

106 CMR DEPARTMENT OF TRANSITIONAL ASSISTANCE

106 CMR 701.000: TRANSITIONAL CASH ASSISTANCE PROGRAMS GENERAL POLICIES

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701.000: Authority for the Department of Transitional Assistance

The Massachusetts Department of Transitional Assistance is created by M.G.L. c. 18, as amended. Under M.G.L. c. 18 and applicable federal law, the Department administers various programs established by General or Special Laws of the Commonwealth, by Executive Order of the Governor of the Commonwealth, by agreements with the United States Department of Health and Human Services (DHHS).

The rules, regulations, and policies of the Department are promulgated and implemented in accordance with M.G.L. c. 30A, as amended, and in accordance with other applicable General Laws of the Commonwealth. The regulations of the Department are found in 106 CMR.

Unless otherwise specified, the regulations found in 106 CMR 701.000 apply to TAFDC and EAEDC applicants and recipients.

701.050: Transitional Cash Assistance Programs Overview

The policies described in 106 CMR 701.000 are the basis for the administration and function of both the Transitional Aid to Families with Dependent Children (TAFDC) and Emergency Aid to the Elderly, Disabled and Children (EAEDC) programs; specific eligibility policies for TAFDC are found in 106 CMR 203.000: *Transitional Aid to Families with Dependent Children: Non-financial Eligibility* and 204.000: *Transitional Aid to Families with Dependent Children: Financial Eligibility* and specific eligibility policies for EAEDC are found in 106 CMR 320.000: *Emergency Aid to the Elderly, Disabled and Children: Categorical Requirements* and 321.000: *Emergency Aid to the Elderly, Disabled and Children: Financial Eligibility*.

701.100: Programs Administered by the Department

The various programs administered by the Department include the following:

- (A) Transitional Aid to Families with Dependent Children (TAFDC);

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- (B) State Supplement Program (SSP) to the Supplemental Security Income (SSI) program;
- (C) Emergency Aid to the Elderly, Disabled and Children (EAEDC); and
- (D) Supplemental Nutrition Assistance Program (SNAP).

The administrative and eligibility requirements of these programs are provided in the appropriate Department regulations. Benefits of programs other than the TAFDC and EAEDC programs that may be available to recipients, such as Emergency Assistance and SNAP benefits, are summarized in 106 CMR 701.000.

701.110: Limitation on Program Eligibility

(A) TAFDC and EAEDC-family recipients may receive Emergency Assistance (EA), MassHealth and SNAP benefits while on TAFDC or EAEDC. Any individual who is a recipient of TAFDC is not concurrently eligible for EAEDC, SSI, SSP or Veterans Services Benefits (VSB). Any individual who is a recipient of EAEDC is not concurrently eligible for TAFDC, SSI, SSP or VSB.

(B) An individual is ineligible for TAFDC if he or she:

- (1) is fleeing to avoid prosecution, custody or confinement after conviction, under the laws of the place from which the individual flees, for a crime or an attempt to commit a crime, on or after September 26, 1996, which is a felony under the laws of the place from which the individual flees, or which, in the state of New Jersey, is a high misdemeanor under the laws of such state; or
- (2) is violating a condition of probation or parole imposed on or after September 26, 1996 under federal or state law.

(C) An individual is ineligible for TAFDC and EAEDC if he or she has an outstanding default or arrest warrant against him or her issued by any court of the Commonwealth of Massachusetts.

(D) An individual convicted under federal or state law of a felony committed after August 22, 1996 that included the possession, use or distribution of a controlled substance is ineligible for TAFDC for 12 consecutive months following the individual's release from incarceration, unless exempt in accordance with 106 CMR 203.100: *Exemptions from Time-limited Benefit and Reduced Need and Payment Standards* or granted a Domestic Violence waiver in accordance with 106 CMR 203.100. An individual who did not serve a period of incarceration has no period of ineligibility.

(E) A family, or any member of a family where the grantee and the dependent child(ren) meet the relationship definition found at 106 CMR 203.585: *Relationship* are ineligible for EAEDC as a family or an individual, even if they are ineligible for TAFDC. A grantee who does not meet the Living Arrangement definition found at 106 CMR 203.595: *Living Arrangement* may be eligible for himself or herself, provided other EAEDC eligibility criteria are met.

A grantee who does not have a legal obligation to support the child(ren) in accordance with 106 CMR 321.230: *Circumstances Governed by Legal Support Obligations* may apply for or receive EAEDC pursuant to 106 CMR 320.100: *Elderly - 65 Years of Age or Older*, 320.200: *Disabled*, 320.250: *Participant in a Massachusetts Rehabilitation Commission Program* or 320.300: *Caring for the Disabled*.

701.200: The TAFDC and EAEDC Programs

The Transitional Aid to Families with Dependent Children (TAFDC) program provides financial assistance and a limited range of employment-related services to families with dependent children. The TAFDC program is subject to appropriation and is administered by the Department in accordance with M.G.L. c. 118, and other relevant statutes and the rules, regulations and policies specified in the following.

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The EAEDC Program is a program that provides financial assistance to qualified elderly and disabled persons, participants in MRC programs, certain families who meet the program requirements. Emergency Aid to the Elderly, Disabled and Children (EAEDC) is administered by the Department in accordance with St. 1991, c. 255 and the rules, regulations and policies specified in the following chapters and subject to appropriation.

