

By: Representative Currie

To: Public Health and Human Services

HOUSE BILL NO. 1274

1 AN ACT TO BE KNOWN AS THE DEPARTMENT OF HUMAN SERVICES FRAUD
2 PREVENTION ACT OF 2020; TO PROVIDE THAT PEER COMMITTEE SHALL
3 CONDUCT A REVIEW OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
4 (TANF) PROGRAM AND SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM
5 (SNAP) AND REPORT THE RESULTS TO THE LEGISLATURE AND THE PUBLIC;
6 TO REQUIRE THAT THE REPORT TRACK AND ASSESS THE ELIGIBILITY
7 VERIFICATION SYSTEMS ESTABLISHED BY THE "MEDICAID AND HUMAN
8 SERVICES TRANSPARENCY AND FRAUD PREVENTION ACT," AND ADVISE THE
9 LEGISLATURE ON HOW BEST TO PREVENT FRAUD AND ABUSE BY PROVIDERS,
10 VENDORS AND ADMINISTRATORS OF SERVICES IN THE TANF AND SNAP
11 PROGRAMS, RECOVER IMPROPER PAYMENTS MADE TO PROVIDERS AND VENDORS
12 OF SERVICES IN THE TANF AND SNAP PROGRAMS; AND ENHANCE THE
13 INTEGRITY AND EFFICACY OF THE TANF AND SNAP PROGRAMS; TO AMEND
14 SECTION 43-17-5, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
15 DEPARTMENT OF HUMAN SERVICES SHALL DENY TANF BENEFITS TO FAMILIES
16 THAT INCLUDE AN ADULT WHO HAS RECEIVED TANF ASSISTANCE FOR
17 TWENTY-FOUR MONTHS, DISREGARDING ANY MONTHS DURING WHICH
18 ASSISTANCE IS RECEIVED BY AN ADULT RECIPIENT WHO AS A MINOR CHILD
19 WAS NOT A HEAD OF HOUSEHOLD OR BY A FOSTER PARENT, AN UNRELATED
20 ADULT, OR A NONPARENT RELATIVE IN A CHILD-ONLY CASE; TO CREATE NEW
21 SECTION 43-12-73, MISSISSIPPI CODE OF 1972, TO REQUIRE THE
22 DEPARTMENT OF HUMAN SERVICES TO ASSIGN CERTAIN RECIPIENTS OF SNAP
23 BENEFITS TO AN EMPLOYMENT AND TRAINING PROGRAM AS A CONDITION OF
24 PARTICIPATION IN THE PROGRAM; AND FOR RELATED PURPOSES.

25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

26 **SECTION 1.** This act shall be known as the "Department of
27 Human Services Fraud Prevention Act of 2020."

28 **SECTION 2.** The Joint Legislative Committee on Performance
29 Evaluation and Expenditure Review (PEER) shall conduct a review of



30 the Temporary Assistance for Needy Families (TANF) program and
31 Supplemental Nutrition Assistance Program (SNAP) and report the
32 results to the Legislature and the public. The report shall:

33 (a) Track and assess the eligibility verification
34 systems established by the "Medicaid and Human Services
35 Transparency and Fraud Prevention Act," Section 43-12-1;

36 (b) Track and assess the eligibility verification
37 systems established by the National Accuracy Clearinghouse (NAC),
38 of which Mississippi is a part; and

39 (c) Advise the Legislature on how best to:

40 (i) Prevent fraud and abuse by providers, vendors
41 and administrators of services in the TANF and SNAP programs;

42 (ii) Recover improper payments made to providers
43 and vendors of services in the TANF and SNAP programs;

44 (iii) Enhance the integrity and efficacy of the
45 TANF and SNAP programs;

46 (iv) Enhance service integration to recipients of
47 TANF and SNAP benefits;

48 (v) Evaluate TANF cash diversion programs in an
49 effort to increase self-sufficiency while reducing fraud and abuse
50 by providers, vendors and administrators;

51 (vi) Evaluate TANF lump sum payments as a
52 mechanism for increasing self-sufficiency and reducing fraud and
53 abuse;



54 (vii) Evaluate TANF categorical spending (work
55 supports, basic assistance, child care, etc.) and determine what
56 processes are in place to track the integrity and effectiveness of
57 spending in each category;

58 (viii) Enhance current eligibility verification
59 systems for the TANF and SNAP programs;

60 (ix) Increase self-sufficiency for recipients of
61 TANF and SNAP benefits;

62 (x) Expand work and volunteer opportunities for
63 recipients of TANF and SNAP benefits; and

64 (xi) Fully use its available discretion in
65 submitting applications for waivers under federal law to ensure
66 TANF and SNAP program integrity and sustainability.

