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FILED MAR 20 1995

SENATE FILE **433**
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 340)

Passed Senate, ^(P. 905) Date 3-28-95 Passed House, Date 4/13/95
Vote: Ayes 47 Nays 0 Vote: Ayes 96 Nays 0
Approved April 27, 1995

A BILL FOR

1 An Act relating to the family investment program and related
2 human services programs by requiring the department of human
3 services to apply for a federal waiver regarding limited
4 benefit plans and providing applicability provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 433

1 Section 1. WELFARE REFORM. The purpose of this section is
2 to place greater emphasis under the family investment program
3 on participant responsibility by enumerating the consequences
4 of noncompliance and by making the consequences easier to
5 understand. To achieve this purpose the department shall
6 amend the limited benefit plan process for participants as
7 provided in this Act.

8 1. The department of human services shall submit a waiver
9 request to the United States department of health and human
10 services as necessary to implement the changes in the family
11 investment program under chapter 239 and the job opportunities
12 and basic skills program under chapter 249C, as provided by
13 this section. In addition, the department may submit
14 additional waiver requests to the United States department of
15 agriculture to make changes in the federal food stamp program
16 and to the United States department of health and human
17 services to make changes to the medical assistance program
18 under chapter 249A, as necessary to revise these programs in
19 accordance with any waiver provision implemented pursuant to
20 this section.

21 2. For the purposes of this section unless the context
22 otherwise requires:

23 a. "Jobs opportunities and basic skills program" or "JOBS
24 program" means the job opportunities and basic skills program
25 under chapter 249C.

26 b. "Limited benefit plan" means a twelve-month period in
27 which a participant or members of a participant's eligible
28 group are either eligible for reduced benefits or ineligible
29 for any benefits under the family investment program.

30 c. "Participant" means a participant in the family
31 investment program under chapter 239 and includes individuals
32 whose income is considered by the department under the family
33 investment program. If a participant responsible for signing
34 and meeting the terms of a family investment agreement, as
35 defined by the director of human services, chooses not to

1 fulfill the terms of the agreement, the family investment
2 program eligibility group, or the individual participant shall
3 enter into a limited benefit plan. A limited benefit plan
4 shall be twelve months in length. The first month of the
5 twelve-month period is the first month after the month in
6 which timely and adequate notice is given to the participant
7 as defined by the director of human services. A participant
8 who is exempt from the JOBS program but who volunteers for the
9 program is not subject to the limited benefit plan. The
10 elements of a limited benefit plan shall be specified in the
11 department's administrative rules.

12 4. The department shall apply the limited benefit plan to
13 the participants responsible for the family investment
14 agreement and other members of the participant's family as
15 follows:

16 a. If the participant responsible for the family
17 investment agreement is a parent or needy caretaker relative,
18 for a first limited benefit plan, the family investment
19 program eligible group is eligible for up to three months of
20 benefits based on the needs of the children only. At the end
21 of the three-month period of reduced benefits, the family
22 investment program eligibility group becomes ineligible for
23 family investment program benefits for a nine-month period.
24 For a second or subsequent limited benefit plan chosen by the
25 same participant a subsequent twelve-month period of
26 ineligibility applies. If the eligible group reapplies for
27 assistance after the nine-month or twelve-month ineligibility
28 period, whichever is applicable, eligibility shall be
29 established in the same manner as for any other new applicant.
30 A limited benefit plan imposed in error shall not be
31 considered a first limited benefit plan.

32 b. If the participant choosing a limited benefit plan is a
33 needy relative who acts as payee when the parent is in the
34 home but is unable to act as payee, or is a dependent child's
35 stepparent who is in the family investment program eligible

1 group because of incapacity or caregiving, the limited benefit
2 plan shall apply only to the individual participant choosing
3 the plan. The individual participant choosing the limited
4 benefit plan is ineligible for twelve months from the
5 effective date of the limited benefit plan. This time period
6 applies to the first and any subsequent limited benefit plan.

7 c. If the family investment program eligible group
8 includes a minor parent living with the minor parent's adult
9 parent who receives family investment program benefits and
10 both the minor parent and the adult parent are responsible for
11 developing a family investment agreement, each parent is
12 responsible for a separate family investment agreement, and
13 the limited benefit plan shall be applied as follows:

14 (1) If the adult parent chooses the limited benefit plan,
15 the requirements of the limited benefit plan shall apply to
16 the entire eligible group, even though the minor parent has
17 not chosen the limited benefit plan. However, the minor
18 parent may reapply for family investment program benefits as a
19 minor parent living with self-supporting parents and continue
20 in the family investment agreement process.

21 (2) If the minor parent chooses the limited benefit plan,
22 the requirements of the limited benefit plan shall apply to
23 the minor parent and any child of the minor parent.

24 d. If the minor parent is the only child in the adult
25 parent's home and the minor parent chooses the limited benefit
26 plan, the adult parent shall remain eligible as long as the
27 adult parent fulfills family investment agreement
28 responsibilities and other family investment program
29 eligibility factors are met. However, the department may
30 adopt administrative rules to prohibit family investment
31 program benefits from being paid to the adult parent in this
32 instance.

33 e. If the family investment program eligible group
34 includes children who are mandatory JOBS program participants,
35 the children shall not have a separate family investment

1 agreement but shall be asked to sign the eligible group's
2 family investment agreement and to carry out the
3 responsibilities of that family investment agreement. A
4 limited benefit plan shall be applied as follows:

5 (1) If the parent responsible for a family investment
6 agreement meets those responsibilities but a child who is a
7 mandatory JOBS program participant chooses an individual
8 limited benefit plan, the family investment program eligible
9 group is eligible for up to twelve months of reduced benefits.
10 However, the child as part of the eligible group is ineligible
11 for twelve months.

12 (2) If the child who chooses a limited benefit plan under
13 subparagraph (1) is the only child in the eligible group, the
14 parent or parents shall remain eligible as long as the parent
15 or parents fulfill their family investment agreement
16 responsibilities and other family investment program
17 eligibility requirements are met. However, the department may
18 adopt administrative rules to prohibit family investment
19 program benefits from being paid to the adult parent or
20 parents in this instance.

21 f. If the family investment program eligible group
22 includes a parent or parents who are exempt from JOBS program
23 participation and children who are mandatory JOBS program
24 participants, the children are responsible for completing a
25 family investment agreement. If a child who is a mandatory
26 JOBS program participant chooses the limited benefit plan, the
27 limited benefit plan shall be applied in the manner provided
28 in paragraph "e".

29 g. If the family investment program eligible group
30 includes two parents, a limited benefit plan shall be applied
31 as follows:

32 (1) If only one parent of a child in the eligible group is
33 responsible for a family investment agreement and that parent
34 chooses the limited benefit plan, the limited benefit plan
35 cannot be ended by the voluntary participation in a family

1 investment agreement by the exempt parent. However, the
2 exempt parent may continue to be included in the eligible
3 group's grant during the three-month reduced benefit period by
4 participating in the JOBS family investment program-unemployed
5 parent work program. If a second or subsequent limited
6 benefit plan is chosen by either parent, the family investment
7 program eligible group becomes ineligible for a twelve-month
8 period beginning with the effective date of the limited
9 benefit plan.

10 (2) If both parents of a child in the eligible group are
11 responsible for a family investment agreement, both are
12 expected to sign the agreement. If either parent chooses the
13 limited benefit plan, the limited benefit plan cannot be ended
14 by the participation of the other parent in a family
15 investment agreement. However, the other parent may continue
16 to be included in the eligible group's grant during the three-
17 month reduced benefit period by participating in the JOBS
18 family investment program-unemployed parent work program. If
19 a second or subsequent limited benefit plan is chosen by
20 either parent, the family investment program eligible group
21 becomes ineligible for a twelve-month period beginning with
22 the effective date of the limited benefit plan.

23 (3) If the parents from a two-parent eligible group in a
24 limited benefit plan separate, the limited benefit plan shall
25 follow only the parent who chose the limited benefit plan and
26 any children in the home of that parent.

27 5. A participant shall be considered to have chosen a
28 limited benefit plan under any of the following circumstances:

29 a. A participant who does not establish an orientation
30 appointment with the JOBS program or who fails to keep or
31 reschedule an orientation appointment shall receive a reminder
32 letter which informs the participant that those who do not
33 attend orientation have elected to choose the limited benefit
34 plan. A participant who chooses not to respond to the
35 reminder letter within ten calendar days from the mailing date

1 shall receive notice establishing the effective date of the
2 limited benefit plan, the beginning date of the period of
3 reduced benefits, and the beginning and ending dates of the
4 nine-month or twelve-month period of ineligibility, whichever
5 is applicable. Timely and adequate notice provisions, as
6 determined by the director of human services, apply.

7 b. A participant who chooses not to sign the family
8 investment agreement after attending a JOBS program
9 orientation shall enter into the limited benefit plan as
10 described in paragraph "a".

11 c. A participant who has signed a family investment
12 agreement but then chooses the limited benefit plan under
13 circumstances defined by the director of human services.

14 6. A participant who chooses a limited benefit plan may
15 reconsider that choice as follows:

16 a. A participant who chooses a first limited benefit plan
17 rather than sign a family investment agreement shall have the
18 entire three-month period of reduced benefits following the
19 effective date of the limited benefit plan to reconsider and
20 begin development of the family investment agreement. The
21 participant may contact the department or the appropriate JOBS
22 program office anytime during the first three months of the
23 limited benefit plan to begin the reconsideration process.
24 Although family investment program benefits shall not begin
25 until the participant signs a family investment agreement
26 during the JOBS program orientation and assessment process,
27 retroactive benefits shall be issued as defined by the
28 director of human services. A limited benefit plan imposed in
29 error shall be considered a first limited benefit plan.