The policies and standards for the TAFDC and EAEDC Programs are found in the appropriate Department regulations. Workers must cite the relevant regulations as support for case actions. The authoritative text of the regulations is that published by the Secretary of State of the Commonwealth of Massachusetts.

Copies of the regulations are available to the public for inspection at the Department's area offices.

701.210: Availability of Benefits

Benefits provided by the Department are available to eligible applicants and recipients on a statewide basis. The standards for determining financial eligibility and the amount of assistance are established on an objective and equitable basis.

701.220: Obtaining Benefits

Applicants and recipients obtain benefits through contact with the Department. It is the Department's responsibility to:

- (A) Advise applicants and recipients of all requirements and benefits of the program;
- (B) Advise applicants and recipients of their rights and responsibilities;
- (C) Respect the rights of applicants and recipients;
- (D) Determine eligibility and amount of the grant;
- (E) Advise applicants who are denied benefits of the availability of other Department programs for which they may be eligible;
- (F) Make necessary referrals for related benefits and services; and
- (G) Perform the auxiliary administrative activities required.

701.225: Prohibited Use of Benefits

A recipient shall not use cash assistance funds held on an electronic benefit card for the purchase of alcoholic beverages as defined in M.G.L. c. 138 § 1; lottery tickets or tobacco products as defined in M.G.L. c. 64C § 1; visual material or performances intended to create or simulate sexual conduct or sexual excitement as defined in M.G.L. c. 272 § 31; firearms and ammunition as defined in M.G.L. c. 140 § 121; tattoos or body piercings; jewelry; televisions, stereos, video games or consoles at rent-to-own stores; vacation services; gambling as defined in M.G.L. c. 23K § 2; and/or for the payment to the commonwealth or any political subdivision thereof for fees, fines, bail or bail bonds ordered by a court. Any cash assistance recipient found to have knowingly used cash assistance benefits in violation of 106 CMR 701.225 shall be required to reimburse the Department for the full amount of such use and may be subject to disqualification from the cash assistance program.

701.230: Social Security Numbers (SSN)

- (A) Requirements.
  - (1) Each applicant or recipient applying for TAFDC or EAEDC must provide a Social Security Number (SSN) as a condition of eligibility unless good cause exists in accordance with 106 CMR 701.230(C).

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(2) If an SSN cannot be provided for each applicant or recipient applying for TAFDC or EAEDC, the applicant or recipient must receive written verification from SSA stating that person for whom the SSN cannot be provided:

- (a) has applied for an SSN; or
- (b) has requested an already-existing SSN validated.

(3) TAFDC or EAEDC may not be denied, delayed or decreased pending the issuance or verification of an SSN if the applicant or recipient has complied with the requirements specified in 106 CMR 701.230(A) and (B).

(4) Each applicant or recipient applying for TAFDC or EAEDC who does not meet the SSN requirement must be excluded from the AU. An otherwise eligible applicant or recipient excluded from the AU for failing to meet the SSN requirements becomes eligible upon meeting these requirements.

(5) A temporary identification number shall be provided for an applicant or recipient who is an expectant mother in the 33<sup>rd</sup> week of pregnancy as a single grantee or a child younger than four months old. This number shall be valid for not more than three months. Failure to provide a valid SSN within three months shall result in the termination of the recipient's benefits until a valid SSN is provided and verified by the Department. 106 CMR 701.230(5) shall not apply to recipients who are present in the United States under one of the eligible noncitizen statuses as described in 106 CMR 203.675(A): *Eligible Noncitizen Status* or 320.620(A): *Eligible Noncitizen Status* or a victim of domestic violence who has a pending petition for legal status under the federal Violence Against Women Act.

(B) Verification.

(1) The Department will verify the SSN of each applicant or recipient applying for TAFDC or EAEDC by computer match with the SSA. SSA sources that verify the SSN include, but are not limited to, BENDEX Title II and Title XVIII data, Numident, State Data Exchange information and the enumeration process.

(2) For each household member for whom no SSN is provided, for whom an SSN cannot be verified by SSA computer match or for whom more than one SSN is verified by SSA computer match, the applicant or recipient must receive written communication from SSA, verifying that the household member has applied for an SSN, has applied to have an already-existing number validated, or has made every effort to supply SSA with the information necessary to apply for an SSN, or to apply to have an already-existing number validated.

Once the SSN is issued or validated, the Department will verify the SSN by computer match with SSA.

(C) Determining Good Cause.

(1) Good cause for failure to comply with 106 CMR 701.230(A) exists when there is documentary evidence or collateral information that the applicant or recipient has made every effort to supply SSA with the information necessary to apply for an SSN or to apply to have an already-existing number validated.

Good Cause must be verified monthly until the SSN is provided and verified by computer match with SSA in accordance with 106 CMR 701.230(A)(3).

(2) Good cause for failure to comply with 106 CMR 701.230(A) exists when a noncitizen indicates an unwillingness or inability to provide, or apply for, an SSN due to immigration status in accordance with 106 CMR 203.675: *Noncitizens*.

