repair expense shall meet the following criteria to be considered for payment:
- (a) A vehicle repair that makes the vehicle functional;
 - (b) Property tax on the vehicle;
 - (c) Vehicle registration;
 - (d) Licenses fee;
 - (e) Up to six (6) months coverage of liability insurance for the work-eligible individual to drive a vehicle;
 - (f) A new or used automotive part to be purchased by the work-eligible individual to make the vehicle functional; or
 - (g) Other vehicle expense needed by the work-eligible individual that would allow participation in the KWP activity.
- (3) Prior to the approval of a vehicle repair expenditure listed in subsection (2) of this section, the work-eligible individual shall provide an estimate of the cost.
- (4) Vehicle repair work shall:

- (a) Be completed by a garage, unless the repair is completed by a vocational school automotive program; or
- (b) Be the responsibility of the work-eligible individual if a payment is made for a new or used automotive part as specified in subsection (2)(f) of this section.
- (5) Prior to approval of a vehicle repair expenditure, the cabinet shall verify the work-eligible individual owns the vehicle.
- (6) The restrictions on authorization and verification of a supportive service payment described in Section 12 of this administrative regulation shall apply to a vehicle repair expense and payment.
- (7) Payment for vehicle repairs shall be limited to a cumulative total of \$3,000 per eligible family during a twelve (12) month period, beginning with the first day of the month in which the initial payment is issued.

Section 9. Short-term Training. To the extent funds are available, a fee for a short-term training program shall be eligible for payment for a work-eligible individual if the training program is:

- (1) Not eligible for federal financial aid; and
- (2) Likely to lead to paid employment, in accordance with:
 - (a) The work-eligible individual's transitional assistance agreement; and
 - (b) 921 KAR 2:370.

Section 10. Required Fees.

- (1) To the extent funds are available, the following payment may be made for a work-eligible individual in compliance with KWP requirements:
 - (a) A training registration fee;
 - (b) Financial aid application fee;
 - (c) Testing fee;
 - (d) Application fee required by a vocational school for a specified program;
 - (e) Liability insurance fee;
 - (f) Copy of records fee;
 - (g) Activity fee if mandated by the institution; or
 - (h) Other required fee.
- (2) Required fees shall not exceed \$400 per payment.

Section 11. Educational Bonus.

- (1) An educational bonus of \$500 per individual shall be paid to a KTAP adult or child who reports and verifies:
 - (a) Receiving a:
 - 1. High school diploma;
 - 2. GED certificate; or
 - 3. Postsecondary school certificate or degree; or
 - (b) Graduating from English as a second language (ESL) class.
- (2) A short-term training program shall not qualify for postsecondary education.
- (3) A KTAP adult or child shall be limited to only one (1) payment for:
 - (a) Receiving a postsecondary certificate or degree; or
 - (b) Graduating from an English as a second language (ESL) class.
- (4) A KTAP adult or child shall earn the diploma, certificate, or degree while receiving KTAP.
- (5) A KTAP applicant or recipient shall be advised of the educational bonus and be reminded of available work incentives:
 - (a) During application;
 - (b) At recertification; and
 - (c) Through periodic mailings.

Section 12. Restrictions on Authorization of Supportive Service Payments.

- (1)
 - (a) To verify an expense and authorize a supportive service payment, except as provided in Section 5 of this administrative regulation, the KW-32 form shall be completed.
 - (b) A KW-32 shall be valid for thirty (30) calendar days from the date issued by the cabinet.
- (2) A payment shall not be made for the period during which:
 - (a) A valid KW-32 form is not returned; or
 - (b) The work-eligible individual is:
 1. Penalized for noncompliance with a KWP activity, as specified in 921 KAR 2:370; or
 2. Ineligible.
- (3) A supportive service payment shall be issued in accordance with 921 KAR 2:050.

Section 13. Hearings and Appeals. An applicant or recipient of KWP supportive services who is dissatisfied with an action or inaction on the part of the cabinet shall have the right to a hearing in accordance with 921 KAR 2:055.

Section 14. Improper Payments. The cabinet shall recover the amount of an improper payment pursuant to KRS 45.237-241 and 205.211, including assistance paid pending the outcome of a hearing, from the claimant-payee.

Section 15. Incorporation by Reference.

- (1) The "KW-32, Authorization for Supportive Services Payments", 09/22, is incorporated by reference.
 - (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>.
- (20 Ky.R. 2285; eff. 3-14-1994; Am. 21 Ky.R. 131; eff. 8-17-1994; 2808; 7-26-1995; 24 Ky.R. 1166; 1733; eff. 3-16-1998; 25 Ky.R. 2006; 2621; 2911; eff. 6-16-1999; Recodified from 904 KAR 2:017, 7-8-1999; 26 Ky.R. 1724; 1978; eff. 6-12-2000; 29 Ky.R. 827; 1663; eff. 12-18-2002; 32 Ky.R. 775; 1114; eff. 1-6-2006; 35 Ky.R. 1341; eff. 3-11-2009; 36 Ky.R. 1372; eff. 3-5-2010; 37 Ky.R. 1901; eff. 4-1-2011; 42 Ky.R. 588; eff. 11-18-2015; 49 Ky.R. 918; 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.