30 b. A participant who signs a family investment agreement
31 but does not carry out the family investment agreement
32 responsibilities shall be deemed to have chosen a limited
33 benefit plan and shall not be allowed to reconsider that
34 choice.

35 c. A participant who chooses a second or subsequent

1 limited benefit plan shall not be allowed to reconsider that
2 choice.

3 7. If a participant has chosen a limited benefit plan, a
4 qualified social services professional shall attempt to visit
5 with the participant to inquire into the eligible group's
6 well-being. The visit shall be performed as an extension of
7 the family investment program and the family investment
8 agreement philosophy of supporting families as they move
9 toward self-sufficiency. The department may contract for
10 these services. The visit shall be made in accordance with
11 the following:

12 a. For a participant in a first limited benefit plan who
13 has the reconsideration option, a qualified social services
14 professional, as defined by the director of human services,
15 shall inquire into the well-being of the eligible group during
16 month two of the reduced benefit period. If the participant
17 who is responsible for a family investment agreement indicates
18 a desire to develop a family investment agreement, the
19 qualified social services professional shall assist the
20 participant in establishing an appointment with the
21 appropriate JOBS program office.

22 b. For a participant in a first limited benefit plan who
23 does not enter into the family investment agreement process
24 during the three-month reconsideration period, a qualified
25 social services professional shall make another inquiry as to
26 the well-being of the eligible group during month four of the
27 limited benefit plan, the month after the end of the three-
28 month reduced benefit period.

29 c. A participant who signs the family investment agreement
30 but does not carry out family investment agreement
31 responsibilities and, consequently, has chosen a first limited
32 benefit plan, shall not be allowed to reconsider that choice.
33 However, a social services professional shall inquire as to
34 the well-being of the eligible group during month four, the
35 month after the end of the three-month reduced benefit period.

1 d. A participant who has chosen a second or subsequent
2 limited benefit plan shall not be allowed to reconsider that
3 choice. However, a qualified social services professional
4 shall make inquiry into the well-being of the eligible group
5 during month two of the limited benefit plan.

6 8. A participant only has the right to appeal the
7 establishment of the limited benefit plan once, but for a
8 first limited benefit plan there shall be two opportunities to
9 do so. A participant in a first limited benefit plan has the
10 right to appeal the limited benefit plan at the time the
11 department issues timely and adequate notice establishing the
12 limited benefit plan, or at the time the department issues the
13 subsequent notice that establishes the nine-month period of
14 ineligibility. A participant who has chosen a second or
15 subsequent limited benefit plan has the right to appeal only
16 at the time the department issues the timely and adequate
17 notice that establishes the twelve-month period of
18 ineligibility. However, if the reason for the appeal is based
19 on an incorrect grant computation, an error in determining the
20 eligible group, or another worker error, a hearing shall be
21 granted, regardless of the person's limited benefit plan
22 status.

23 9. For a participant who is in a limited benefit plan when
24 the rules adopted pursuant to this Act take effect, the terms
25 of the participant's existing limited benefit plan shall
26 continue until that limited benefit plan either ends or is
27 lifted in accordance with previous limited benefit plan
28 policies. A participant who chose a limited benefit plan
29 under the previous policy and who then chooses a limited
30 benefit plan after the rules adopted pursuant to this Act take
31 effect shall be subject to the provisions of a second limited
32 benefit plan unless the prior limited benefit plan was imposed
33 in error.

34 10. An eligible group applying for the emergency
35 assistance program shall be denied benefits under that program

1 if the applicant is part of a family or eligible group with a
2 member who has chosen a limited benefit plan. The eligible
3 group shall be ineligible for emergency assistance for the
4 period the limited benefit plan applies. If the eligible
5 group becomes ineligible for the family investment program
6 during the limited benefit plan period for a reason unrelated
7 to the limited benefit plan, the ineligibility for emergency
8 assistance continues until the limited benefit plan period has
9 ended. If the participant responsible for the family
10 investment agreement reconsiders and signs a family investment
11 agreement, the department shall determine eligibility for
12 emergency assistance as of the date the limited benefit plan
13 is lifted. If the limited benefit plan was imposed in error
14 and is subsequently lifted, the department shall determine
15 eligibility for emergency assistance as of the date of the
16 emergency assistance application.

17 11. The department shall assess the ramifications of the
18 limited benefit plan on the food stamp program and may adopt
19 changes in administrative rules for that program, if
20 appropriate.

21 Sec. 2. CONTINGENCY PROVISION -- TRANSFER. The waiver
22 request submitted by the department of human services pursuant
23 to section 1 of this Act to the United States department of
24 health and human services shall be to apply the provisions of
25 section 1 statewide. If federal waiver approval of a
26 provision of section 1 of this Act is granted, the department
27 of human services shall implement the provision in accordance
28 with the federal approval. If implementing a provision of
29 this Act is in conflict with a provision of chapter 239 or
30 249C, notwithstanding that provision in chapter 239 or 249C,
31 the provision of this Act shall be implemented. The
32 department shall propose an amendment in accordance with the
33 provisions of section 2.16 to chapter 239 or 249C to resolve
34 the conflict and to place the provisions of this Act before
35 the public in a statute. The department may transfer moneys

1 appropriated for a waiver provision to another appropriation
2 as deemed necessary by the department if the waiver provision
3 is denied by the federal government.

4 Sec. 3. EMERGENCY RULES. The department of human services
5 may adopt emergency rules under section 17A.4, subsection 2,
6 and section 17A.5, subsection 2, paragraph "b", to implement
7 the provisions of this Act and the rules shall be effective
8 immediately upon filing unless a later date is specified in
9 the rules. If necessary to conform with federal waiver terms
10 or to efficiently administer the provisions, the rules may
11 apply additional policies and procedures which are consistent
12 with the provisions of section 1 of this Act. Any rules
13 adopted in accordance with this section shall also be
14 published as a notice of intended action as provided in
15 section 17A.4.

16 Sec. 4. APPLICABILITY. The effective date of the waiver
17 provisions in section 1 of this Act granted by the federal
18 government shall be October 1, 1995, or at the beginning of
19 the second month following the month in which the federal
20 government approves the waiver, whichever is later. If
21 federal law is amended to permit the state to initiate any of
22 the provisions of section 1 of this Act without a federal
23 waiver, the department of human services shall proceed to
24 implement the provisions within the time period required by
25 this section.

26 EXPLANATION

27 This bill relates to the family investment program
28 (formerly known as aid to families with dependent children
29 program) by requiring the department of human services to
30 apply for a federal waiver to revise the limited benefit plan
31 provisions of the program. The limited benefit plan
32 provisions are not specifically addressed in current law but
33 are in administrative rules.

34 As the program is implemented under current law, most adult
35 participants and some minor participants in the family

1 investment program are responsible for entering into a family
2 investment agreement. A participant may choose, or by certain
3 actions of noncompliance concerning a family investment
4 agreement is considered to have chosen, a limited benefit
5 plan. A limited benefit plan may be applied to the
6 participant alone or to the entire eligible group or family to
7 which the participant belongs. A limited benefit plan limits
8 both the amount of cash assistance and the period of
9 eligibility for family investment program benefits.

10 Under the department's current administrative rules a
11 limited benefit plan applies for a period of 12 months. Of
12 that 12-month period, benefits are limited for the fourth
13 through sixth months and the period of ineligibility applies
14 for the seventh through the twelfth months. Under the bill,
15 different provisions apply to the first limited benefit plan
16 than to subsequent limited benefit plans. The bill provides
17 in a first limited benefit plan that benefits are reduced for
18 the first three months and denied for the remaining nine
19 months and in subsequent limited benefit plans, benefits are
20 denied for the entire 12 months.

21 The bill directs the department of human services to apply
22 the limited benefit plan provisions to certain participants
23 who are responsible for developing a family investment
24 agreement, specifies the members of the eligible group to
25 which the limited benefit plan applies, outlines the
26 provisions of a first and subsequent limited benefit plan
27 periods, lists actions which will be considered to constitute
28 choosing a limited benefit plan, provides options and
29 limitations for reconsidering the choice of a limited benefit
30 plan, provides for one or more visits or inquiries by a social
31 services professional into the well-being of a family on a
32 limited benefit plan, limits appeals of a limited benefit plan
33 except in cases of error, provides for transition to the new
34 provisions from the provisions under the department's current
35 policies, prohibits benefits under the emergency assistance

1 program for families with a family member who has chosen a
2 limited benefit plan, and authorizes the department to make
3 changes in the rules for the food stamp program.

4 The department is directed to apply the waiver provisions
5 statewide as approved by the federal government. If
6 implementing the waiver provisions would be in conflict with
7 state law for the family investment program under chapter 239
8 or the job opportunities and basic skills program under
9 chapter 249C, those statutes in conflict are suspended. The
10 department is directed to propose, in accordance with the
11 legislative bill prefiling statute for state agencies, an
12 amendment to the statutes in conflict in order to place the
13 provisions before the public.

14 The department is authorized to adopt administrative rules
15 under emergency provisions which eliminate the public comment
16 period and review by the administrative rules review
17 committee. However, the rules must then also be adopted under
18 the regular rule adoption provisions.

19 A special effective date for the provisions is provided.
20 The provisions would take effect on October 1, 1995, or at the
21 beginning of the second month following the month the federal
22 government approves the waiver, whichever is later.