67 (2) PEER shall provide the Legislature with its final report
68 before December 31, 2020. The report shall be posted on a
69 prominent place on PEER's website and made accessible to the
70 public.

71 (3) PEER may employ consultants to assist in preparing its
72 evaluations and recommendations. PEER is also encouraged to apply
73 for and may expend grants, gifts, or federal funds it receives to
74 conduct this report.

75 **SECTION 3.** Section 43-17-5, Mississippi Code of 1972, is
76 amended as follows:

77 43-17-5. (1) The amount of Temporary Assistance for Needy
78 Families (TANF) benefits which may be granted for any dependent



79 child and a needy caretaker relative shall be determined by the
80 county department with due regard to the resources and necessary
81 expenditures of the family and the conditions existing in each
82 case, and in accordance with the rules and regulations made by the
83 Department of Human Services which shall not be less than the
84 Standard of Need in effect for 1988, and shall be sufficient when
85 added to all other income (except that any income specified in the
86 federal Social Security Act, as amended, may be disregarded) and
87 support available to the child to provide such child with a
88 reasonable subsistence compatible with decency and health. The
89 first family member in the dependent child's budget may receive an
90 amount not to exceed One Hundred Ten Dollars (\$110.00) per month;
91 the second family member in the dependent child's budget may
92 receive an amount not to exceed Thirty-six Dollars (\$36.00) per
93 month; and each additional family member in the dependent child's
94 budget an amount not to exceed Twenty-four Dollars (\$24.00) per
95 month. The maximum for any individual family member in the
96 dependent child's budget may be exceeded for foster or medical
97 care or in cases of children with an intellectual disability or a
98 physical disability. TANF benefits granted shall be specifically
99 limited only (a) to children existing or conceived at the time the
100 caretaker relative initially applies and qualifies for such
101 assistance, unless this limitation is specifically waived by the
102 department, or (b) to a child born following a



103 twelve-consecutive-month period of discontinued benefits by the
104 caretaker relative.

105 (2) TANF benefits in Mississippi shall be provided to the
106 recipient family by an online electronic benefits transfer system.

107 (3) The Department of Human Services shall deny TANF
108 benefits to the following categories of individuals, except for
109 individuals and families specifically exempt or excluded for good
110 cause as allowed by federal statute or regulation:

111 (a) Families without a minor child residing with the
112 custodial parent or other adult caretaker relative of the child;

113 (b) Families which include an adult who has received
114 TANF assistance for * * * twenty-four (24) months after the
115 commencement of the Mississippi TANF program, whether or not such
116 period of time is consecutive, disregarding any months during
117 which assistance is received by an adult recipient who as a minor
118 child was not a head of household or by a foster parent, an
119 unrelated adult, or a nonparent relative in a child-only case;

120 (c) Families not assigning to the state any rights a
121 family member may have, on behalf of the family member or of any
122 other person for whom the family member has applied for or is
123 receiving such assistance, to support from any other person, as
124 required by law;

125 (d) Families who fail to cooperate in establishing
126 paternity or obtaining child support, as required by law;



127 (e) Any individual who has not attained eighteen (18)
128 years of age, is not married to the head of household, has a minor
129 child at least twelve (12) weeks of age in his or her care, and
130 has not successfully completed a high school education or its
131 equivalent, if such individual does not participate in educational
132 activities directed toward the attainment of a high school diploma
133 or its equivalent, or an alternative educational or training
134 program approved by the department;

135 (f) Any individual who has not attained eighteen (18)
136 years of age, is not married, has a minor child in his or her
137 care, and does not reside in a place or residence maintained by a
138 parent, legal guardian or other adult relative or the individual
139 as such parent's, guardian's or adult relative's own home;

140 (g) Any minor child who has been, or is expected by a
141 parent or other caretaker relative of the child to be, absent from
142 the home for a period of more than thirty (30) days;

143 (h) Any individual who is a parent or other caretaker
144 relative of a minor child who fails to notify the department of
145 the absence of the minor child from the home for the thirty-day
146 period specified in paragraph (g), by the end of the five-day
147 period that begins with the date that it becomes clear to the
148 individual that the minor child will be absent for the thirty-day
149 period;

150 (i) Any individual who fails to comply with the
151 provisions of the Employability Development Plan signed by the



152 individual which prescribe those activities designed to help the
153 individual become and remain employed, or to participate
154 satisfactorily in the assigned work activity, as authorized under
155 subsection (6) (c) and (d), or who does not engage in applicant job
156 search activities within the thirty-day period for TANF
157 application approval after receiving the advice and consultation
158 of eligibility workers and/or caseworkers of the department
159 providing a detailed description of available job search venues in
160 the individual's county of residence or the surrounding counties;