(D) Right to Know Uses of Social Security Numbers. The applicant or recipient has the right to know how the Department will use his or her SSN and the numbers of all members of the AU. At the time the applicant is given the application form and at reevaluation, he or she will also be given written notice on a form prescribed by the Department explaining the following:

- (1) the purposes for which the numbers are sought. The Department will use the SSN to prevent duplicate participation, to facilitate mass changes in benefits and to determine the accuracy of the information given by the applicant or recipient;
- (2) that the SSN(s) will be computer cross-checked with SSNs appearing in other personal data files;
- (3) what those files are, whether within the Department, in other governmental agencies or elsewhere. The Department will regularly use the SSN to obtain and use wage and benefit information from other sources for purposes of verifying eligibility for TAFDC or EAEDC and the amount of TAFDC or EAEDC. These sources include, but are not limited to, any federal or state agency, providers under contract with the Department, welfare departments in other states and banks and other financial institutions; and

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(4) an applicant or recipient who fails to meet the requirements in 106 CMR 701.230(A) must be excluded from the AU, unless good cause exists in accordance with 106 CMR 701.230(C)(1).

The Department need not obtain the prior approval of the applicant or recipient to acquire and use the information from the sources and for the reasons indicated in 106 CMR 701.230(D).

### 701.300: Rights of Applicants and Recipients

The policies of the TAFDC and EAEDC Programs must be administered in accordance with the rights guaranteed to applicants and recipients by Massachusetts and federal law, federal regulations, the policies of the Department and general principles of privacy and personal dignity. Applicants and recipients must be treated with consideration and respect and must be able to discuss their requests with a worker in privacy.

### 701.310: Right to Nondiscrimination and Equal Treatment

All activities conducted by the Department must be carried out in accordance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*), Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), the Americans with Disabilities Act of 1990, as amended, the Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 *et seq.*), and the Massachusetts Constitution. The Commonwealth of Massachusetts, Department of Transitional Assistance does not discriminate on the basis of race, color, sex, national origin, handicap or age in admission or access to, or treatment or employment in, its programs or activities. The Director of Equal Opportunity has been designated to help coordinate the Department's effort to comply with the U.S. Department of Health and Human Services' regulations (45 C.F.R. Parts 80, 84 and 91) implementing these federal laws. For further information about the regulations and the Department's grievance procedures for resolution of discrimination complaints, contact the Director of Equal Opportunity, Department of Transitional Assistance, 600 Washington Street, Boston, MA 02111.

Benefits under the TAFDC and EAEDC Programs must be provided to all applicants and recipients on an equal basis. All applicants and recipients must be treated in the same manner in determining whether they meet eligibility requirements, in calculating the amount of the grant, and in providing related benefits and referrals for services.

### 701.320: Right to Confidentiality

The confidentiality of information in the case record is protected in accordance with the provisions of 106 CMR 100.000: *General Provisions* through 108.000: *Fair Information Practices*.

Information in case records may be disclosed for certain purposes which do not violate this right to confidentiality.

### 701.330: Right to Information

The applicant or recipient or his or her designated representative has the right to inspect his or her own case record and to challenge information contained therein. The Department may correct inaccurate information in the case record pursuant to 106 CMR 106.000: *Fair Information Practices Objections*.

### 701.340: Right to a Fair Hearing

The applicant or recipient has the right to a fair hearing as set forth in 106 CMR 343.000: *Fair Hearing Rules*.

### 701.350: Right to Representation

The applicant or recipient has a right to be assisted, accompanied and, when accompanied, represented by an individual of his or her choice in contacts with the Department and in the various aspects of the eligibility process.

701.360: Right to Interpreter Services

An applicant or recipient has the right to interpreter services when English is not his or her primary language or when he or she uses American Sign Language (ASL). The Department shall:

- (A) inform applicants and recipients of this right, and
- (B) provide interpreter services when needed, unless the applicant or recipient prefers to bring his or her own interpreter.

701.370: Authorized Payee - Electronic Benefit Transfer (EBT)

An authorized payee is a person designated by the grantee to act on behalf of the grantee in withdrawing/debiting cash benefits from EBT when the grantee is unable. Cash benefits to the assistance unit through EBT shall be accessible by the grantee or by an authorized payee. The grantee may designate or change the authorized payee at any time. The grantee may have only one authorized payee at a time. Designation of the authorized payee shall be on a form prescribed by the Department.

701.380: Good Cause Criteria

(A) Good Cause Reasons. Good cause for failure to meet Department requirements including, but not limited to, TAFDC ESP participation, TAFDC time limit extension requirements, TAFDC Work Program requirements, EAEDC Division of Career Services participation, eligibility review appointments, for failure or refusal to accept a *bona fide* offer of employment, for a reduction in earnings from employment because of absences or for terminating employment may exist in one or more of the following situations:

- (1) Appropriate state-standard child care is totally unavailable, or unavailable during the applicant's or recipient's hours of training or employment, including additional commuting time, or arrangements for child care have broken down, been interrupted or not yet established due to no fault or delay of the applicant or recipient. State-standard child care is child care which is licensed or is exempt from licensure under M.G.L. c. 28A. Factors considered in determining whether child care is appropriate will include recommendations of the Office of Child Care Services or what a reasonable and responsible parent would consider in deciding whether a child care slot is appropriate, including the time required to travel to and from the provider and the recipient's home, work or other activities;
- (2) The applicant or recipient, a member of the applicant's or recipient's immediate family, or an individual whose relationship to the applicant or recipient makes it appropriate for the applicant or recipient to provide care or support during a crisis or emergency situation, suffers a family crisis or emergency situation or other compelling circumstance, that is beyond the control of the applicant or recipient and that:
  - (a) demands the applicant's or recipient's immediate attention; and
  - (b) can only be attended to by the applicant or recipient during the hours of his or her employment or scheduled Department requirement. A family crisis or emergency situation may include illness, injury, health conditions, hospitalizations or exacerbation of chronic illnesses that temporarily prevent participation, regardless of the applicant's or recipient's disability exemption status;
- (3) The employment or offer of employment is at a wage level below the applicable federal or state minimum wage laws;
- (4) The employment, offer of employment, or activity discriminates in terms of age, sex, race, religion, ethnic origin, or physical or mental handicap;
- (5) The employment involves conditions that violate applicable health and safety standards; or
- (6) The employment is available due to a strike or lockout.
- (7) The TAFDC recipient, who has currently requested a disability exemption and who is not eligible for presumptive disability benefits due to a previous denial, has a health condition or illness which prevents him or her from complying with the work program requirement, the requirements of a TAFDC EDP (Employment Development Plan), or work activities related to qualifying for a time limit extension.

An applicant who seeks to establish TAFDC eligibility pursuant to 106 CMR 203.530(G), must meet the requirements of 106 CMR 203.530(G).

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(8) For TAFDC Work Program and EDP purposes only, the hourly requirements were not met because:

- (a) The applicant or recipient does not have affordable and reliable transportation;
- (b) The applicant or recipient is participating in housing search; or
- (c) The applicant or recipient does not have an available and appropriate Department-identified Community Service site. The Department has the primary responsibility to locate a Community Service site for the applicant or recipient.

(9) Recipients whose verified temporary health issue is expected to last between 30 and 90 days will be granted good cause for failure to meet the work program requirement under 106 CMR 203.400: *Work Program*.

(B) Good Cause Verifications. Verification of good cause is required in 106 CMR 701.380(B)(1) through (10).

(1) Lack of available and appropriate state-standard child care shall be verified by a written, dated and signed statement from an appropriate official of the Department of Early Education and Care, stating that such services are unavailable during the hours of the applicant or recipient's employment or training. If there is a breakdown of such care not provided through a designated agency, a statement from the child care provider, or, if not available from the child care provider, a written, dated and signed statement from the applicant or recipient must be submitted.

(2) The occurrence of a family crisis, emergency situation or other compelling circumstances as described in 106 CMR 701.380(A)(2) shall be verified by a written, dated and signed statement from the applicant or recipient describing the family crisis, emergency situation or other compelling circumstances and a collateral contact with another individual or organization involved in such situation. To the extent possible, the collateral contact shall be with a third party who is not a family member.

(3) Employment, or an offer of employment, below the applicable federal or state minimum wage laws shall be verified by a written, dated and signed statement from the applicant or recipient and, if appropriate, by a collateral contact with the employer by the Department.

(4) Employment, offer of employment or activity for employment in which it is alleged that the employer discriminates on the basis of age, sex, race, religion, ethnic origin, or disability shall be verified by a dated and signed statement from the applicant or recipient and, if appropriate, by a collateral contact with the employer by the Department.

(5) Conditions that violate health and safety standards shall be verified by a written, dated and signed statement from the appropriate local, state or federal enforcement agency or board.

(6) A strike or lockout shall be verified by a written, dated and signed statement from the collective bargaining representative or the employer.

(7) The good cause reason described in 106 CMR 701.380(A)(7) may only be verified by a competent medical authority on a form prescribed by the Department which certifies that the applicant or recipient has a health condition or illness that will last longer than 90 days that prevents the applicant or recipient from meeting the work program requirement, requirements of a TAFDC EDP or work activities related to qualifying for a TAFDC time limit extension. The form will indicate the length of the good cause period. The good cause period, however, will end once the final disability determination is made by the agency or organization providing disability evaluation services. Verification by self-declaration is not acceptable.

(8) The good cause reason described in 106 CMR 701.380(A)(8)(a) shall be verified by supporting documents, and if necessary, a signed self-declaration.

(9) The good cause reason described in 106 CMR 701.380(A)(8)(b) shall be verified by a written, dated and signed statement from the agency which requires such housing search.

(10) The good cause reason described in 106 CMR 701.380(A)(8)(c) shall be verified by the Department.

(11) The good cause reason described in 106 CMR 701.380(A)(9) that prevents the recipient from meeting his or her work program requirement shall be verified by a competent medical authority's statement that indicates the duration of the period that the recipient cannot meet the work program requirement. The statement must be on the competent medical authority's letterhead and signed by the competent medical authority or on a form prescribed by the Department.

701.390: Department Obligations under Title II of the Americans with Disabilities Act (ADA)  
(42 U.S.C. 12131, et seq., 28 CFR 35.101, et seq.)

(A) Definitions.

(1) Disability under the ADA is defined as:

- (a) a physical or mental impairment which substantially limits one or more major life activities of an individual;
- (b) a record of having such impairment; or
- (c) being regarded as having such impairment.

The term, "disability," does not include psychoactive substance abuse disorder resulting from current illegal use of drugs.

(2) A qualified individual with a disability is an individual who meets the essential eligibility requirements for the receipt of services or participation in programs or activities provided by the Department with or without:

- (a) reasonable modifications to rules, policies, or practices;
- (b) the removal of architectural, communication, or transportation barriers; and/or
- (c) the provision of auxiliary aids and services.