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**SENATE FILE 433
FISCAL NOTE**

A fiscal note for Senate File 433 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 433 requires the Department of Human Services to apply for a federal waiver to revise the Limited Benefit Plan provisions of the Family Investment Program. Currently, the Limited Benefit Plan reduces benefits in months four through six and complete reduction of grant in months seven through 12. Senate File 433 provides that when an individual first enters a Limited Benefit Plan, benefits are reduced for the first three months and denied for the remaining nine months. If an individual subsequently enters the Limited Benefit Plan, benefits are denied for the entire 12 months.

Fiscal Effect:

Due to the change in Limited Benefit Plan provisions which reduce the amount of time before reduced benefits occur, the Department of Human Services (DHS) estimates an annual reduction of 125 Family Investment Program cases.

The DHS estimates net General Fund savings of \$227,226 per year due to the reduced number of individuals eligible for the Family Investment Program.

(LSB 2608SV, LCS)

FILED MARCH 23, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 433

S-3230

- 1 Amend Senate File 433 as follows:
2 1. Page 1, by inserting after line 22 the
3 following:
4 "a. "Eligible group" means a group of individuals
5 receiving a family investment program grant under
6 chapter 239 and includes individuals whose income is
7 considered by the department under the family
8 investment program."
9 2. Page 1, line 23, by striking the letter "a"
10 and inserting the following: "b".
11 3. Page 1, line 26, by striking the letter "b"
12 and inserting the following: "c".
13 4. Page 1, line 26, by striking the words
14 "twelve-month period" and inserting the following:
15 "period of time specified in this section".
16 5. Page 1, line 30, by striking the letter "c"
17 and inserting the following: "d".
18 6. Page 1, line 33, by striking the word "If" and
19 inserting the following:
20 "3. If".
21 7. Page 1, line 35, by inserting after the word
22 "to" the following: "sign or".
23 8. Page 2, line 2, by striking the word
24 "eligibility" and inserting the following:
25 "eligible".
26 9. Page 2, line 4, by striking the words "be
27 twelve months in length" and inserting the following:
28 "apply for the period of time specified in this
29 section".
30 10. Page 2, line 5, by striking the words
31 "twelve-month period" and inserting the following:
32 "limited benefit plan".
33 11. Page 2, line 22, by striking the word
34 "eligibility" and inserting the following:
35 "eligible".
36 12. Page 2, line 23, by striking the word "nine-
37 month" and inserting the following: "six-month".
38 13. Page 2, line 25, by striking the word
39 "twelve-month" and inserting the following: "six-
40 month".
41 14. Page 2, line 27, by striking the words "nine-
42 month or twelve-month" and inserting the following:
43 "six-month".
44 15. Page 2, line 28, by striking the words
45 "whichever is applicable,".
46 16. Page 3, by striking lines 4 through 12 and
47 inserting the following: "benefit plan is ineligible
48 for nine months from the effective date of the limited
49 benefit plan. For a second or subsequent limited
50 benefit plan chosen by the same individual

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Page 2

- 1 participant, a subsequent six-month period of
2 ineligibility applies, and".
- 3 17. Page 4, by striking line 9 and inserting the
4 following: "group is eligible for reduced benefits
5 during the child's limited benefit plan."
- 6 18. Page 4, line 11, by striking the words
7 "twelve months" and inserting the following: "nine
8 months for a first limited benefit plan and six months
9 for a second or subsequent limited benefit plan".
- 10 19. Page 5, line 4, by striking the word
11 "participating" and inserting the following:
12 "volunteering to participate".
- 13 20. Page 5, line 7, by striking the word "twelve-
14 month" and inserting the following: "six-month".
- 15 21. Page 5, line 21, by striking the word
16 "twelve-month" and inserting the following: "six-
17 month".
- 18 22. Page 6, line 4, by striking the words "nine-
19 month or twelve-month" and inserting the following:
20 "six-month".
- 21 23. Page 6, lines 4 and 5, by striking the words
22 ", whichever is applicable".
- 23 24. Page 6, line 29, by inserting after the word
24 "shall" the following: "not".
- 25 25. Page 7, by striking lines 27 and 28 and
26 inserting the following: "limited benefit plan."
- 27 26. Page 7, by striking lines 34 and 35 and
28 inserting the following: "the well-being of the
29 eligible group during month four of the limited
30 benefit plan."
- 31 27. Page 8, line 13, by striking the word "nine-
32 month" and inserting the following: "six-month".
- 33 28. Page 8, line 17, by striking the word
34 "twelve-month" and inserting the following: "six-
35 month".
- 36 29. Page 9, line 3, by striking the words
37 "assistance for" and inserting the following:
38 "assistance beginning the date that timely and
39 adequate notice is issued establishing the limited
40 benefit plan through".
- 41 30. Page 9, line 4, by inserting after the word
42 "period" the following: "to which"

By ELAINE SZYMONIAK

S-3230 FILED MARCH 27, 1995

*adopted**3-28-95**(P. 905)*

1 Section 1. WELFARE REFORM. The purpose of this section is
2 to place greater emphasis under the family investment program
3 on participant responsibility by enumerating the consequences
4 of noncompliance and by making the consequences easier to
5 understand. To achieve this purpose the department shall
6 amend the limited benefit plan process for participants as
7 provided in this Act.

8 1. The department of human services shall submit a waiver
9 request to the United States department of health and human
10 services as necessary to implement the changes in the family
11 investment program under chapter 239 and the job opportunities
12 and basic skills program under chapter 249C, as provided by
13 this section. In addition, the department may submit
14 additional waiver requests to the United States department of
15 agriculture to make changes in the federal food stamp program
16 and to the United States department of health and human
17 services to make changes to the medical assistance program
18 under chapter 249A, as necessary to revise these programs in
19 accordance with any waiver provision implemented pursuant to
20 this section.

21 2. For the purposes of this section unless the context
22 otherwise requires:

23 a. "Eligible group" means a group of individuals receiving
24 a family investment program grant under chapter 239 and
25 includes individuals whose income is considered by the
26 department under the family investment program.

27 b. "Jobs opportunities and basic skills program" or "JOBS
28 program" means the job opportunities and basic skills program
29 under chapter 249C.

30 c. "Limited benefit plan" means a period of time specified
31 in this section in which a participant or members of a
32 participant's eligible group are either eligible for reduced
33 benefits or ineligible for any benefits under the family
34 investment program.

35 d. "Participant" means a participant in the family

1 investment program under chapter 239 and includes individuals
2 whose income is considered by the department under the family
3 investment program.

4 3. If a participant responsible for signing and meeting
5 the terms of a family investment agreement, as defined by the
6 director of human services, chooses not to sign or fulfill the
7 terms of the agreement, the family investment program eligible
8 group, or the individual participant shall enter into a
9 limited benefit plan. A limited benefit plan shall apply for
10 the period of time specified in this section. The first month
11 of the limited benefit plan is the first month after the month
12 in which timely and adequate notice is given to the
13 participant as defined by the director of human services. A
14 participant who is exempt from the JOBS program but who
15 volunteers for the program is not subject to the limited
16 benefit plan. The elements of a limited benefit plan shall be
17 specified in the department's administrative rules.

18 4. The department shall apply the limited benefit plan to
19 the participants responsible for the family investment
20 agreement and other members of the participant's family as
21 follows:

22 a. If the participant responsible for the family
23 investment agreement is a parent or needy caretaker relative,
24 for a first limited benefit plan, the family investment
25 program eligible group is eligible for up to three months of
26 benefits based on the needs of the children only. At the end
27 of the three-month period of reduced benefits, the family
28 investment program eligible group becomes ineligible for
29 family investment program benefits for a six-month period.
30 For a second or subsequent limited benefit plan chosen by the
31 same participant a subsequent six-month period of
32 ineligibility applies. If the eligible group reapplies for
*33 assistance after the six-month ineligibility period,
34 eligibility shall be established in the same manner as for any
35 other new applicant. A limited benefit plan imposed in error

1 shall not be considered a first limited benefit plan.

2 b. If the participant choosing a limited benefit plan is a
3 needy relative who acts as payee when the parent is in the
4 home but is unable to act as payee, or is a dependent child's
5 stepparent who is in the family investment program eligible
6 group because of incapacity or caregiving, the limited benefit
7 plan shall apply only to the individual participant choosing
8 the plan. The individual participant choosing the limited
9 benefit plan is ineligible for nine months from the effective
10 date of the limited benefit plan. For a second or subsequent
11 limited benefit plan chosen by the same individual
12 participant, a subsequent six-month period of ineligibility
13 applies, and the limited benefit plan shall be applied as
14 follows:

15 (1) If the adult parent chooses the limited benefit plan,
16 the requirements of the limited benefit plan shall apply to
17 the entire eligible group, even though the minor parent has
18 not chosen the limited benefit plan. However, the minor
19 parent may reapply for family investment program benefits as a
20 minor parent living with self-supporting parents and continue
21 in the family investment agreement process.

22 (2) If the minor parent chooses the limited benefit plan,
23 the requirements of the limited benefit plan shall apply to
24 the minor parent and any child of the minor parent.

25 d. If the minor parent is the only child in the adult
26 parent's home and the minor parent chooses the limited benefit
27 plan, the adult parent shall remain eligible as long as the
28 adult parent fulfills family investment agreement
29 responsibilities and other family investment program
30 eligibility factors are met. However, the department may
31 adopt administrative rules to prohibit family investment
32 program benefits from being paid to the adult parent in this
33 instance.

34 e. If the family investment program eligible group
35 includes children who are mandatory JOBS program participants,

1 the children shall not have a separate family investment
2 agreement but shall be asked to sign the eligible group's
3 family investment agreement and to carry out the
4 responsibilities of that family investment agreement. A
5 limited benefit plan shall be applied as follows:

6 (1) If the parent responsible for a family investment
7 agreement meets those responsibilities but a child who is a
8 mandatory JOBS program participant chooses an individual
9 limited benefit plan, the family investment program eligible
10 group is eligible for reduced benefits during the child's
11 limited benefit plan. However, the child as part of the
12 eligible group is ineligible for nine months for a first
13 limited benefit plan and six months for a second or subsequent
14 limited benefit plan.

