

# KANSAS LEGISLATIVE RESEARCH DEPARTMENT

68-West–Statehouse, 300 SW 10th Ave.  
Topeka, Kansas 66612-1504  
(785) 296-3181 ♦ FAX (785) 296-3824

kslegres@klrd.ks.gov

<http://www.kslegislature.org/klrd>

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## PROPOSED REVOCATIONS

Agency	Reference	Title	Text
Department for Children and Families	KAR 30-4-90	Eligibility factors specific to the GA program.	<p>(a) To be eligible for GA, each applicant or recipient shall meet the applicable general eligibility requirements of K.A.R. 30-4-50 and the following specific eligibility requirements:</p> <p>(1) Each applicant or recipient shall be ineligible for GA under any of the following circumstances:</p> <p>(A) The applicant or recipient is eligible for a federal cash program.</p> <p>(B) The applicant or recipient has been denied or rendered ineligible for a federal cash program due to a voluntary action on the part of the applicant or recipient.</p> <p>(C) The applicant or recipient has been determined ineligible for or has been denied social security disability benefits, unless both of the following conditions are met:</p> <p>(i) The individual is exercising appeal rights at any level through the appeals council. In this case, the individual may receive assistance until social security disability benefits are awarded or until the individual is denied either disability benefits or consideration by the appeals council.</p> <p>(ii) Credible, competent medical evidence exists, as determined by the social security administration or by an entity designated by the social security administration or the state of Kansas to make the determination that the individual is disabled as defined in title XVI of the social security act and is unable to engage in employment.</p> <p>(D) The applicant or recipient does not have a medically determinable severe impairment, as defined in title XVI of the social security act, as determined by the social security administration or by an entity designated by the social security administration or the state of Kansas to make this determination.</p> <p>(2) Each applicant or recipient is disabled or has a medically determinable severe impairment, as defined in title XVI of the social security act, as determined by the social security administration or by an entity designated by the social security administration or the state of Kansas to make this determination.</p> <p>(3) The needs of the applicant or recipient and the spouse of the applicant or recipient shall be included in the same assistance plan, if the applicant or recipient and the spouse are living together, except for persons who are not otherwise eligible. In determining eligibility, the needs of each of the following persons in the family group who are not otherwise eligible shall be excluded while the resources of those persons shall be included, unless the resources are specifically exempt:</p> <p>(A) Any SSI recipient;</p> <p>(B) any person denied assistance based on the provisions of K.A.R. 30-4-50 (c) or (d);</p> <p>(C) any person who is ineligible due to a sanction; and</p> <p>(D) any alien who is ineligible because of the citizenship and alienage requirements or sponsorship</p>

Agency	Reference	Title	Text
Department for Children and Families <i>continued</i>	KAR 30-4-90 <i>continued</i>		<p>provisions.</p> <p>(b)(1) A presumptive eligibility determination shall be made for each person who is being released from Osawatomie state hospital, rainbow mental health facility, Larned state security hospital, or Larned correctional mental health facility, in accordance with an approved discharge plan. Minimally, the presumptive determination shall be based on available information concerning the person's income and resources. The general eligibility requirements of K.A.R. 30-4-50 may be waived until a formal eligibility determination is completed. The time limit specified in subsection (e) of this regulation shall be waived for the period during which assistance is provided in accordance with paragraph (b)(2) of this regulation.</p> <p>(2) The assistance provided shall equal 100 percent of the applicable GA budgetary standards, and the requirements of K.A.R. 30-4-140 (a)(1) shall be waived. The assistance shall not extend beyond the month of discharge and the two following months, except that the assistance may be extended by the secretary beyond the three-month limitation for good cause.</p> <p>(c) Each applicant or recipient who refuses to authorize the department to file for and claim reimbursement from the social security administration for the amount of GA provided to the individual, pending a determination of eligibility for the supplemental security income program, shall be ineligible for GA.</p> <p>(d) Each applicant or recipient who fails or refuses to cooperate with legal counsel or any other entity assigned by the agency or retained by the applicant or recipient to aid, advise, assist, or represent the applicant or recipient with regard to applying for and securing social security disability benefits shall be ineligible for GA.</p> <p>(e) Assistance under this regulation shall be limited to a lifetime maximum of 18 calendar months, or a time frame to be determined by the secretary. This determination shall be based on the level of appropriations received for the program.</p> <p>(f) The lifetime maximum of 18 calendar months or the time frame established by the secretary shall not apply if the GA recipient is also receiving Medicaid benefits and one of the following conditions is met:</p> <p>(1) The individual's initial application for social security disability benefits is still pending the initial determination or is currently on appeal. If the individual is otherwise eligible and is either awaiting the initial determination or exercising appeal rights at any level through the appeals council, the individual may receive assistance until social security disability benefits are awarded or until the individual is denied either disability benefits or consideration by the appeals council.</p> <p>(2) The individual has reapplied for social security disability benefits and establishes by credible, competent medical evidence, as determined by the social security administration or by an entity designated by the social security administration or the state of Kansas to make such a determination, either that a new impairment exists or that the existing impairment has increased in severity since the individual originally applied for social security disability benefits. The individual may receive assistance until social security disability benefits are awarded or until the individual is denied either disability benefits or consideration by the appeals council.</p> <p>(g) This regulation shall be effective on and after July 1, 2009.</p>

Agency	Reference	Title	Text
Department for Children and Families	30-4-120	Special needs for applicants and recipients of TAF.	<p>(a) The expenses for the following special needs shall be added to the basic and shelter standards as outlined in K.A.R. 30-4-100 to compute the budgetary requirements for applicants and recipients under the conditions as specified.</p> <ul style="list-style-type: none"> <li>(1) Temporary out-of-home care for children. The cost of temporary, out-of-home care may be allowed under the following conditions: <ul style="list-style-type: none"> <li>(A) The child is temporarily absent from the home due to the illness of another member of the household or the incarceration of the caretaker relative;</li> <li>(B) the temporary absence is only for a portion of a calendar month; and</li> <li>(C) there is an approved service plan. The amount to be allowed shall be the foster care standard.</li> </ul> </li> <li>(2) Conservator or personal representative expense. The fee of the legally appointed conservator for conservatorship or the personal representative fee for service shall be allowed under the following conditions: <ul style="list-style-type: none"> <li>(A) The conservator or personal representative charges for those services; and</li> <li>(B) the conservator or personal representative is not the spouse, parent, or child of the incapacitated person. The amount allowed by the court, or the conservator's or personal representative's charge, shall be allowed to a maximum of five percent of the person's cash payment or \$8.00, whichever is greater.</li> </ul> </li> <li>(3) Special household and childrearing expenses. Costs for special household and childrearing expenses may be allowed in an amount that does not exceed the highest allowable basic and shelter standard, as outlined in K.A.R. 30-4-100. Payment for these expenses shall be derived from donor funds that are earmarked for the family or otherwise designated to the family by a donor. The following expenses may be covered under this provision: <ul style="list-style-type: none"> <li>(A) Repair or replacement of household items;</li> <li>(B) replacement of essential clothing;</li> <li>(C) special needs related to pregnancy or newborn child;</li> <li>(D) special school expenses for children; and</li> <li>(E) other essential household expenses or expenses resulting from a catastrophe.</li> </ul> </li> </ul> <p>(b) This regulation shall take effect on and after March 1, 1997.</p>