An individual who poses a direct threat to the health and safety of others is not a qualified individual. An individual who is currently engaging in the illegal use of drugs when the Department acts on the a basis of such use is not a qualified individual.

(3) The phrase "physical or mental impairment" means:

- (a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin and endocrine; and
- (b) Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional, or mental illness and specific learning disabilities.

(4) Major life activities include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(B) No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the Department, or be subjected to discrimination by the Department.

(C) The Department, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements on the basis of disability:

- (1) Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service;
- (2) Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;
- (3) Provide a qualified individual with a disability with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;
- (4) Provide different or separate aids, benefits, or services to individuals with disabilities than is provided to others unless such action is necessary to provide qualified individuals with disabilities with aids, benefits, or services that are as effective as those provided to others; and
- (5) Otherwise limit a qualified individual with a disability in the enjoyment of any right, privilege, advantage or opportunity enjoyed by others receiving the aid, benefit or service.

(D) The Department shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the Department can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

701.395: Learning Disabilities: Screening, Assessment, Sanction Relief and Extensions

When an EDP is created or revised, except when the revision is related solely to the provision of support services, when eligibility reviews are conducted and when transition plans or extension agreements are developed, recipients age 16 and older shall be given the opportunity for a free screening for learning disabilities. This opportunity should be offered orally and in writing. Individuals who are not ESP participants may also participate in a screening. Participation in the screening and assessment process is strictly voluntary.



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(A) If the results of the screening indicate that the individual has a potential learning disability and the individual wishes to, or is required to, participate in an Employment Services Program (ESP) component, the Department will offer the individual an opportunity for an assessment. If this offer is accepted, the individual will be referred to the appropriate provider. An individual who does not wish to participate in an ESP program and wishes an assessment must be referred to the Massachusetts Rehabilitation Commission (MRC).

(B) Pending completion of the assessment, DTA will assist recipients in participating in their current activity or in starting a new ESP activity such as vocational rehabilitation services.

(C)(1) If a recipient is sanctioned (or is notified of the Department's intention to sanction) under 106 CMR 207.200: *Failure to Meet Employment Development Plan (EDP) Requirements or the Work Program Requirements* for failure to comply with an EDP or the work requirement regarding participation in an education or training program, community service, vocational rehabilitation or a structured/supported work program and the recipient:

- (a) claims that his or her learning disability caused the failure;
- (b) participates in the screening and a potential learning disability is indicated; and
- (c) agrees to participate in and complete a learning disability assessment,

the sanction will be held in abeyance pending the outcome of the assessment. The Department will notify the recipient of this action in writing. If the individual is determined to have a learning disability that requires a reasonable accommodation to participate in ESP, the pending sanction will be expunged.

(2) If any of the conditions of 106 CMR 701.395(C)(1) are not met or:

- (a) the individual fails to cooperate with the assessment process;
- (b) the individual refuses to participate in an ESP program when effective accommodations are possible and have or will be made;
- (c) the assessment results find that there is no learning disability or one that requires accommodation in the ESP program; then

the sanction can proceed subject to DTA appeal rights as described in 106 CMR 343.000: *Fair Hearing Rules*.

(3) If effective accommodations for the sanctioned individual (or an individual who has received a notice of DTA's intent to sanction) can be implemented, DTA may require the individual to work with his or her current program or start a new program prior to the completion of the assessment process. The Department shall take into consideration the recipient's placement preference and whether the new placement provides the same kind of services that the participant had previously selected.

(D) If a recipient who has a learning disability has received an extension under 106 CMR 710.210(A) in order to complete an education or training program in which he or she is enrolled prior to reaching the time limit, under the ADA accommodation process that recipient may request and receive additional extensions if he or she needs more time to complete the program because of a learning disability.

(E) Program participants will be informed orally and in writing that if they provide DTA with documents that show a diagnosis of a learning disability, and that provide adequate information upon which to determine appropriate reasonable accommodations, DTA will accept these documents as a basis for determining whether they are entitled to ADA reasonable accommodations and/or modification to DTA policies, practices and procedures.

If the Department determines that such documents do not adequately establish the diagnosis of a learning disability or do not adequately provide information upon which to determine appropriate reasonable accommodations, the Department will offer the recipient the opportunity to participate in the screening and assessment process.

#### 701.400: Overview of Responsibilities of Applicants and Recipients

The applicant or recipient has specific responsibilities as described in 106 CMR 701.410 through 701.440.

701.410: Responsibility for Providing Verifications

To establish eligibility for TAFDC or EAEDC, the applicant or recipient must meet categorical and financial eligibility factors. He or she must submit required verifications to demonstrate that these eligibility factors have been satisfied. Rules concerning responsibility for providing verifications are found in 106 CMR 702.300 through 702.340.

701.420: Responsibility for Notification of Changes

The applicant or recipient is required to report to the Department within ten calendar days any changes in his or her circumstances that may affect his or her eligibility or the amount of the grant.

The Department shall periodically notify the applicant or recipient of this responsibility.

701.430: Responsibility for Furnishing Information

The applicant or recipient must provide information in response to requests from the Department's workers and its Quality Control staff if such information is requested for purposes of program administration.

701.440: Responsibility for Cooperating in the Eligibility Determination Process

The recipient is responsible for keeping appointments scheduled by the Department for the purpose of reviewing eligibility. Failure to be present for a scheduled appointment constitutes failure to cooperate in the eligibility review process and renders the recipient ineligible unless he or she contacts the worker before or on the date of the appointment to reschedule.