15 (2) If the child who chooses a limited benefit plan under
16 subparagraph (1) is the only child in the eligible group, the
17 parent or parents shall remain eligible as long as the parent
18 or parents fulfill their family investment agreement
19 responsibilities and other family investment program
20 eligibility requirements are met. However, the department may
21 adopt administrative rules to prohibit family investment
22 program benefits from being paid to the adult parent or
23 parents in this instance.

24 f. If the family investment program eligible group
25 includes a parent or parents who are exempt from JOBS program
26 participation and children who are mandatory JOBS program
27 participants, the children are responsible for completing a
28 family investment agreement. If a child who is a mandatory
29 JOBS program participant chooses the limited benefit plan, the
30 limited benefit plan shall be applied in the manner provided
31 in paragraph "e".

32 g. If the family investment program eligible group
33 includes two parents, a limited benefit plan shall be applied
34 as follows:

35 (1) If only one parent of a child in the eligible group is

1 responsible for a family investment agreement and that parent
2 chooses the limited benefit plan, the limited benefit plan
3 cannot be ended by the voluntary participation in a family
4 investment agreement by the exempt parent. However, the
5 exempt parent may continue to be included in the eligible
6 group's grant during the three-month reduced benefit period by
7 volunteering to participate in the JOBS family investment
8 program-unemployed parent work program. If a second or
9 subsequent limited benefit plan is chosen by either parent,
10 the family investment program eligible group becomes
11 ineligible for a six-month period beginning with the effective
12 date of the limited benefit plan.

13 (2) If both parents of a child in the eligible group are
14 responsible for a family investment agreement, both are
15 expected to sign the agreement. If either parent chooses the
16 limited benefit plan, the limited benefit plan cannot be ended
17 by the participation of the other parent in a family
18 investment agreement. However, the other parent may continue
19 to be included in the eligible group's grant during the three-
20 month reduced benefit period by participating in the JOBS
21 family investment program-unemployed parent work program. If
22 a second or subsequent limited benefit plan is chosen by
23 either parent, the family investment program eligible group
24 becomes ineligible for a six-month period beginning with the
25 effective date of the limited benefit plan.

26 (3) If the parents from a two-parent eligible group in a
27 limited benefit plan separate, the limited benefit plan shall
28 follow only the parent who chose the limited benefit plan and
29 any children in the home of that parent.

30 5. A participant shall be considered to have chosen a
31 limited benefit plan under any of the following circumstances:

32 a. A participant who does not establish an orientation
33 appointment with the JOBS program or who fails to keep or
34 reschedule an orientation appointment shall receive a reminder
35 letter which informs the participant that those who do not

1 attend orientation have elected to choose the limited benefit
2 plan. A participant who chooses not to respond to the
3 reminder letter within ten calendar days from the mailing date
4 shall receive notice establishing the effective date of the
5 limited benefit plan, the beginning date of the period of
6 reduced benefits, and the beginning and ending dates of the
*7 six-month period of ineligibility. Timely and adequate notice
8 provisions, as determined by the director of human services,
9 apply.

10 b. A participant who chooses not to sign the family
11 investment agreement after attending a JOBS program
12 orientation shall enter into the limited benefit plan as
13 described in paragraph "a".

14 c. A participant who has signed a family investment
15 agreement but then chooses the limited benefit plan under
16 circumstances defined by the director of human services.

17 6. A participant who chooses a limited benefit plan may
18 reconsider that choice as follows:

19 a. A participant who chooses a first limited benefit plan
20 rather than sign a family investment agreement shall have the
21 entire three-month period of reduced benefits following the
22 effective date of the limited benefit plan to reconsider and
23 begin development of the family investment agreement. The
24 participant may contact the department or the appropriate JOBS
25 program office anytime during the first three months of the
26 limited benefit plan to begin the reconsideration process.
27 Although family investment program benefits shall not begin
28 until the participant signs a family investment agreement
29 during the JOBS program orientation and assessment process,
30 retroactive benefits shall be issued as defined by the
31 director of human services. A limited benefit plan imposed in
32 error shall not be considered a first limited benefit plan.

33 b. A participant who signs a family investment agreement
34 but does not carry out the family investment agreement
35 responsibilities shall be deemed to have chosen a limited

1 benefit plan and shall not be allowed to reconsider that
2 choice.

3 c. A participant who chooses a second or subsequent
4 limited benefit plan shall not be allowed to reconsider that
5 choice.

6 7. If a participant has chosen a limited benefit plan, a
7 qualified social services professional shall attempt to visit
8 with the participant to inquire into the eligible group's
9 well-being. The visit shall be performed as an extension of
10 the family investment program and the family investment
11 agreement philosophy of supporting families as they move
12 toward self-sufficiency. The department may contract for
13 these services. The visit shall be made in accordance with
14 the following:

15 a. For a participant in a first limited benefit plan who
16 has the reconsideration option, a qualified social services
17 professional, as defined by the director of human services,
18 shall inquire into the well-being of the eligible group during
19 month two of the reduced benefit period. If the participant
20 who is responsible for a family investment agreement indicates
21 a desire to develop a family investment agreement, the
22 qualified social services professional shall assist the
23 participant in establishing an appointment with the
24 appropriate JOBS program office.

25 b. For a participant in a first limited benefit plan who
26 does not enter into the family investment agreement process
27 during the three-month reconsideration period, a qualified
28 social services professional shall make another inquiry as to
29 the well-being of the eligible group during month four of the
30 limited benefit plan.

31 c. A participant who signs the family investment agreement
32 but does not carry out family investment agreement
33 responsibilities and, consequently, has chosen a first limited
34 benefit plan, shall not be allowed to reconsider that choice.
35 However, a social services professional shall inquire as to

1 the well-being of the eligible group during month four of the
2 limited benefit plan.

3 d. A participant who has chosen a second or subsequent
4 limited benefit plan shall not be allowed to reconsider that
5 choice. However, a qualified social services professional
6 shall make inquiry into the well-being of the eligible group
7 during month two of the limited benefit plan.

8 8. A participant only has the right to appeal the
9 establishment of the limited benefit plan once, but for a
10 first limited benefit plan there shall be two opportunities to
11 do so. A participant in a first limited benefit plan has the
12 right to appeal the limited benefit plan at the time the
13 department issues timely and adequate notice establishing the
14 limited benefit plan, or at the time the department issues the
15 subsequent notice that establishes the six-month period of
16 ineligibility. A participant who has chosen a second or
17 subsequent limited benefit plan has the right to appeal only
18 at the time the department issues the timely and adequate
19 notice that establishes the six-month period of ineligibility.
20 However, if the reason for the appeal is based on an incorrect
21 grant computation, an error in determining the eligible group,
22 or another worker error, a hearing shall be granted,
23 regardless of the person's limited benefit plan status.

24 9. For a participant who is in a limited benefit plan when
25 the rules adopted pursuant to this Act take effect, the terms
26 of the participant's existing limited benefit plan shall
27 continue until that limited benefit plan either ends or is
28 lifted in accordance with previous limited benefit plan
29 policies. A participant who chose a limited benefit plan
30 under the previous policy and who then chooses a limited
31 benefit plan after the rules adopted pursuant to this Act take
32 effect shall be subject to the provisions of a second limited
33 benefit plan unless the prior limited benefit plan was imposed
34 in error.

35 10. An eligible group applying for the emergency

1 assistance program shall be denied benefits under that program
2 if the applicant is part of a family or eligible group with a
3 member who has chosen a limited benefit plan. The eligible
4 group shall be ineligible for emergency assistance beginning
5 the date that timely and adequate notice is issued
6 establishing the limited benefit plan through the period to
7 which the limited benefit plan applies. If the eligible group
8 becomes ineligible for the family investment program during
9 the limited benefit plan period for a reason unrelated to the
10 limited benefit plan, the ineligibility for emergency
11 assistance continues until the limited benefit plan period has
12 ended. If the participant responsible for the family
13 investment agreement reconsiders and signs a family investment
14 agreement, the department shall determine eligibility for
15 emergency assistance as of the date the limited benefit plan
16 is lifted. If the limited benefit plan was imposed in error
17 and is subsequently lifted, the department shall determine
18 eligibility for emergency assistance as of the date of the
19 emergency assistance application.

20 11. The department shall assess the ramifications of the
21 limited benefit plan on the food stamp program and may adopt
22 changes in administrative rules for that program, if
23 appropriate.

24 Sec. 2. CONTINGENCY PROVISION -- TRANSFER. The waiver
25 request submitted by the department of human services pursuant
26 to section 1 of this Act to the United States department of
27 health and human services shall be to apply the provisions of
28 section 1 statewide. If federal waiver approval of a
29 provision of section 1 of this Act is granted, the department
30 of human services shall implement the provision in accordance
31 with the federal approval. If implementing a provision of
32 this Act is in conflict with a provision of chapter 239 or
33 249C, notwithstanding that provision in chapter 239 or 249C,
34 the provision of this Act shall be implemented. The
35 department shall propose an amendment in accordance with the

1 provisions of section 2.16 to chapter 239 or 249C to resolve
2 the conflict and to place the provisions of this Act before
3 the public in a statute. The department may transfer moneys
4 appropriated for a waiver provision to another appropriation
5 as deemed necessary by the department if the waiver provision
6 is denied by the federal government.

