

## ARTICLE 2.1. PUBLIC ASSISTANCE

### Rule 1. General Provisions

#### 470 IAC 2.1-1-1 Definitions

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 1. (a) As used in this article, "division" means the division of family and children.

(b) As used in this article, "county offices" means the county offices of the division of family and children.

(c) As used in this article, "public assistance programs" means the assistance to families with dependent children, medical assistance, eye treatment, and state supplemental assistance programs. (*Division of Family Resources; 470 IAC 2.1-1-1; filed Mar 1, 1984, 2:33 p.m.: 7 IR 1043, eff Apr 1, 1984; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1806; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA*)

#### 470 IAC 2.1-1-2 Applicant and recipient responsibilities applicable to all public assistance programs

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 2. (a) Each applicant for and recipient of public assistance shall complete, or assist the county office in completing, the appropriate application form and related eligibility forms prescribed by the division.

(b) Each applicant and recipient is required to provide all information necessary to determine his or her eligibility for public assistance and report any change in this information to the county office within ten (10) days of the date on which the change occurs.

(c) Each applicant and recipient of public assistance is required to verify or assist the county office in verifying all information required to determine his or her eligibility by signing appropriate release of information forms required to obtain verification of information provided to the county office or either of the following:

(1) Obtaining and providing to the county office documentation which verifies information required to determine his or her eligibility.

(2) Undergoing any required medical examinations necessary to determine eligibility.

(d) At the time of the initial investigation, the applicant shall allow the county office caseworker to visit the applicant in his or her place of residence during agency working hours. In the absence of a valid reason for the applicant's refusal to allow such visit, the applicant shall be ineligible for assistance and the application shall be denied. The caseworker may conduct the initial interview through a personal interview at the county office or a community location designated by the county office, rather than at the applicant's residence.

(e) If an applicant fails or refuses to provide the county office information or verification of information required to determine the applicant's eligibility for public assistance, the applicant shall be ineligible for assistance and the application shall be denied. Prior to denying an application under this section, the county office must provide the applicant written notice of the specific information or verification needed to determine eligibility and written notice of the date on which the application will be denied if the information or verification is not provided.

(f) Treatment plan requirements shall be as follows:

(1) Except as provided in subdivision (2), any recipient who is receiving any type of public assistance due to disability, incapacity, or visual impairment shall be required to cooperate in any treatment plan that is recommended by the examining physician and approved by the division prior approval section, if the goal of such treatment is full or partial alleviation of the recipient's disability, incapacity, or visual impairment.

(2) A recipient shall not be required to cooperate in such a treatment plan if good cause for refusing exists. Good cause for refusing treatment includes, but is not limited to, the following:

(A) Such treatment is contrary to the recipient's religious beliefs.

(B) Previous surgery of the type recommended was unsuccessful.

(C) The recommended treatment is very risky because of its magnitude, unusual nature, or other reason.

(D) The recommended treatment involves amputation of a limb or a major part of a limb.

(3) Any recipient who fails to meet the requirement of this section shall be ineligible and assistance shall be discontinued.

(g) For the purposes of the assistance to families with dependent children program, failure of the applicant to comply with the requirements of subsections (d) and (e) shall result in the ineligibility of the entire assistance group. (*Division of Family Resources;*

470 IAC 2.1-1-2; filed Mar 1, 1984, 2:31 p.m.: 7 IR 992, eff Apr 1, 1984; filed Dec 16, 1986, 11:00 a.m.: 10 IR 1079; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1807; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA)

## **Rule 2. Medical Examinations; Diagnostic Tests**

### **470 IAC 2.1-2-1 Payment for examinations and tests**

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 1. The state department shall pay for the costs of necessary medical examinations and diagnostic tests required to determine whether the applicable visual, disability or incapacity requirement is met subject to the following limitations:

(1) Payment will be made only to the medical provider upon submission of a completed claim form prescribed by the state department.

(2) Payment for the cost of submitting a report of a previously completed medical examination shall not exceed ten dollars (\$10).

(3) Payment for an eye examination and completion of a report thereon shall not exceed twenty-nine dollars (\$29).

(4) Payment for a physical examination and completion of a report thereon shall not exceed thirty-five dollars (\$35).

(Division of Family Resources; 470 IAC 2.1-2-1; filed Mar 1, 1984, 2:31 pm: 7 IR 993, eff Apr 1, 1984; filed May 22, 1987, 12:45 pm: 10 IR 2276, eff Jul 1, 1987; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA)

## **Rule 3. Case Records**

### **470 IAC 2.1-3-1 Release of information from county department case records**

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-14-22; IC 12-15-27

Sec. 1. (a) The county department shall give the applicant or recipient or his authorized representative, upon request, the opportunity to examine the entire case record.