The rescheduled appointment must be conducted within ten calendar days of the original appointment. Failure to keep such appointments shall constitute failure to cooperate in the eligibility review process unless the recipient contacts the worker prior to the appointment and one of the following applies:

- (A) the appointment conflicted with the recipient's working hours; or
- (B) illness of the grantee or other immediate family member prevented the grantee from keeping the scheduled appointment.

Assistance shall be terminated upon proper notification when the worker is unable to complete the eligibility review due to lack of response to the appointment notice.

If the recipient subsequently completes the eligibility review process within 30 calendar days of the termination date, the worker shall determine eligibility based upon information submitted during the process and within the 30-calendar-day period following the termination date.

If the recipient is determined to be eligible, assistance shall be authorized as of the date of the appointment if the verifications demonstrate eligibility as of this date, or the date on which all eligibility factors were met, whichever is later.

701.450: Electronic Benefit Cards

- (A) Requirements. The individual authorized to access the assistance unit's grant shall have an Electronic Benefit Card issued by the Department. This individual may be the grantee who receives a grant for an assistance unit, an ineligible grantee or an authorized payee. When a Electronic Benefit Card is issued to someone other than the grantee, the Electronic Benefit Card shall contain both the name of the grantee and the name of the individual authorized to access the grant for an assistance unit. If requested by the grantee, an Electronic Benefit Card may be issued to both him or her and the individual authorized to access the grant for an assistance unit.

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(B) Emergency Electronic Benefit Cards. Emergency Electronic Benefit Cards shall be issued to the grantee who receives a grant for an assistance unit, or the authorized payee, when the Department is unable to issue an initial or replacement Electronic Benefit Card because the Department's card issuance system is not functioning. The Emergency Electronic Benefit Card shall be valid for five days.

701.510: TAFDC Time Standards for Department Action

(A) The time standard required for Department action on a TAFDC case is the number of days within which the Department must complete the action necessary for the provision of the benefit. Benefit delivery time is counted in consecutive calendar days beginning on the day after request for the benefit, and includes the day when the benefit is provided, or a voucher is issued, or a third party is authorized to provide the benefit. Issuance of temporary MassHealth cards is measured in working days.

(B) A request for a benefit may be made orally or in writing by a recipient or by a person acting on his or her behalf. The request, whether oral or written, must be recorded or documented in the case record. The date the request is received must be recorded. When the request is for replacement of a lost or stolen check, the date of the request is the date the recipient signs a Statement of Loss Form (FCB-1).

A request may be made to any of the following individuals: the worker assigned to the case, the supervisor of the worker assigned to the case, the Assistant Director or the Director.

(C) In all cases, the time standard is the maximum time period allowed provided the recipient furnishes the required verification; however, the service or benefit must be provided as soon as possible. The allowable time periods for providing benefits to eligible recipients are extended by the number of days, if any, that a recipient is late in providing verification. Any delay must be recorded in the case record.

(D) If a recipient requests a benefit in advance, and the deadline for Department action falls before the date the benefit is needed, then action is deferred until, but not beyond, the date the benefit is needed.

(E) Failure to provide delivery of a benefit within the allowable time period does not relieve the Department of its obligation to provide the benefit.

701.520: TAFDC Time Standards for Verification

(A) Except in cases of immediate need (*See* 106 CMR 702.125: *Application Activities*) and Emergency Assistance (*See* 106 CMR 309.000: *Emergency Assistance*), no benefit may be provided unless all required verifications are present in the case record. If verification is required prior to the provision of a benefit, the recipient must be immediately notified of the specific verification requirements, the time period for such verification, and the effects of late or missing verification.

(B) "Immediate notification" means one of the following:

- (1) Hand delivered written notice on the date of receipt of a face-to-face request for a benefit;
  - (2) Notice mailed immediately and in no case later than three calendar days of receipt of a mailed request for a benefit; or
  - (3) Oral notice on the date of receipt of a telephone request for a benefit, followed by written notice immediately and in no case later than three calendar days.
- No written notice is required if the request is for a Temporary MassHealth Card.

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(C) Upon notification, the recipient must provide the required verification in a timely manner, as set forth in 106 CMR 701.530: *TAFDC Table of Time Standards*. Recipient verification time is counted in consecutive calendar days beginning on the day after the Department hand delivers or mails notification of verification requirements, and including the day when the last item of required verification is received by the Department. If Department notice to the recipient is late, the time period for verification is counted from the actual date of notification. Failure to provide the required verification within applicable time periods will postpone the date on which the Department can provide the benefit. However, if the Department fails to notify the recipient of verification requirements, the time period for Department action will not be extended.

(D) Where a recipient is late in providing required verification, but does so within 30 days of notification (or 45 days for TAFDC-Related Services), the request must be processed. If timely and adequate notice has been given, and verification has not been provided by the end of 30 days (or 45 days for TAFDC-Related Services) after it was requested, or if verification provided establishes that the recipient is not eligible, the benefit must be denied. The recipient retains the right to reapply.

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701.530: TAFDC Table of Time Standards

The time standards which apply to the benefits authorized by the TAFDC Program are given below.