7 Sec. 3. EMERGENCY RULES. The department of human services
8 may adopt emergency rules under section 17A.4, subsection 2,
9 and section 17A.5, subsection 2, paragraph "b", to implement
10 the provisions of this Act and the rules shall be effective
11 immediately upon filing unless a later date is specified in
12 the rules. If necessary to conform with federal waiver terms
13 or to efficiently administer the provisions, the rules may
14 apply additional policies and procedures which are consistent
15 with the provisions of section 1 of this Act. Any rules
16 adopted in accordance with this section shall also be
17 published as a notice of intended action as provided in
18 section 17A.4.

19 Sec. 4. APPLICABILITY. The effective date of the waiver
20 provisions in section 1 of this Act granted by the federal
21 government shall be October 1, 1995, or at the beginning of
22 the second month following the month in which the federal
23 government approves the waiver, whichever is later. If
24 federal law is amended to permit the state to initiate any of
25 the provisions of section 1 of this Act without a federal
26 waiver, the department of human services shall proceed to
27 implement the provisions within the time period required by
28 this section.

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SENATE FILE 433

H-3849

- 1 Amend Senate File 433 as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting before line 1, the
 4 following:
 5 "Section 1. NEW SECTION. 730.6 CHILD CARE --
 6 BASIS FOR DISCHARGE -- POSTPONEMENT.
 7 An employer shall not use as a basis for discharge
 8 of an employee, the inability of an employee to
 9 provide child care for the employee's child if the
 10 lack of child care results in the employee's inability
 11 to work for a period of three consecutive working
 12 days. A person who violates this section is guilty of
 13 a simple misdemeanor."
 14 2. Title page, by striking line 2 and inserting
 15 the following: "family improvement provisions
 16 including child care-related provisions and including
 17 a requirement that the department of human".
 18 3. Title page, line 3, by striking the word "to".
 19 4. By renumbering as necessary.

By FALLON of Polk

H-3849 FILED APRIL 10, 1995

Not Germane
4-13-95
(P. 1573)

SENATE FILE 433

H-3870

- 1 Amend the amendment, H-3849, to Senate File 433 as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 12, by inserting after the word
 5 "days" the following: "and if the absences are
 6 limited to no more than two instances in a calendar
 7 year".

By FALLON of Polk

H-3870 FILED APRIL 11, 1995

Adopted
4/17/95
(P. 1573)

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 433

H-3958

- 1 Amend the House amendment, S-3433, to Senate File
 2 433, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by striking lines 3 through 22.
 5 2. Page 1, by striking lines 40 through 42.
 6 3. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-3958 FILED APRIL 17, 1995

House Concurred 4/20/95 (P. 1749)

SENATE FILE 433

H-3813

- 1 Amend Senate File 433, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 237A.1, subsection 8,
6 paragraph b, Code 1995, is amended to read as follows:
7 b. "Group day care home" means a facility
8 providing child day care for more than six but less
9 than twelve children, or for less than sixteen
10 children at any one time as authorized in accordance
11 with section 237A.3, subsection 3, provided each child
12 in excess of six children is attending school in
13 kindergarten or a higher grade level or the facility
14 complies with the requirements of section 237A.3,
15 subsection 2A.
16 Sec. ____ . Section 237A.3, Code 1995, is amended by
17 adding the following new subsection:
18 NEW SUBSECTION. 2A. A registered group day care
19 home may provide care for more than six children who
20 are not attending school in kindergarten or a higher
21 grade level if the home has at least two adults
22 providing care when such children are present."
23 2. Page 1, line 20, by inserting after the word
24 "section." the following: "However, implementation of
25 the additional waiver requests to change the food
26 stamp and medical assistance programs is subject to
27 enactment of legislative approval of the changes."
28 3. Page 3, by striking lines 13 and 14 and
29 inserting the following: "applies."
30 c. If the family investment program eligible group
31 includes a minor parent living with the minor parent's
32 adult parent who receives family investment program
33 benefits and both the minor parent and the adult
34 parent are responsible for developing a family
35 investment agreement, each parent is responsible for a
36 separate family investment agreement, and the limited
37 benefit plan shall be applied as follows:"
38 4. By striking page 8, line 35, through page 9,
39 line 19.
40 5. Title page, line 2, by inserting after the
41 word "by" the following: "revising certain group day
42 care home requirements and".
43 6. By renumbering, relettering, or redesignating
44 and correcting internal references as necessary.

By COMMITTEE ON HUMAN RESOURCES
DAGGETT of Union, Chairperson

H-3813 FILED APRIL 10, 1995

Adopted 4-13-95
(P. 1572)

HOUSE AMENDMENT TO
SENATE FILE 433

-3433

1 Amend Senate File 433, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 237A.1, subsection 8,
6 paragraph b, Code 1995, is amended to read as follows:

7 b. "Group day care home" means a facility
8 providing child day care for more than six but less
9 than twelve children, or for less than sixteen
10 children at any one time as authorized in accordance
11 with section 237A.3, subsection 3, provided each child
12 in excess of six children is attending school in
13 kindergarten or a higher grade level or the facility
14 complies with the requirements of section 237A.3,
15 subsection 2A.

16 Sec. ____ . Section 237A.3, Code 1995, is amended by
17 adding the following new subsection:

18 NEW SUBSECTION. 2A. A registered group day care
19 home may provide care for more than six children who
20 are not attending school in kindergarten or a higher
21 grade level if the home has at least two adults
22 providing care when such children are present."

23 2. Page 1, line 20, by inserting after the word
24 "section." the following: "However, implementation of
25 the additional waiver requests to change the food
26 stamp and medical assistance programs is subject to
27 enactment of legislative approval of the changes."

28 3. Page 3, by striking lines 13 and 14 and
29 inserting the following: "applies."

30 c. If the family investment program eligible group
31 includes a minor parent living with the minor parent's
32 adult parent who receives family investment program
33 benefits and both the minor parent and the adult
34 parent are responsible for developing a family
35 investment agreement, each parent is responsible for a
36 separate family investment agreement, and the limited
37 benefit plan shall be applied as follows:"

38 4. By striking page 8, line 35, through page 9,
39 line 19.

40 5. Title page, line 2, by inserting after the
41 word "by" the following: "revising certain group day
42 care home requirements and".

43 6. By renumbering, relettering, or redesignating
44 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3433 FILED APRIL 13, 1995

Senate concurred 4/17/95 (p. 230)

SENATE FILE 433

S-3449

1 Amend the House amendment, S-3433, to Senate File
2 433, as amended, passed, and reprinted by the Senate,
3 as follows:

- 4 1. Page 1, by striking lines 3 through 22.
- 5 2. Page 1, by striking lines 40 through 42.
- 6 3. By renumbering as necessary.

By ELAINE SZYMONIAK

S-3449 FILED APRIL 17, 1995

ADOPTED (p. 1230)

Szymoniak
Kramer
Vilsack

SSB-340

Human Resources

Succeeded By
SENATE FILE 433

BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON SZYMONIAK)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the family investment program and related
2 human services programs by requiring the department of human
3 services to apply for a federal waiver regarding limited
4 benefit plans and providing applicability provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. WELFARE REFORM. The purpose of this section is
2 to place greater emphasis under the family investment program
3 on participant responsibility by enumerating the consequences
4 of noncompliance and by making the consequences easier to
5 understand. To achieve this purpose the department shall
6 amend the limited benefit plan process for participants as
7 provided in this Act.

8 1. The department of human services shall submit a waiver
9 request to the United States department of health and human
10 services as necessary to implement the changes in the family
11 investment program under chapter 239 and the job opportunities
12 and basic skills program under chapter 249C, as provided by
13 this section. In addition, the department may submit
14 additional waiver requests to the United States department of
15 agriculture to make changes in the federal food stamp program
16 and to the United States department of health and human
17 services to make changes to the medical assistance program
18 under chapter 249A, as necessary to revise these programs in
19 accordance with any waiver provision implemented pursuant to
20 this section.

21 2. For the purposes of this section unless the context
22 otherwise requires:

23 a. "Jobs opportunities and basic skills program" or "JOBS
24 program" means the job opportunities and basic skills program
25 under chapter 249C.

26 b. "Limited benefit plan" means a twelve-month period in
27 which a participant or members of a participant's eligible
28 group are either eligible for reduced benefits or ineligible
29 for any benefits under the family investment program.

30 c. "Participant" means a participant in the family
31 investment program under chapter 239 and includes individuals
32 whose income is considered by the department under the family
33 investment program. If a participant responsible for signing
34 and meeting the terms of a family investment agreement, as
35 defined by the director of human services, chooses not to

1 fulfill the terms of the agreement, the family investment
2 program eligibility group, or the individual participant shall
3 enter into a limited benefit plan. A limited benefit plan
4 shall be twelve months in length. The first month of the
5 twelve-month period is the first month after the month in
6 which timely and adequate notice is given to the participant
7 as defined by the director of human services. A participant
8 who is exempt from the JOBS program but who volunteers for the
9 program is not subject to the limited benefit plan. The
10 elements of a limited benefit plan shall be specified in the
11 department's administrative rules.

12 4. The department shall apply the limited benefit plan to
13 the participants responsible for the family investment
14 agreement and other members of the participant's family as
15 follows:

16 a. If the participant responsible for the family
17 investment agreement is a parent or needy caretaker relative,
18 for a first limited benefit plan, the family investment
19 program eligible group is eligible for up to three months of
20 benefits based on the needs of the children only. At the end
21 of the three-month period of reduced benefits, the family
22 investment program eligibility group becomes ineligible for
23 family investment program benefits for a nine-month period.
24 For a second or subsequent limited benefit plan chosen by the
25 same participant a subsequent twelve-month period of
26 ineligibility applies. If the eligible group reapplies for
27 assistance after the nine-month or twelve-month ineligibility
28 period, whichever is applicable, eligibility shall be
29 established in the same manner as for any other new applicant.
30 A limited benefit plan imposed in error shall not be
31 considered a first limited benefit plan.

