

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

921 KAR 2:035. Right to apply and reapply.

RELATES TO: KRS 194A.060, 205.175, 205.177, 205.200(1), 205.240, 205.245, 45 C.F.R. 206.10, 42 U.S.C. 601-619, 52 U.S.C. 20506

STATUTORY AUTHORITY: KRS 116.048(1), 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 205.200, 205.240, and 205.245 require the Cabinet for Health and Family Services to administer the Kentucky Transitional Assistance Program (KTAP) and the State Supplementation Program (SSP) for persons who are aged, blind, or have a disability in conformity with the Social Security Act, 42 U.S.C. 601 to 619, and federal regulations. KRS 116.048 designates the cabinet as a voter registration agency in accordance with 52 U.S.C. 20506. This administrative regulation establishes policy and procedures necessary to apply for assistance and provide an eligible public assistance participant the opportunity to register, or to decline from registering, to vote.

Section 1. Right to Apply or Reapply.

- (1) An individual may apply or reapply for KTAP or SSP through the Department for Community Based Services (DCBS).
- (2) An application shall have been made on the date:
 - (a) An individual makes an application by telephone or online;
 - (b) An individual or the individual's authorized representative is in the DCBS office and signs an application form incorporated by reference in 921 KAR 2:040; or
 - (c) DCBS is contacted for special accommodations due to an impairment or disability.
- (3) If an individual is physically unable to come to the office to apply, the individual may:
 - (a) Designate an authorized representative to apply;
 - (b) Request a home visit to complete the application process; or
 - (c) Make an application by telephone or online.
- (4) The applicant may be:
 - (a) Assisted by an individual of the applicant's choice in the application process; and
 - (b) Accompanied by this individual in a contact with DCBS.
- (5) In accordance with 920 KAR 1:070, interpreter services shall be provided for persons who are:
 - (a) Deaf; or
 - (b) Hard of hearing.
- (6) Interpreter services shall be provided for a non-English speaking individual, utilizing procedures and forms established in 920 KAR 1:070.
- (7) The cabinet shall not discriminate against an applicant based on age, race, color, sex, gender, disability, religion, sexual orientation, national origin or ancestry, political beliefs, or reprisal or retaliation for prior civil rights activity.

Section 2. Who May Sign an Application.

- (1) Except for a case based on incapacity, an application for KTAP shall be signed by:
 - (a) The relative with whom a needy child lives;
 - (b) The legally appointed guardian of the relative; or

- (c) A representative authorized in writing to act on behalf of the relative.
- (2) An application for KTAP based on incapacity shall be signed by:
 - (a) An individual listed in subsection (1) of this section; or
 - (b) An interested party acting on behalf of the applicant.
- (3) An application for SSP shall be signed by:
 - (a) The individual who is aged, blind, or has a disability;
 - (b) An interested party;
 - (c) The legally appointed guardian for the individual who is aged, blind, or has a disability; or
 - (d) The representative payee receiving the Supplemental Security Income (SSI) benefit.

Section 3. Action on Applications.

- (1) A decision shall be made on an application and payment made within:
 - (a) Forty-five (45) days for KTAP or SSP pursuant to 45 C.F.R. 206.10; or
 - (b) Ninety (90) days for SSP determinations in which permanent and total disability shall be established.
- (2) Exception to this time standard may be made:
 - (a) If the applicant is unable to obtain necessary verification for a determination of eligibility; or
 - (b) For failure or delay, that cannot be controlled by DCBS, on the part of the applicant or examining physician.
- (3) The case record shall document the cause for the delay if the time standards are not met.
- (4) Failure to process an application within the time frame shall not be used as the basis for denial.

Section 4. Voter Registration. In accordance with KRS 116.048 and 52 U.S.C. 20506, an applicant or recipient shall be provided the opportunity to complete an application to register to vote or update his or her current voter registration in accordance with 921 KAR 3:030, Section 8.

Section 5. Disclosure of Information. Use or disclosure of information obtained from applicant households, exclusively for the program, shall be restricted pursuant to KRS 194A.060, 205.175, and 205.177.

(PA-71; 1 Ky.R. 1282; eff. 7-2-1975; Am. 6 Ky.R. 696; 7 Ky.R. 308; eff. 9-3-1980; 8 Ky.R. 1189; eff. 6-25-1982; 16 Ky.R. 241; eff. 9-20-1989; 17 Ky.R. 532; eff. 10-14-1990; 19 Ky.R. 1449; 1787; eff. 1-27-1993; 21 Ky.R. 2817; eff. 6-21-1995; 24 Ky.R. 978; 1519; eff. 1-12-1998; Recodified from 904 KAR 2:035, 10-30-1998; 40 Ky.R. 1504; 2302; eff. 5-2-2014; Cert eff. 4-2-2021; 49 Ky.R. 921; 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.