BENEFITS	MANUAL REFERENCE	RECIPIENT VERIFICATION TIME FROM DATE OF DEPARTMENT NOTICE	DEPARTMENT BENEFIT DELIVERY TIME (FOR TIMELY VERIFICATION) FROM DATE OF REQUEST FOR BENEFITS
(A) Voucher	106 CMR 309.000	Varies by Benefit	Varies by Benefit
1. Emergency Assistance			
2. Advance on Lost and Stolen Check Replacement:	106 CMR 706.530: Immediate Assistance Pending Replacement		
Uncashed Checks		N/A	7 calendar days (to issuance of voucher)
Cashed Checks		N/A	14 calendar days (to issuance of voucher)
(B) Replacement of Lost and Stolen Check	106 CMR 706.510: Authorization of a Replacement Check		
Uncashed Checks		N/A	12 calendar days (to issuance of check)
Cashed Checks		N/A	26 calendar days (to issuance of check)
(C) Issuance of temporary MassHealth	106 CMR 702.125: Application Activities	next working day	Next working day (to issuance of check)
(D) Case Maintenance	106 CMR 702.400:		
1. Change of Address	Case Maintenance	eight calendar days if verification is necessary (see 106 CMR 701.410)	14 calendar days (to entry on file)
2. Increase in Grant	Case Maintenance	ten calendar days	19 calendar days (to entry on file)
(E) TAFDC-Related Services	106 CMR 705.000	26 calendar days	45 calendar days

\* The period must be the number of days, if less than seven, necessary to avoid any serious and imminent risk to the health and safety of the applicant or recipient which might arise from failure to act until the full seven days have elapsed.

701.600: Definition of Terms

Certain terms have a specialized meaning in the administration of the TAFDC or the EAEDC Program. 106 CMR 701.600 provides a brief definition of these terms and, when appropriate, a manual reference where a more complete definition may be found.

Terms which are used according to their standard dictionary definitions are not included.

Appeal. An appeal is a written request for a fair hearing on an action proposed or taken by the Department or on the Department's failure to act. Manual Reference: 106 CMR 702.600, 343.000.

Assets. Assets are objects of value, not defined as income herein, such as personal property, real estate, automobiles, life insurance, cash and bank deposits, securities, and certain other items. Manual Reference: 106 CMR 204.100, 321.100.

Assistance Unit. The assistance unit is composed of those persons whose needs are considered in determining eligibility and the amount of the grant, and who are eligible to receive TAFDC or EAEDC benefits. All persons required to be in the assistance unit must be included in the filing unit. Manual Reference: 106 CMR 204.300, 204.305, 204.320, 321.310.

Auxiliary Activities. Auxiliary activities are those administrative actions necessary to ensure that the benefits authorized for eligible recipients are provided in a timely and accurate manner. Manual Reference: 106 CMR 706.000.

Case Record. The case record is the permanent collection, in written form, of the information necessary for determining eligibility and providing benefits and referrals for services. Manual Reference: 106 CMR 702.410.

Child of Mandatory Full Time School Age. A child who has turned age six, or begun first grade, whichever is later. Manual Reference: 106 CMR 203.400.

Child of Record. In the TAFDC Program, the Child of Record is the youngest child of a grantee as specified in 106 CMR 701.600, or the youngest child in the household of an ineligible grantee who has a legal obligation to support the child, or of a dependent child who is a parent even if the grantee is not receiving assistance for his or her own children when the Family Cap date is established. Manual Reference: 106 CMR 203.300.

Competent Medical Authority. In certain situations, verification by an appropriate competent medical authority is required.

For TAFDC and EAEDC, a competent medical authority is a physician, osteopath, nurse practitioner or psychologist licensed by the Commonwealth of Massachusetts, including a physician or psychiatrist from a Veterans Administration Hospital or clinic or from a Massachusetts Department of Mental Health facility or, for the limited purpose of diagnosing pregnancy and pregnancy-related incapacity, a nurse-midwife who meets the educational and certification requirements mandated by state law and/or regulations.

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Dependent Child.

(1) In the TAFDC program, a dependent child is a child who is under the age of 18; or under the age of 19 if the child is a full-time student in grade 12 or below, in a school not beyond the secondary level or a vocational or technical training program of the equivalent level designed to lead to gainful employment, and the child is expected to graduate or complete the course of study or training before his or her 19<sup>th</sup> birthday.

(2) In the EAEDC program a dependent child is a child who is younger than 18 years of age and living with the caretaker as defined in 106 CMR 320.400(1)(c).

(3) The term, dependent child, as used throughout 106 CMR regulations is understood to include the plural. Manual Reference 106 CMR 203.560, 320.400.

Disabled Adult. An individual younger than 60 years of age in the TAFDC program or under the age of 65 in the EAEDC program who meets the Department's medical and/or vocational standards as determined by the agency or organization under contract/agreement with the Department to provide disability evaluation services. In order to be considered disabled, an adult must meet specific medical criteria established by the Department for the program for which they are applying or receiving. In addition, an applicant or recipient shall be considered disabled if he or she is in receipt of Supplemental Security Income for the disabled or Social Security benefits for the disabled. Manual Reference: 106 CMR 203.100, 203.530, 320.200, 320.210, 320.220

Disabled Child-TAFDC. A child in receipt of SSI or SSP. Manual Reference: 106 CMR 203.100

Elderly Person-EAEDC. A person age 65 or older who meets the requirements for eligibility for the EAEDC program. Manual Reference: 106 CMR 320.100