(b) Before releasing information from public assistance case records in circumstances not required by state or federal laws or regulations the county department shall obtain a written release of information, signed by the applicant or recipient, authorizing the county department to release the information to the requesting agency or individual. The written authorization must specify the scope of information the county department is authorized to release and the specific agency or individual to whom the information is to be released.

As permitted by Section 2636 of Public Law 98-369, the county department shall release the name and current address of any AFDC recipients who are fugitive felons to law enforcement officers when requested. The law enforcement officer must provide the county department with the AFDC recipient's social security number and sufficient information to demonstrate that the AFDC recipient is a fugitive felon. (Division of Family Resources; 470 IAC 2.1-3-1; filed Mar 1, 1984, 2:31 pm: 7 IR 993, eff Apr 1, 1984; filed Mar 7, 1985, 2:54 pm: 8 IR 797; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA)

## **Rule 4. Medical Support Enforcement**

### **470 IAC 2.1-4-1 Claiming good cause for refusing to cooperate**

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-15

Sec. 1. (a) Opportunity to claim good cause. An applicant for, or recipient of, Medicaid will have the opportunity to claim good cause for refusing to cooperate as required by 42 CFR 433.147.

(b) Notice to applicant or recipient. Prior to requiring cooperation under 42 CFR 433.147 the county department will notify

the applicant or recipient of the right to claim good cause as an exception to the cooperation requirement and of all the requirements applicable to a good cause determination.

- (1) the notice will be in writing, with a copy furnished to the applicant or recipient; and
- (2) an acknowledgment that the applicant or recipient received the notice will be signed and dated by the caseworker and the applicant or recipient, and the acknowledgment will be placed in the case file.

(c) Requirements upon applicant or recipient. (1) An applicant for, or recipient of, Medicaid who refuses to cooperate and who claims to have good cause for refusing to cooperate has the burden of establishing the existence of a good cause circumstance. Such applicant or recipient will be required to:

- (A) specify the circumstances as described in 470 IAC 2.1-4-3 that the applicant or recipient believes provide sufficient good cause for not cooperating;
- (B) corroborate the good cause circumstances in accordance with 470 IAC 2.1-4-4; and
- (C) if requested, provide sufficient information to permit an investigation pursuant to 470 IAC 2.1-4-4.

(2) If the requirements of paragraph (c)(1) of this section are not met, the state department shall on that basis determine that good cause does not exist. *(Division of Family Resources; 470 IAC 2.1-4-1; filed Jun 4, 1985, 2:37 pm: 8 IR 1298, eff Jul 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #85-29 was filed Jun 4, 1985.]; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA)*

#### **470 IAC 2.1-4-2 Determination of good cause**

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-15

Sec. 2. (a) For each applicant for or recipient of Medicaid who claims to have good cause, the state department will determine, in accordance with 470 IAC 2.1-4-1, 470 IAC 2.1-4-3, and 470 IAC 2.1-4-4, whether good cause exists.

(b) The state department's final determination that good cause does, or does not exist will:

- (1) be in writing;
- (2) contain the agency's findings and basis for determination; and
- (3) be entered into the Medicaid case record.

(c) The state department's determination of whether or not good cause exists will be made within 45 days from the day the good cause claim is made unless the department needs additional time because the information required to verify the claim cannot be obtained within the time standard or that the claimant did not provide corroborative evidence within the period required by 470 IAC 2.1-4-4(b).

(d) If the state department determines that good cause does not exist:

- (1) the applicant or recipient will be so notified and afforded an opportunity to cooperate, withdraw the application for assistance, or have the case closed; and
- (2) continued refusal to cooperate will result in imposition of the sanction provided by 42 CFR 433.148.

*(Division of Family Resources; 470 IAC 2.1-4-2; filed Jun 4, 1985, 2:37 pm: 8 IR 1299, eff Jul 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #85-29 was filed Jun 4, 1985.]; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA)*

#### **470 IAC 2.1-4-3 Good cause circumstances**

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-15

Sec. 3. (a) Circumstances under which cooperation may be against the best interests of the individual. The state department will determine that cooperation in securing support is against the best interests of the individual only if the applicant's or recipient's cooperation in securing support is reasonably anticipated to result in physical or emotional harm to the individual for whom support is to be sought.