161 (j) A parent or caretaker relative who has not engaged
162 in an allowable work activity once the department determines the
163 parent or caretaker relative is ready to engage in work, or once
164 the parent or caretaker relative has received TANF assistance
165 under the program for twenty-four (24) months, whether or not
166 consecutive, whichever is earlier;

167 (k) Any individual who is fleeing to avoid prosecution,
168 or custody or confinement after conviction, under the laws of the
169 jurisdiction from which the individual flees, for a crime, or an
170 attempt to commit a crime, which is a felony under the laws of the
171 place from which the individual flees, or who is violating a
172 condition of probation or parole imposed under federal or state
173 law;

174 (l) Aliens who are not qualified under federal law;

175 (m) For a period of ten (10) years following
176 conviction, individuals convicted in federal or state court of



177 having made a fraudulent statement or representation with respect
178 to the individual's place of residence in order to receive TANF,
179 food stamps or Supplemental Security Income (SSI) assistance under
180 Title XVI or Title XIX simultaneously from two (2) or more states;

181 (n) Individuals who are recipients of federal
182 Supplemental Security Income (SSI) assistance; and

183 (o) Individuals who are eighteen (18) years of age or
184 older who are not in compliance with the drug testing and
185 substance use disorder treatment requirements of Section 43-17-6.

186 (4) (a) Any person who is otherwise eligible for TANF
187 benefits, including custodial and noncustodial parents, shall be
188 required to attend school and meet the monthly attendance
189 requirement as provided in this subsection if all of the following
190 apply:

191 (i) The person is under age twenty (20);

192 (ii) The person has not graduated from a public or
193 private high school or obtained a High School Equivalency Diploma
194 equivalent;

195 (iii) The person is physically able to attend
196 school and is not excused from attending school; and

197 (iv) If the person is a parent or caretaker
198 relative with whom a dependent child is living, child care is
199 available for the child.

200 The monthly attendance requirement under this subsection
201 shall be attendance at the school in which the person is enrolled



202 for each day during a month that the school conducts classes in
203 which the person is enrolled, with not more than two (2) absences
204 during the month for reasons other than the reasons listed in
205 paragraph (e)(iv) of this subsection. Persons who fail to meet
206 participation requirements in this subsection shall be subject to
207 sanctions as provided in paragraph (f) of this subsection.

208 (b) As used in this subsection, "school" means any one
209 (1) of the following:

210 (i) A school as defined in Section 37-13-91(2);

211 (ii) A vocational, technical and adult education
212 program; or

213 (iii) A course of study meeting the standards
214 established by the State Department of Education for the granting
215 of a declaration of equivalency of high school graduation.

216 (c) If any compulsory-school-age child, as defined in
217 Section 37-13-91(2), to which TANF eligibility requirements apply
218 is not in compliance with the compulsory school attendance
219 requirements of Section 37-13-91(6), the superintendent of schools
220 of the school district in which the child is enrolled or eligible
221 to attend shall notify the county department of human services of
222 the child's noncompliance. The Department of Human Services shall
223 review school attendance information as provided under this
224 paragraph at all initial eligibility determinations and upon
225 subsequent report of unsatisfactory attendance.



226 (d) The signature of a person on an application for
227 TANF benefits constitutes permission for the release of school
228 attendance records for that person or for any child residing with
229 that person. The department shall request information from the
230 child's school district about the child's attendance in the school
231 district's most recently completed semester of attendance. If
232 information about the child's previous school attendance is not
233 available or cannot be verified, the department shall require the
234 child to meet the monthly attendance requirement for one (1)
235 semester or until the information is obtained. The department
236 shall use the attendance information provided by a school district
237 to verify attendance for a child. The department shall review
238 with the parent or caretaker relative a child's claim that he or
239 she has a good cause for not attending school.

240 A school district shall provide information to the department
241 about the attendance of a child who is enrolled in a public school
242 in the district within five (5) working days of the receipt of a
243 written request for that information from the department. The
244 school district shall define how many hours of attendance count as
245 a full day and shall provide that information, upon request, to
246 the department. In reporting attendance, the school district may
247 add partial days' absence together to constitute a full day's
248 absence.

249 If a school district fails to provide to the department the
250 information about the school attendance of any child within



251 fifteen (15) working days after a written request, the department
252 shall notify the Department of Audit within three (3) working days
253 of the school district's failure to comply with that requirement.
254 The Department of Audit shall begin audit proceedings within five
255 (5) working days of notification by the Department of Human
256 Services to determine the school district's compliance with the
257 requirements of this subsection (4). If the Department of Audit
258 finds that the school district is not in compliance with the
259 requirements of this subsection, the school district shall be
260 penalized as follows: The Department of Audit shall notify the
261 State Department of Education of the school district's
262 noncompliance, and the Department of Education shall reduce the
263 calculation of the school district's average daily attendance
264 (ADA) that is used to determine the allocation of Mississippi
265 Adequate Education Program funds by the number of children for
266 which the district has failed to provide to the Department of
267 Human Services the required information about the school
268 attendance of those children. The reduction in the calculation of
269 the school district's ADA under this paragraph shall be effective
270 for a period of one (1) year.