Eligibility Process. The eligibility process consists of those activities that are required in all cases as part of the basic provision of benefits. These activities include the application for assistance, eligibility reviews and case maintenance activities, and notification and appeal provisions. Manual Reference: 106 CMR 702.000

Eligibility Review. An eligibility review is a periodic reevaluation of eligibility. An eligibility review is sometimes referred to as a redetermination. Manual Reference: 106 CMR 702.200

Exempt Assistance Unit-TAFDC. A TAFDC exempt assistance unit is one which meets the requirements of 106 CMR 203.100 and is not subject to the reduced Need and Payment Standards, or Time-Limited Benefits and may or may not be subject to an Employment Development Plan. Manual Reference: 106 CMR 203.100

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Fair Hearing. A fair hearing is a proceeding conducted by an impartial officer of the Division of Hearings to review an action proposed, taken or not taken by the Department, which has been appealed. Manual Reference: 106 CMR 343.110

Family Cap Date-TAFDC. The Family Cap Date is established for simplicity of administration in identifying those children born after the child of record. Manual Reference: 106 CMR 203.300

Filing Unit. The filing unit is composed of those persons whose income and assets must be considered in determining eligibility and the amount of the grant for the assistance unit, regardless of whether they were included in the assistance unit. Manual Reference: 106 CMR 204.300, 204.310, 321.300, 321.320

Full Employment Program Wages-TAFDC. The gross wages a Full Employment Program participant receives directly from his or her Full Employment Program employer. Manual Reference: 106 CMR 207.180

Grant. The grant is the total amount of financial assistance that an assistance unit is eligible to receive. Manual Reference: 106 CMR 204.500, 321.500

Grantees. Adults who are included in the grant, or who are not included in the grant because of a sanction. In a two-parent household, both parents are considered grantees. A grantee who is sanctioned does not become an ineligible grantee. Such individuals are considered sanctioned grantees. An adult who meets the definition of a dependent child shall not be considered a grantee.

Home Visit. A home visit is a visit to the home of the applicant or recipient by the worker for purposes of determination or review of eligibility.

Household. The household is the total group of persons who live together. The assistance unit, the filing unit, and the household may or may not be the same group of persons. Manual Reference: 106 CMR 204.300, 321.300

Income. Income is any money, goods, or services, not defined as assets herein, received from any source, such as salaries, wages, tips, bonuses, annuities, free shelter or utilities. Manual Reference: 106 CMR 204.200, 321.200

Ineligible Grantee. Adults who receive a grant on behalf of a dependent child, but who are not themselves included in the grant, such as an SSI parent or an aunt, grandparent, *etc.* Other provisions of the TAFDC program, such as the Family Cap, apply to an ineligible grantee who has a legal obligation to support a dependent child. However, sanctioned grantees are not considered ineligible grantees.

Nonexempt Assistance Unit-TAFDC. A TAFDC nonexempt assistance unit is one which does not meet the requirements of 106 CMR 203.100 and is subject to the reduced Need and Payment Standards, Time- Limited Benefits and may be subject to the Employment Development Plan and/or the Work Program requirements. Manual Reference: 106 CMR 203.100

Notice. Notice is a written statement of an action proposed or taken by the Department, including the reasons for the action, an appropriate citation to these regulations, and an explanation of the individual's right to appeal. Timely notice is mailed in advance of the date the proposed action is effective, or in specific cases, no later than the date the action is effective. Manual Reference: 106 CMR 343.140, 343.200, 343.210, 702.500

Related Benefits. Related benefits are benefits other than the grant that are authorized by the TAFDC program. Manual Reference: 106 CMR 705.000

Sanctioned Grantees. Adults who would be included in the TAFDC grant except that they are in a sanction status, such as a grantee who has failed to cooperate with the Child Support requirements or failed to comply with his or her Employment Development Plan.



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Standards of Eligibility-TAFDC. The Standards of Eligibility are used to determine financial eligibility in the 185% Test of Eligibility for exempt and nonexempt assistance units. Manual Reference: 106 CMR 204.260, 204.400, 204.405

Standards of Need-TAFDC. The Standards of Need are used to determine financial eligibility in the Second Test of Financial Eligibility and is also used to determine the amount of the monthly grant. Manual Reference: 106 CMR 204.260, 204.410, 204.415

Standards of Payment-TAFDC. The Standards of Payment are the maximum amount that an assistance unit may receive as a monthly grant. Manual Reference: 106 CMR 204.420, 204.425, 204.500

Standards of Assistance-EAEDC. The standards of assistance are the maximum amount that an assistance unit may receive as a monthly grant. Manual Reference: 106 CMR 321.420

Teen Parent. A TAFDC grantee or dependent child under the age of 20, who is a parent, or who, if she has no other children, is pregnant with a child expected to be born in the current month or within the three-month period following the current month. Manual Reference: 106 CMR 203.600

Vendor Payments. Vendor payments are payments that are made directly to a provider of goods or services on behalf of a recipient of TAFDC or EAEDC. Vendor payments include protective payments made because of mismanagement of funds. Manual Reference: 106 CMR 706.600

Verification. Verification is the process of ensuring the validity of a statement or circumstance for purposes of determining or reviewing the eligibility of an applicant or recipient. Manual Reference: 106 CMR 702.300

Voucher. A voucher is a Department form authorizing a vendor payment. Manual Reference: 106 CMR 706.600

REGULATORY AUTHORITY

106 CMR 701.000: M.G.L. c. 18.