32 b. If the participant choosing a limited benefit plan is a
33 needy relative who acts as payee when the parent is in the
34 home but is unable to act as payee, or is a dependent child's
35 stepparent who is in the family investment program eligible

1 group because of incapacity or caregiving, the limited benefit
2 plan shall apply only to the individual participant choosing
3 the plan. The individual participant choosing the limited
4 benefit plan is ineligible for twelve months from the
5 effective date of the limited benefit plan. This time period
6 applies to the first and any subsequent limited benefit plan.

7 c. If the family investment program eligible group
8 includes a minor parent living with the minor parent's adult
9 parent who receives family investment program benefits and
10 both the minor parent and the adult parent are responsible for
11 developing a family investment agreement, each parent is
12 responsible for a separate family investment agreement, and
13 the limited benefit plan shall be applied as follows:

14 (1) If the adult parent chooses the limited benefit plan,
15 the requirements of the limited benefit plan shall apply to
16 the entire eligible group, even though the minor parent has
17 not chosen the limited benefit plan. However, the minor
18 parent may reapply for family investment program benefits as a
19 minor parent living with self-supporting parents and continue
20 in the family investment agreement process.

21 (2) If the minor parent chooses the limited benefit plan,
22 the requirements of the limited benefit plan shall apply to
23 the minor parent and any child of the minor parent.

24 d. If the minor parent is the only child in the adult
25 parent's home and the minor parent chooses the limited benefit
26 plan, the adult parent shall remain eligible as long as the
27 adult parent fulfills family investment agreement
28 responsibilities and other family investment program
29 eligibility factors are met. However, the department may
30 adopt administrative rules to prohibit family investment
31 program benefits from being paid to the adult parent in this
32 instance.

33 e. If the family investment program eligible group
34 includes children who are mandatory JOBS program participants,
35 the children shall not have a separate family investment

1 agreement but shall be asked to sign the eligible group's
2 family investment agreement and to carry out the
3 responsibilities of that family investment agreement. A
4 limited benefit plan shall be applied as follows:

5 (1) If the parent responsible for a family investment
6 agreement meets those responsibilities but a child who is a
7 mandatory JOBS program participant chooses an individual
8 limited benefit plan, the family investment program eligible
9 group is eligible for up to twelve months of reduced benefits.
10 However, the child as part of the eligible group is ineligible
11 for twelve months.

12 (2) If the child who chooses a limited benefit plan under
13 subparagraph (1) is the only child in the eligible group, the
14 parent or parents shall remain eligible as long as the parent
15 or parents fulfill their family investment agreement
16 responsibilities and other family investment program
17 eligibility requirements are met. However, the department may
18 adopt administrative rules to prohibit family investment
19 program benefits from being paid to the adult parent or
20 parents in this instance.

21 f. If the family investment program eligible group
22 includes a parent or parents who are exempt from JOBS program
23 participation and children who are mandatory JOBS program
24 participants, the children are responsible for completing a
25 family investment agreement. If a child who is a mandatory
26 JOBS program participant chooses the limited benefit plan, the
27 limited benefit plan shall be applied in the manner provided
28 in paragraph "e".

29 g. If the family investment program eligible group
30 includes two parents, a limited benefit plan shall be applied
31 as follows:

32 (1) If only one parent of a child in the eligible group is
33 responsible for a family investment agreement and that parent
34 chooses the limited benefit plan, the limited benefit plan
35 cannot be ended by the voluntary participation in a family

1 investment agreement by the exempt parent. However, the
2 exempt parent may continue to be included in the eligible
3 group's grant during the three-month reduced benefit period by
4 participating in the JOBS family investment program-unemployed
5 parent work program. If a second or subsequent limited
6 benefit plan is chosen by either parent, the family investment
7 program eligible group becomes ineligible for a twelve-month
8 period beginning with the effective date of the limited
9 benefit plan.

10 (2) If both parents of a child in the eligible group are
11 responsible for a family investment agreement, both are
12 expected to sign the agreement. If either parent chooses the
13 limited benefit plan, the limited benefit plan cannot be ended
14 by the participation of the other parent in a family
15 investment agreement. However, the other parent may continue
16 to be included in the eligible group's grant during the three-
17 month reduced benefit period by participating in the JOBS
18 family investment program-unemployed parent work program. If
19 a second or subsequent limited benefit plan is chosen by
20 either parent, the family investment program eligible group
21 becomes ineligible for a twelve-month period beginning with
22 the effective date of the limited benefit plan.

23 (3) If the parents from a two-parent eligible group in a
24 limited benefit plan separate, the limited benefit plan shall
25 follow only the parent who chose the limited benefit plan and
26 any children in the home of that parent.

27 5. A participant shall be considered to have chosen a
28 limited benefit plan under any of the following circumstances:

29 a. A participant who does not establish an orientation
30 appointment with the JOBS program or who fails to keep or
31 reschedule an orientation appointment shall receive a reminder
32 letter which informs the participant that those who do not
33 attend orientation have elected to choose the limited benefit
34 plan. A participant who chooses not to respond to the
35 reminder letter within ten calendar days from the mailing date

1 shall receive notice establishing the effective date of the
2 limited benefit plan, the beginning date of the period of
3 reduced benefits, and the beginning and ending dates of the
4 nine-month or twelve-month period of ineligibility, whichever
5 is applicable. Timely and adequate notice provisions, as
6 determined by the director of human services, apply.

7 b. A participant who chooses not to sign the family
8 investment agreement after attending a JOBS program
9 orientation shall enter into the limited benefit plan as
10 described in paragraph "a".

11 c. A participant who has signed a family investment
12 agreement but then chooses the limited benefit plan under
13 circumstances defined by the director of human services.

14 6. A participant who chooses a limited benefit plan may
15 reconsider that choice as follows:

16 a. A participant who chooses a first limited benefit plan
17 rather than sign a family investment agreement shall have the
18 entire three-month period of reduced benefits following the
19 effective date of the limited benefit plan to reconsider and
20 begin development of the family investment agreement. The
21 participant may contact the department or the appropriate JOBS
22 program office anytime during the first three months of the
23 limited benefit plan to begin the reconsideration process.
24 Although family investment program benefits shall not begin
25 until the participant signs a family investment agreement
26 during the JOBS program orientation and assessment process,
27 retroactive benefits shall be issued as defined by the
28 director of human services. A limited benefit plan imposed in
29 error shall be considered a first limited benefit plan.

30 b. A participant who signs a family investment agreement
31 but does not carry out the family investment agreement
32 responsibilities shall be deemed to have chosen a limited
33 benefit plan and shall not be allowed to reconsider that
34 choice.

35 c. A participant who chooses a second or subsequent

1 limited benefit plan shall not be allowed to reconsider that
2 choice.

3 7. If a participant has chosen a limited benefit plan, a
4 qualified social services professional shall attempt to visit
5 with the participant to inquire into the eligible group's
6 well-being. The visit shall be performed as an extension of
7 the family investment program and the family investment
8 agreement philosophy of supporting families as they move
9 toward self-sufficiency. The department may contract for
10 these services. The visit shall be made in accordance with
11 the following:

12 a. For a participant in a first limited benefit plan who
13 has the reconsideration option, a qualified social services
14 professional, as defined by the director of human services,
15 shall inquire into the well-being of the eligible group during
16 month two of the reduced benefit period. If the participant
17 who is responsible for a family investment agreement indicates
18 a desire to develop a family investment agreement, the
19 qualified social services professional shall assist the
20 participant in establishing an appointment with the
21 appropriate JOBS program office.

22 b. For a participant in a first limited benefit plan who
23 does not enter into the family investment agreement process
24 during the three-month reconsideration period, a qualified
25 social services professional shall make another inquiry as to
26 the well-being of the eligible group during month four of the
27 limited benefit plan, the month after the end of the three-
28 month reduced benefit period.

29 c. A participant who signs the family investment agreement
30 but does not carry out family investment agreement
31 responsibilities and, consequently, has chosen a first limited
32 benefit plan, shall not be allowed to reconsider that choice.
33 However, a social services professional shall inquire as to
34 the well-being of the eligible group during month four, the
35 month after the end of the three-month reduced benefit period.

1 d. A participant who has chosen a second or subsequent
2 limited benefit plan shall not be allowed to reconsider that
3 choice. However, a qualified social services professional
4 shall make inquiry into the well-being of the eligible group
5 during month two of the limited benefit plan.

6 8. A participant only has the right to appeal the
7 establishment of the limited benefit plan once, but for a
8 first limited benefit plan there shall be two opportunities to
9 do so. A participant in a first limited benefit plan has the
10 right to appeal the limited benefit plan at the time the
11 department issues timely and adequate notice establishing the
12 limited benefit plan, or at the time the department issues the
13 subsequent notice that establishes the nine-month period of
14 ineligibility. A participant who has chosen a second or
15 subsequent limited benefit plan has the right to appeal only
16 at the time the department issues the timely and adequate
17 notice that establishes the twelve-month period of
18 ineligibility. However, if the reason for the appeal is based
19 on an incorrect grant computation, an error in determining the
20 eligible group, or another worker error, a hearing shall be
21 granted, regardless of the person's limited benefit plan
22 status.

