

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 660 Department or Agency Human Resources
Rule No. 660-2-2-.03
Rule Title: Rights And Responsibilities Of Applicants And Recipients
New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? yes

Is there another, less restrictive method of regulation available that could adequately protect the public? no

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? no

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? no

Are all facets of the rule making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? yes

Does the proposed rule have an economic impact? yes

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of § 41-22-23, ALA.CODE 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, ALA.CODE 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service:

Signature of certifying officer:

Randy G. Guekner

Date: 7/16/2014

DATE FILED
(STAMP)

Department of Human Resources
Family Assistance Division

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 660-2-2-.03 Rights And Responsibilities Of Applicants And Recipients

INTENDED ACTION: Amended permanent rule to replace emergency rule

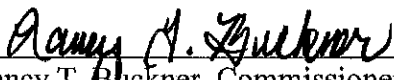
SUBSTANCE OF PROPOSED ACTION: Amended permanent rule to impose benefit access and spending restrictions as required by State Law.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested parties may submit data, views, or arguments respecting the proposed amendment by mail, by telephone or in person through the close of business on September 4, 2014. Persons wishing to submit data, views, or arguments orally should contact the Department's Administrative Procedure Secretary between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding State holidays, at (334) 242-9330, or set up an appointment for such oral/in person presentations.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: September 4, 2014.

CONTACT PERSON AT AGENCY:

Ms. Gail Grobe, AP Secretary
State Department of Human Resources
Gordon Persons Building
50 Ripley Street, Room 2122
Montgomery, Alabama 36130-4000



Nancy T. Buckner, Commissioner
Department of Human Resources

**ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))**

Control No. 660 Department or Agency Human Resources

Rule No: 660-2-2-.03

Rule Title: Rights And Responsibilities Of Applicants And Recipients

New Amend Repeal Adopt by Reference

This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

Compliance with State Law, specifically Act # 2014-419. Additionally, potential inappropriate client accessing and spending of benefits may be minimized.

2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

For those clients in violation of the rule, penalties for violations result in loss of benefits from one month to permanently and payback of misspent monies as well as loss of direct access to the assistance in certain instances. The use of financial penalties as enforcement of a rule provides greater assurance of the likelihood of client compliance.

3. EFFECT OF THIS RULE ON COMPETITION:

None

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

None

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

None

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

Temporary Assistance for Needy Families Block Grant

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

The short term impact on clients will be a loss of benefits and repayment of misspent funds for violations of the rule. The long term benefit is that clients will adhere to the rule rather than risk loss or continued loss of benefits.

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

None

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

None.

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

None.

****Additional pages may be used if needed.**

RULES
of the
DEPARTMENT OF HUMAN RESOURCES
FAMILY ASSISTANCE DIVISION

Chapter 660-2-2
FAMILY ASSISTANCE PROGRAM

660-2-2-.03 Rights And Responsibilities Of Applicants And Recipients.

(1) Any person has the right to apply for assistance, have his/her eligibility determined, and if found eligible, to receive an established monthly amount unless benefits are prohibited per rule 660-2-2-.40. Any and all payments are subject to availability of funds. ~~Although persons receiving a direct payment are to use these funds for the benefit of the dependent children. Certain there are no~~ restrictions otherwise on their use about accessing and using benefits apply as provided in rule 660-2-2-.41. The recipient of public assistance funds must assume the responsibility of furnishing all necessary facts and documentation to establish or reestablish eligibility, advise the Department of any changes in his/her circumstances within 10 days which might affect eligibility and/or the amount of the assistance grant, and to provide the Department with any channel of information concerning his/her affairs that may be determined necessary. An applicant/recipient who refuses to cooperate with the Department by not providing required information, verification, or documentation shall be denied/terminated from FA as eligibility cannot be established.

(2) The individual has the right to confidentiality, to receive prompt action, equitable treatment, notification of any case action taken, and to receive a fair hearing due to an appeal of case action.

(3) Departmental forms explain these rights and responsibilities. These forms are explained and given to each adult individual receiving or applying for assistance, ~~who is requested to sign an acknowledgment of explanations made, and to recipients as needed.~~ Copies of these forms may be obtained from the Department.

Author: Melody Armstrong

Statutory Authority: Social Security Act, Title IV-A; 45 C.F.R. 206.10, 233.36 et seq.; P.L. 98-369, effective October 1, 1984; State Plan for Title IV-A; Code of Ala. 1975, Title 38.

History: Effective June 28, 1983. Emergency amendment effective October 1, 1984. Permanent amendment effective December 10, 1984. Succeedent emergency amendment effective June 1, 1988. Succeedent emergency amendment effective June 1, 1988. Succeedent permanent amendment effective September 13, 1988. Succeedent emergency amendment effective October 1, 1989. Succeedent permanent amendment effective December 11, 1989. Title I Public Law 104-103, Section 103.

Amended: Filed January 3, 1997; effective February 7, 1997. **Amended:** Filed August 6, 2007; effective September 10, 2007. Succeedent emergency amendment effective July 2, 2014. Succeedent permanent amendment effective October 10, 2014.