(b) Physical harm and emotional harm defined. Physical harm and emotional harm must be of a serious nature in order to justify a finding of good cause under paragraph (a) of this section. A finding of good cause for emotional harm may only be based upon a demonstration of an emotional impairment that substantially affects the individual's functioning.

(c) Special consideration related to emotional harm. For every good cause determination which is based in whole or part upon the anticipation of emotional harm to the individual, the state department will consider the following:

- (1) the present emotional state of the individual subject to emotional harm;
- (2) the emotional health history of the individual subject to emotional harm;
- (3) intensity and probable duration of the emotional impairment;
- (4) the degree of cooperation to be required; and
- (5) the extent of involvement of the individual in the support enforcement activity to be undertaken.

*(Division of Family Resources; 470 IAC 2.1-4-3; filed Jun 4, 1985, 2:37 pm: 8 IR 1299, eff Jul 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #85-29 was filed Jun 4, 1985.]; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA)*

#### **470 IAC 2.1-4-4 Proof of good-cause claim**

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-15

Sec. 4. (a) The state department will make a good-cause determination based on the corroborative evidence supplied by the applicant or recipient only after it has examined the evidence and found that it actually verifies the good-cause claim.

(b) The applicant or recipient who claims good cause must provide corroborative evidence within 20 days from the day the claim was made. In exceptional cases where the state department determines the applicant or recipient requires additional time because of the difficulty of obtaining the corroborative evidence, the state department shall allow a reasonable additional period of time.

(c) A good-cause claim may be corroborated with the following types of evidence:

- (1) court, medical, criminal, child protective services, social services, psychological, or law enforcement records which indicate that the person from whom support would be sought might inflict physical or emotional harm on the individual;
- (2) medical records which indicate emotional health history and present emotional health status of the individual for whom support would be sought; or, written statements from a mental health professional indicating a diagnosis or prognosis concerning the emotional health of the individual for whom support would be sought;
- (3) sworn statements from individuals other than the applicant or recipient with knowledge of the circumstances which provide the basis for the good-cause claim.

(d) If after examining the corroborative evidence submitted by the applicant or recipient, the state department wishes to request additional corroborative evidence which is needed to permit a good-cause determination, the state department will:

- (1) promptly notify the applicant or recipient that additional corroborative evidence is needed; and
- (2) specify the type of document which is needed.

(e) Upon request, the state department will:

- (1) advise the applicant or recipient how to obtain the necessary documents; and
- (2) make a reasonable effort to obtain any specific documents which the applicant or recipient is not reasonably able to obtain without assistance.

(f) Where a claim is based on the applicant's or recipient's anticipation of physical harm as specified and defined in 470 IAC 2.1-4-3, and corroborative evidence is not submitted in support of the claim:

(1) the state department will investigate the good-cause claim when the agency believes that:

- (A) the claim is credible without corroborative evidence; and
- (B) corroborative evidence is not available.

(2) good cause will be found if the claimant's statement and the investigation which is conducted satisfies the state department that the applicant or recipient has good cause for refusing to cooperate.

*(Division of Family Resources; 470 IAC 2.1-4-4; filed Jun 4, 1985, 2:37 pm: 8 IR 1300, eff Jul 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #85-29 was filed Jun 4, 1985.]; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA)*

#### **470 IAC 2.1-4-5 Granting or continuation of assistance**

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-15

Sec. 5. The county department will not deny, delay, or discontinue assistance pending a determination of good cause for refusal to cooperate if the applicant or recipient has complied with the requirements of 470 IAC 2.1-4-1 and 470 IAC 2.1-4-4 to furnish corroborative evidence and information. *(Division of Family Resources; 470 IAC 2.1-4-5; filed Jun 4, 1985, 2:37 pm: 8 IR 1300, eff Jul 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #85-29 was filed Jun 4, 1985.]; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA)*

**470 IAC 2.1-4-6 Periodic review of good cause determination**

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-15

Sec. 6. The county department will:

(1) review at each redetermination of eligibility, those cases in which the state department has determined that good cause exists based on a circumstance that is subject to change; and

(2) if it determines that circumstances have changed such that good cause may no longer exist, it will recommend that the state department rescind its findings and proceed to enforce the requirements of 42 CFR 433.147.

*(Division of Family Resources; 470 IAC 2.1-4-6; filed Jun 4, 1985, 2:37 pm: 8 IR 1300, eff Jul 1, 1985 [IC 4-22-2-5 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #85-29 was filed Jun 4, 1985.]; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA)*

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