23 9. For a participant who is in a limited benefit plan when
24 the rules adopted pursuant to this Act take effect, the terms
25 of the participant's existing limited benefit plan shall
26 continue until that limited benefit plan either ends or is
27 lifted in accordance with previous limited benefit plan
28 policies. A participant who chose a limited benefit plan
29 under the previous policy and who then chooses a limited
30 benefit plan after the rules adopted pursuant to this Act take
31 effect shall be subject to the provisions of a second limited
32 benefit plan unless the prior limited benefit plan was imposed
33 in error.

34 10. An eligible group applying for the emergency
35 assistance program shall be denied benefits under that program

1 if the applicant is part of a family or eligible group with a
2 member who has chosen a limited benefit plan. The eligible
3 group shall be ineligible for emergency assistance for the
4 period the limited benefit plan applies. If the eligible
5 group becomes ineligible for the family investment program
6 during the limited benefit plan period for a reason unrelated
7 to the limited benefit plan, the ineligibility for emergency
8 assistance continues until the limited benefit plan period has
9 ended. If the participant responsible for the family
10 investment agreement reconsiders and signs a family investment
11 agreement, the department shall determine eligibility for
12 emergency assistance as of the date the limited benefit plan
13 is lifted. If the limited benefit plan was imposed in error
14 and is subsequently lifted, the department shall determine
15 eligibility for emergency assistance as of the date of the
16 emergency assistance application.

17 11. The department shall assess the ramifications of the
18 limited benefit plan on the food stamp program and may adopt
19 changes in administrative rules for that program, if
20 appropriate.

21 Sec. 2. CONTINGENCY PROVISION -- TRANSFER. The waiver
22 request submitted by the department of human services pursuant
23 to section 1 of this Act to the United States department of
24 health and human services shall be to apply the provisions of
25 section 1 statewide. If federal waiver approval of a
26 provision of section 1 of this Act is granted, the department
27 of human services shall implement the provision in accordance
28 with the federal approval. If implementing a provision of
29 this Act is in conflict with a provision of chapter 239 or
30 249C, notwithstanding that provision in chapter 239 or 249C,
31 the provision of this Act shall be implemented. The
32 department shall propose an amendment in accordance with the
33 provisions of section 2.16 to chapter 239 or 249C to resolve
34 the conflict and to place the provisions of this Act before
35 the public in a statute. The department may transfer moneys

1 appropriated for a waiver provision to another appropriation
2 as deemed necessary by the department if the waiver provision
3 is denied by the federal government.

4 Sec. 3. EMERGENCY RULES. The department of human services
5 may adopt emergency rules under section 17A.4, subsection 2,
6 and section 17A.5, subsection 2, paragraph "b", to implement
7 the provisions of this Act and the rules shall be effective
8 immediately upon filing unless a later date is specified in
9 the rules. If necessary to conform with federal waiver terms
10 or to efficiently administer the provisions, the rules may
11 apply additional policies and procedures which are consistent
12 with the provisions of section 1 of this Act. Any rules
13 adopted in accordance with this section shall also be
14 published as a notice of intended action as provided in
15 section 17A.4.

16 Sec. 4. APPLICABILITY. The effective date of the waiver
17 provisions in section 1 of this Act granted by the federal
18 government shall be October 1, 1995, or at the beginning of
19 the second month following the month in which the federal
20 government approves the waiver, whichever is later. If
21 federal law is amended to permit the state to initiate any of
22 the provisions of section 1 of this Act without a federal
23 waiver, the department of human services shall proceed to
24 implement the provisions within the time period required by
25 this section.

26

EXPLANATION

27 This bill relates to the family investment program
28 (formerly known as aid to families with dependent children) by
29 requiring the department of human services to apply for a
30 federal waiver to revise the limited benefit plan provisions
31 of the program. The limited benefit plan provisions are not
32 specifically addressed in current law but are in
33 administrative rules.

34 As the program is implemented under current law, most adult
35 participants and some minor participants in the family

1 investment program are responsible for entering into a family
2 investment agreement. A participant may choose, or by certain
3 actions of noncompliance concerning a family investment
4 agreement is considered to have chosen, a limited benefit
5 plan. A limited benefit plan may be applied to the
6 participant alone or to the entire eligible group or family to
7 which the participant belongs. A limited benefit plan limits
8 both the amount of cash assistance and the period of
9 eligibility for the family investment program.

10 Under the department's current administrative rules a
11 limited benefit plan applies for a period of 12 months. Of
12 that 12-month period, benefits are limited for the fourth
13 through sixth months and the period of ineligibility applies
14 for the seventh through the twelfth months. Under the bill,
15 different provisions apply to the first limited benefit plan
16 than to subsequent limited benefit plans. The bill provides
17 in a first limited benefit plan that benefits are reduced for
18 the first three months and denied for the remaining nine
19 months and in subsequent limited benefit plans, benefits are
20 denied for the entire 12 months.

21 The bill directs the department of human services to apply
22 the limited benefit plan provisions to certain participants
23 who are responsible for developing a family investment
24 agreement, specifies the members of the eligible group to
25 which the limited benefit plan applies, outlines the
26 provisions of a first and subsequent limited benefit plan
27 periods, lists actions which will be considered to constitute
28 choosing a limited benefit plan, provides options and
29 limitations for reconsidering the choice of a limited benefit
30 plan, provides for one or more visits or inquiries by a social
31 services professional into the well-being of a family on a
32 limited benefit plan, limits appeals of a limited benefit plan
33 except in cases of error, provides for transition to the new
34 provisions from the provisions under the department's current
35 policies, prohibits benefits under the emergency assistance

1 program for families with a family member who has chosen a
2 limited benefit plan, and authorizes the department to make
3 changes in the rules for the food stamp program.

4 The department is directed to apply the waiver provisions
5 statewide as approved by the federal government. If
6 implementing the waiver provisions would be in conflict with
7 state law for the family investment program under chapter 239
8 or the job opportunities and basic skills program under
9 chapter 249C, those statutes in conflict are suspended. The
10 department is directed to propose, in accordance with the
11 legislative bill prefiling statute, an amendment to those
12 chapters and to codify the provisions in order to place the
13 provisions before the public.

14 The department is authorized to adopt administrative rules
15 under emergency provisions which eliminate the public comment
16 period and review by the administrative rules review
17 committee. However, the rules must then also be adopted under
18 the regular rule adoption provisions.

19 A special effective date for the provisions is provided.
20 The provisions would take effect on October 1, 1995, or during
21 the second month following the month the federal government
22 approves the waiver, whichever is later.

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SENATE FILE 433

AN ACT

RELATING TO THE FAMILY INVESTMENT PROGRAM AND RELATED HUMAN SERVICES PROGRAMS BY REQUIRING THE DEPARTMENT OF HUMAN SERVICES TO APPLY FOR A FEDERAL WAIVER REGARDING LIMITED BENEFIT PLANS AND PROVIDING APPLICABILITY PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. WELFARE REFORM. The purpose of this section is to place greater emphasis under the family investment program on participant responsibility by enumerating the consequences of noncompliance and by making the consequences easier to understand. To achieve this purpose the department shall amend the limited benefit plan process for participants as provided in this Act.

1. The department of human services shall submit a waiver request to the United States department of health and human services as necessary to implement the changes in the family investment program under chapter 239 and the job opportunities and basic skills program under chapter 249C, as provided by this section. In addition, the department may submit additional waiver requests to the United States department of

agriculture to make changes in the federal food stamp program and to the United States department of health and human services to make changes to the medical assistance program under chapter 249A, as necessary to revise these programs in accordance with any waiver provision implemented pursuant to this section. However, implementation of the additional waiver requests to change the food stamp and medical assistance programs is subject to enactment of legislative approval of the changes.

2. For the purposes of this section unless the context otherwise requires:

a. "Eligible group" means a group of individuals receiving a family investment program grant under chapter 239 and includes individuals whose income is considered by the department under the family investment program.

b. "Jobs opportunities and basic skills program" or "JOBS program" means the job opportunities and basic skills program under chapter 249C.

c. "Limited benefit plan" means a period of time specified in this section in which a participant or members of a participant's eligible group are either eligible for reduced benefits or ineligible for any benefits under the family investment program.

d. "Participant" means a participant in the family investment program under chapter 239 and includes individuals whose income is considered by the department under the family investment program.

3. If a participant responsible for signing and meeting the terms of a family investment agreement, as defined by the director of human services, chooses not to sign or fulfill the terms of the agreement, the family investment program eligible group, or the individual participant shall enter into a limited benefit plan. A limited benefit plan shall apply for the period of time specified in this section. The first month of the limited benefit plan is the first month after the month

in which timely and adequate notice is given to the participant as defined by the director of human services. A participant who is exempt from the JOBS program but who volunteers for the program is not subject to the limited benefit plan. The elements of a limited benefit plan shall be specified in the department's administrative rules.

4. The department shall apply the limited benefit plan to the participants responsible for the family investment agreement and other members of the participant's family as follows:

a. If the participant responsible for the family investment agreement is a parent or needy caretaker relative, for a first limited benefit plan, the family investment program eligible group is eligible for up to three months of benefits based on the needs of the children only. At the end of the three-month period of reduced benefits, the family investment program eligible group becomes ineligible for family investment program benefits for a six-month period. For a second or subsequent limited benefit plan chosen by the same participant a subsequent six-month period of ineligibility applies. If the eligible group reapplies for assistance after the six-month ineligibility period, eligibility shall be established in the same manner as for any other new applicant. A limited benefit plan imposed in error shall not be considered a first limited benefit plan.

b. If the participant choosing a limited benefit plan is a needy relative who acts as payee when the parent is in the home but is unable to act as payee, or is a dependent child's stepparent who is in the family investment program eligible group because of incapacity or caregiving, the limited benefit plan shall apply only to the individual participant choosing the plan. The individual participant choosing the limited benefit plan is ineligible for nine months from the effective date of the limited benefit plan. For a second or subsequent limited benefit plan chosen by the same individual

participant, a subsequent six-month period of ineligibility applies.

c. If the family investment program eligible group includes a minor parent living with the minor parent's adult parent who receives family investment program benefits and both the minor parent and the adult parent are responsible for developing a family investment agreement, each parent is responsible for a separate family investment agreement, and the limited benefit plan shall be applied as follows:

(1) If the adult parent chooses the limited benefit plan, the requirements of the limited benefit plan shall apply to the entire eligible group, even though the minor parent has not chosen the limited benefit plan. However, the minor parent may reapply for family investment program benefits as a minor parent living with self-supporting parents and continue in the family investment agreement process.

