

Senate Bill No. 274

(By Senators Cole (Mr. President) and Kessler,

By Request of the Executive)

[Introduced January 21, 2015; referred to the Committee on Health and Human Resources; and

then to the Committee on the Judiciary.]

A BILL to amend and reenact §9-9-11 of the Code of West Virginia, 1931, as amended, relating to the Temporary Assistance for Needy Families program; and authorizing Secretary of Department of Health and Human Resources to prescribe policies in accordance with the program to reform violations, sanctions and penalties.

Be it enacted by the Legislature of West Virginia:

That §9-9-11 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 9. WEST VIRGINIA WORKS PROGRAM.

§9-9-11. Breach of contract; notice; sanctions.

(a) The department may terminate cash assistance benefits to an at-risk family if it finds any of the following:

(1) Fraud or deception by the beneficiary in applying for or receiving program benefits;

1 (2) A substantial breach by the beneficiary of the requirements and obligations set forth in
2 the personal responsibility contract and any amendments or addenda to the contract; or

3 (3) A violation by the beneficiary of any provision of the personal responsibility contract or
4 any amendments or addenda to the contract, this article, or any rule or policy promulgated by the
5 secretary pursuant to this article.

6 (b) In the event the department determines that benefits received by the beneficiary are
7 subject to reduction or termination, written notice of the reduction or termination and the reason for
8 the reduction or termination shall be deposited in the United States mail, postage prepaid and
9 addressed to the beneficiary at his or her last known address at least thirteen days prior to the
10 termination or reduction. The notice shall state the action being taken by the department and grant
11 to the beneficiary a reasonable opportunity to be heard at a fair and impartial hearing before the
12 department in accordance with administrative procedures established by the department and due
13 process of law.

14 (c) In any hearing conducted pursuant to the provisions of this section, the beneficiary has
15 the burden of proving that his or her benefits were improperly reduced or terminated and shall bear
16 his or her own costs, including attorneys fees.

17 (d) The secretary shall ~~determine by rule~~ prescribe policies in accordance with the temporary
18 assistance to needy families program regarding what constitutes de minimis violations and those
19 violations subject to sanctions and maximum penalties. In the event the department finds that a
20 beneficiary has violated any provision of this article, of his or her personal responsibility contract
21 or any amendment or addenda to the contract, or any applicable department rule or policy, the

1 department shall impose sanctions against the beneficiary. as follows:

2 ~~(1) For the first violation, a one-third reduction of benefits for three months;~~

3 ~~(2) For a second violation, a two-thirds reduction of benefits for three months;~~

4 ~~(3) For a third or subsequent violation, a total termination of benefits for three months.~~

5 ~~(e) For any sanction imposed pursuant to subsection (d) of this section, if the beneficiary is~~
 6 ~~found to have good cause for noncompliance, as defined by the secretary, the reduction or~~
 7 ~~termination in benefits shall not be imposed and the violation shall not count in determining the level~~
 8 ~~of sanction to be imposed for any future violation. Once a reduction in benefits is in effect, it shall~~
 9 ~~remain in effect for the designated time period: *Provided*, That if a participant incurs a subsequent~~
 10 ~~sanction before the sanction for a previous violation has expired, the sanctions shall run~~
 11 ~~concurrently: *Provided, however*, That if a third violation occurs before the period for a previous~~
 12 ~~sanction has expired, benefits shall be terminated and may not be reinstated until the three-month~~
 13 ~~termination period has expired.~~

NOTE: The purpose of this bill is to allow flexibility to the Department of Health and Human Resources in complying with federal mandates under the Temporary Assistance to Needy Families program. Specifically, the bill will improve DHHR's monitoring capabilities to ensure appropriate assistance is provided to those individuals who qualify and need help with education, training, and identifying avenues to employment.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.