

**EOHHS Listening Session on Welfare Reform.**  
**Testimony presented by Ruthie Liberman, V.P. for Public Policy, Crittenton Women's Union**  
**October 28, 2015**

Secretary Sudders and members of the Committee, thank you for this opportunity to comment on the Welfare Reform bill passed in 2014. My name is Ruthie Liberman and I am the Vice President for Public Policy at Crittenton Women's Union. CWU is a non-profit poverty disrupting organization. We are nationally recognized for our metric-based, mentor-led roadmap that is enabling thousands of families to cross the economic divide. At CWU, we provide transitional housing to homeless families, skills training and family support services to more than 1,400 people a year. We also conduct research and advocate for social policy changes that help remove barriers to the pathway out of poverty.

Many, if not all, the positive aspects of the bill have already been implemented and are assisting TAFDC families including:

- TAFDC Work Related Expense Deduction Increased to \$150 per month
- TAFDC Eligibility for Pregnant Teens Expanded to beginning of pregnancy
- TAFDC Asset Rules for Vehicles raised fair market value treated as non-countable to \$15,000 and other changes
- The new law allows recipients to meet the TAFDC work requirement through participation in a post-secondary certificate or degree program for up to 24 months

The two major sections of the bill still undergoing regulatory review pertain to a new "applicant job search requirement" and a change to the disability standard to be used for the TAFDC program. The regulations proposed in these two areas are cause for significant concern and we believe, would pose harm to children whose families require cash assistance to meet basic daily needs such as shelter, transportation, medications, heat and water, clothing and more. Furthermore, we believe that these new requirements will lead to the unintended destabilization of families leading to increased family homelessness.

**Applicant job search requirement**

We are strongly opposed to any requirement for the applicant to provide proof of job search prior to approval for benefits. Applicants are typically destitute, without funds to pay for phone calls or transportation, let alone child care, in order to conduct a job search. We believe the DTA plan violates the intent of the provision, which was initially adopted by the House using language proposed by Chairman Cabral. He is clear that the intent was to allow applicants 30 days after benefits are approved to meet the job search requirement. When proposing this language, the Chairman was aware that in the only other state that requires applicant proof of jobs search, Pennsylvania, the denial rate for applications increased from fifty to eighty percent.



Legislators were assured during discussions of the welfare bill that the applicant job search requirement was not intended to be onerous, and that only 2 or 3 job contacts would be required. Implementation should conform to the information provided to legislators. Furthermore, DTA should provide assistance and adopt systems so that this requirement does not operate as a barrier to children's receipt of critical assistance. Among other things, DTA should provide job search assistance to recipients at the local DTA office including the use of DTA computers, phones, photocopiers and faxes. DTA should also identify applicants with language limitations, cognitive impairments, lack of computer skills and other limitations that warrant special help or a good cause exception to the applicant job search requirement.

### **Disability Standard**

Crittenton Women's Union suggests that EOHHS not replace the current standard for TAFDC disability exemptions with the Supplemental Security Income (SSI) medical standards, but instead resume work already started to update DTA's medical standards to current medical knowledge. The SSI standards are not the appropriate measure for a disability exemption from the TAFDC work requirement and time limit, because the TAFDC program is intended to meet the needs of the Commonwealth's poorest children and the SSI program provides benefits to low income individuals with disabilities. Rather than replacing DTA's medical standards which will result in loss of benefits to a substantial number of the Commonwealth's poorest children, DTA should engage professionals with the appropriate expertise to update the existing standards.

Using the SSI standards as the measure for TAFDC disability exemptions will deny exemptions to parents and other caregivers who cannot consistently support their families through work due to a disability. Modifying the durational aspect of the SSI standard to cover disabilities expected to last between 90 days and one year (as DTA has proposed) would still deny exemptions to many parents who qualify as disabled or would qualify as disabled under the current state standard. The result will be loss of TAFDC to children whose need will not have decreased simply because there is a changed disability standard. To protect these children, DTA should keep its medical standards less stringent than the SSA disability standards, in recognition of the inherent differences in the purposes of the TAFDC and SSI programs.

### **Work already undertaken to review DTA's medical standards**

Substantial work has already been done to review DTA's medical standards. In 2009, DTA asked Disability Evaluations Services (DES) to review DTA's medical standards. DES, which is part of the University of Massachusetts' Medical School, makes disability determinations for the TAFDC and EAEDC programs. DES also reviews disability claims for the MassHealth program. Through the disability determination reviews, DES has extensive knowledge of both the DTA medical standards and the SSI medical standards.

A summary of the work already done to review DTA's medical standards is outlined below:

- In 2009, the Legislature required DTA to report on “the extent to which [DTA’s medical standards] reflect current medical and vocational criteria.”<sup>1</sup> To respond to this legislative mandate, DTA asked DES staff to review each of DTA’s 52 medical standards, resulting in a 142-page report dated November 4, 2009. DES staff who worked on the review included a physician, psychologist, and several nurses. DES assessed four aspects of each medical standard: (1) whether the standard lacks specificity; (2) whether the standard is medically outdated; (3) how the standard compares to the corresponding SSA listing; and (4) whether the standard lacks functionality (i.e., whether it sufficiently defines how the given disease or disorder impacts functioning).
- Also in November 2009, at DTA’s request, DES assembled a team of experts (both from DES and external experts) who conducted an in-depth review of the DTA medical standard for Affective Disorders.<sup>2</sup> DES’ Executive Summary explains that the purpose of the review was to recommend revisions to the Affective Disorders standard to make it consistent with current medical knowledge and better linked to functional standards. DES’ report notes that in order to implement the revisions, a period of testing and training would be required.

### **Disability Recommendation**

DTA should act on the work that has already been done to review and update its medical standards as necessary to ensure that the standards are consistent with current medical knowledge. DTA and DES could undertake this work on a rolling basis, reviewing the standards and proposing changes to the regulations as listings are reviewed, rather than attempting to review and update all 52 listings at once. In undertaking such a review, the premise should be that the DTA medical standards should be less stringent than the SSA disability standards, recognizing the inherent differences in the purposes of the TAFDC and SSI programs.

Thank you for this opportunity to share our recommendations.

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<sup>1</sup> The legislative mandate was included in the Fiscal Year 2010 budget, in line item 4403-2000 (13<sup>th</sup> proviso).

<sup>2</sup> The review of the Affective Disorder standard had financial support from a Massachusetts Infrastructure and Comprehensive Employment Opportunities grant.