(2) If the minor parent chooses the limited benefit plan, the requirements of the limited benefit plan shall apply to the minor parent and any child of the minor parent.

d. If the minor parent is the only child in the adult parent's home and the minor parent chooses the limited benefit plan, the adult parent shall remain eligible as long as the adult parent fulfills family investment agreement responsibilities and other family investment program eligibility factors are met. However, the department may adopt administrative rules to prohibit family investment program benefits from being paid to the adult parent in this instance.

e. If the family investment program eligible group includes children who are mandatory JOBS program participants, the children shall not have a separate family investment agreement but shall be asked to sign the eligible group's family investment agreement and to carry out the responsibilities of that family investment agreement. A limited benefit plan shall be applied as follows:

(1) If the parent responsible for a family investment agreement meets those responsibilities but a child who is a mandatory JOBS program participant chooses an individual limited benefit plan, the family investment program eligible group is eligible for reduced benefits during the child's limited benefit plan. However, the child as part of the eligible group is ineligible for nine months for a first limited benefit plan and six months for a second or subsequent limited benefit plan.

(2) If the child who chooses a limited benefit plan under subparagraph (1) is the only child in the eligible group, the parent or parents shall remain eligible as long as the parent or parents fulfill their family investment agreement responsibilities and other family investment program eligibility requirements are met. However, the department may adopt administrative rules to prohibit family investment program benefits from being paid to the adult parent or parents in this instance.

f. If the family investment program eligible group includes a parent or parents who are exempt from JOBS program participation and children who are mandatory JOBS program participants, the children are responsible for completing a family investment agreement. If a child who is a mandatory JOBS program participant chooses the limited benefit plan, the limited benefit plan shall be applied in the manner provided in paragraph "e".

g. If the family investment program eligible group includes two parents, a limited benefit plan shall be applied as follows:

(1) If only one parent of a child in the eligible group is responsible for a family investment agreement and that parent chooses the limited benefit plan, the limited benefit plan cannot be ended by the voluntary participation in a family investment agreement by the exempt parent. However, the exempt parent may continue to be included in the eligible

group's grant during the three-month reduced benefit period by volunteering to participate in the JOBS family investment program-unemployed parent work program. If a second or subsequent limited benefit plan is chosen by either parent, the family investment program eligible group becomes ineligible for a six-month period beginning with the effective date of the limited benefit plan.

(2) If both parents of a child in the eligible group are responsible for a family investment agreement, both are expected to sign the agreement. If either parent chooses the limited benefit plan, the limited benefit plan cannot be ended by the participation of the other parent in a family investment agreement. However, the other parent may continue to be included in the eligible group's grant during the three-month reduced benefit period by participating in the JOBS family investment program-unemployed parent work program. If a second or subsequent limited benefit plan is chosen by either parent, the family investment program eligible group becomes ineligible for a six-month period beginning with the effective date of the limited benefit plan.

(3) If the parents from a two-parent eligible group in a limited benefit plan separate, the limited benefit plan shall follow only the parent who chose the limited benefit plan and any children in the home of that parent.

5. A participant shall be considered to have chosen a limited benefit plan under any of the following circumstances:

a. A participant who does not establish an orientation appointment with the JOBS program or who fails to keep or reschedule an orientation appointment shall receive a reminder letter which informs the participant that those who do not attend orientation have elected to choose the limited benefit plan. A participant who chooses not to respond to the reminder letter within ten calendar days from the mailing date shall receive notice establishing the effective date of the limited benefit plan, the beginning date of the period of

reduced benefits, and the beginning and ending dates of the six-month period of ineligibility. Timely and adequate notice provisions, as determined by the director of human services, apply.

b. A participant who chooses not to sign the family investment agreement after attending a JOBS program orientation shall enter into the limited benefit plan as described in paragraph "a".

c. A participant who has signed a family investment agreement but then chooses the limited benefit plan under circumstances defined by the director of human services.

6. A participant who chooses a limited benefit plan may reconsider that choice as follows:

a. A participant who chooses a first limited benefit plan rather than sign a family investment agreement shall have the entire three-month period of reduced benefits following the effective date of the limited benefit plan to reconsider and begin development of the family investment agreement. The participant may contact the department or the appropriate JOBS program office anytime during the first three months of the limited benefit plan to begin the reconsideration process. Although family investment program benefits shall not begin until the participant signs a family investment agreement during the JOBS program orientation and assessment process, retroactive benefits shall be issued as defined by the director of human services. A limited benefit plan imposed in error shall not be considered a first limited benefit plan.

b. A participant who signs a family investment agreement but does not carry out the family investment agreement responsibilities shall be deemed to have chosen a limited benefit plan and shall not be allowed to reconsider that choice.

c. A participant who chooses a second or subsequent limited benefit plan shall not be allowed to reconsider that choice.

7. If a participant has chosen a limited benefit plan, a qualified social services professional shall attempt to visit with the participant to inquire into the eligible group's well-being. The visit shall be performed as an extension of the family investment program and the family investment agreement philosophy of supporting families as they move toward self-sufficiency. The department may contract for these services. The visit shall be made in accordance with the following:

a. For a participant in a first limited benefit plan who has the reconsideration option, a qualified social services professional, as defined by the director of human services, shall inquire into the well-being of the eligible group during month two of the reduced benefit period. If the participant who is responsible for a family investment agreement indicates a desire to develop a family investment agreement, the qualified social services professional shall assist the participant in establishing an appointment with the appropriate JOBS program office.

b. For a participant in a first limited benefit plan who does not enter into the family investment agreement process during the three-month reconsideration period, a qualified social services professional shall make another inquiry as to the well-being of the eligible group during month four of the limited benefit plan.

c. A participant who signs the family investment agreement but does not carry out family investment agreement responsibilities and, consequently, has chosen a first limited benefit plan, shall not be allowed to reconsider that choice. However, a social services professional shall inquire as to the well-being of the eligible group during month four of the limited benefit plan.

d. A participant who has chosen a second or subsequent limited benefit plan shall not be allowed to reconsider that choice. However, a qualified social services professional

shall make inquiry into the well-being of the eligible group during month two of the limited benefit plan.

8. A participant only has the right to appeal the establishment of the limited benefit plan once, but for a first limited benefit plan there shall be two opportunities to do so. A participant in a first limited benefit plan has the right to appeal the limited benefit plan at the time the department issues timely and adequate notice establishing the limited benefit plan, or at the time the department issues the subsequent notice that establishes the six-month period of ineligibility. A participant who has chosen a second or subsequent limited benefit plan has the right to appeal only at the time the department issues the timely and adequate notice that establishes the six-month period of ineligibility. However, if the reason for the appeal is based on an incorrect grant computation, an error in determining the eligible group, or another worker error, a hearing shall be granted, regardless of the person's limited benefit plan status.

9. For a participant who is in a limited benefit plan when the rules adopted pursuant to this Act take effect, the terms of the participant's existing limited benefit plan shall continue until that limited benefit plan either ends or is lifted in accordance with previous limited benefit plan policies. A participant who chose a limited benefit plan under the previous policy and who then chooses a limited benefit plan after the rules adopted pursuant to this Act take effect shall be subject to the provisions of a second limited benefit plan unless the prior limited benefit plan was imposed in error.

10. The department shall assess the ramifications of the limited benefit plan on the food stamp program and may adopt changes in administrative rules for that program, if appropriate.

Sec. 2. CONTINGENCY PROVISION -- TRANSFER. The waiver request submitted by the department of human services pursuant

to section 1 of this Act to the United States department of health and human services shall be to apply the provisions of section 1 statewide. If federal waiver approval of a provision of section 1 of this Act is granted, the department of human services shall implement the provision in accordance with the federal approval. If implementing a provision of this Act is in conflict with a provision of chapter 239 or 249C, notwithstanding that provision in chapter 239 or 249C, the provision of this Act shall be implemented. The department shall propose an amendment in accordance with the provisions of section 2.16 to chapter 239 or 249C to resolve the conflict and to place the provisions of this Act before the public in a statute. The department may transfer moneys appropriated for a waiver provision to another appropriation as deemed necessary by the department if the waiver provision is denied by the federal government.

Sec. 3. EMERGENCY RULES. The department of human services may adopt emergency rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this Act and the rules shall be effective immediately upon filing unless a later date is specified in the rules. If necessary to conform with federal waiver terms or to efficiently administer the provisions, the rules may apply additional policies and procedures which are consistent with the provisions of section 1 of this Act. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 4. APPLICABILITY. The effective date of the waiver provisions in section 1 of this Act granted by the federal government shall be October 1, 1995, or at the beginning of the second month following the month in which the federal government approves the waiver, whichever is later. If federal law is amended to permit the state to initiate any of the provisions of section 1 of this Act without a federal

waiver, the department of human services shall proceed to implement the provisions within the time period required by this section.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 433, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 27, 1995

TERRY E. BRANSTAD
Governor