271 (e) A child who is required to attend school to meet
272 the requirements under this subsection shall comply except when
273 there is good cause, which shall be demonstrated by any of the
274 following circumstances:



275 (i) The minor parent is the caretaker of a child
276 less than twelve (12) weeks old; or

277 (ii) The department determines that child care
278 services are necessary for the minor parent to attend school and
279 there is no child care available; or

280 (iii) The child is prohibited by the school
281 district from attending school and an expulsion is pending. This
282 exemption no longer applies once the teenager has been expelled;
283 however, a teenager who has been expelled and is making
284 satisfactory progress towards obtaining a High School Equivalency
285 Diploma equivalent shall be eligible for TANF benefits; or

286 (iv) The child failed to attend school for one or
287 more of the following reasons:

288 1. Illness, injury or incapacity of the child
289 or the minor parent's child;

290 2. Court-required appearances or temporary
291 incarceration;

292 3. Medical or dental appointments for the
293 child or minor parent's child;

294 4. Death of a close relative;

295 5. Observance of a religious holiday;

296 6. Family emergency;

297 7. Breakdown in transportation;

298 8. Suspension; or



299 9. Any other circumstance beyond the control
300 of the child, as defined in regulations of the department.

301 (f) Upon determination that a child has failed without
302 good cause to attend school as required, the department shall
303 provide written notice to the parent or caretaker relative
304 (whoever is the primary recipient of the TANF benefits) that
305 specifies:

306 (i) That the family will be sanctioned in the next
307 possible payment month because the child who is required to attend
308 school has failed to meet the attendance requirement of this
309 subsection;

310 (ii) The beginning date of the sanction, and the
311 child to whom the sanction applies;

312 (iii) The right of the child's parents or
313 caretaker relative (whoever is the primary recipient of the TANF
314 benefits) to request a fair hearing under this subsection.

315 The child's parent or caretaker relative (whoever is the
316 primary recipient of the TANF benefits) may request a fair hearing
317 on the department's determination that the child has not been
318 attending school. If the child's parents or caretaker relative
319 does not request a fair hearing under this subsection, or if,
320 after a fair hearing has been held, the hearing officer finds that
321 the child without good cause has failed to meet the monthly
322 attendance requirement, the department shall discontinue or deny
323 TANF benefits to the child thirteen (13) years old, or older, in



324 the next possible payment month. The department shall discontinue
325 or deny twenty-five percent (25%) of the family grant when a child
326 six (6) through twelve (12) years of age without good cause has
327 failed to meet the monthly attendance requirement. Both the child
328 and family sanction may apply when children in both age groups
329 fail to meet the attendance requirement without good cause. A
330 sanction applied under this subsection shall be effective for one
331 (1) month for each month that the child failed to meet the monthly
332 attendance requirement. In the case of a dropout, the sanction
333 shall remain in force until the parent or caretaker relative
334 provides written proof from the school district that the child has
335 reenrolled and met the monthly attendance requirement for one (1)
336 calendar month. Any month in which school is in session for at
337 least ten (10) days during the month may be used to meet the
338 attendance requirement under this subsection. This includes
339 attendance at summer school. The sanction shall be removed the
340 next possible payment month.

341 (5) All parents or caretaker relatives shall have their
342 dependent children receive vaccinations and booster vaccinations
343 against those diseases specified by the State Health Officer under
344 Section 41-23-37 in accordance with the vaccination and booster
345 vaccination schedule prescribed by the State Health Officer for
346 children of that age, in order for the parents or caretaker
347 relatives to be eligible or remain eligible to receive TANF
348 benefits. Proof of having received such vaccinations and booster



349 vaccinations shall be given by presenting the certificates of
350 vaccination issued by any health care provider licensed to
351 administer vaccinations, and submitted on forms specified by the
352 State Board of Health. If the parents without good cause do not
353 have their dependent children receive the vaccinations and booster
354 vaccinations as required by this subsection and they fail to
355 comply after thirty (30) days' notice, the department shall
356 sanction the family's TANF benefits by twenty-five percent (25%)
357 for the next payment month and each subsequent payment month until
358 the requirements of this subsection are met.

359 (6) (a) If the parent or caretaker relative applying for
360 TANF assistance is work eligible, as determined by the Department
361 of Human Services, the person shall be required to engage in an
362 allowable work activity once the department determines the parent
363 or caretaker relative is determined work eligible, or once the
364 parent or caretaker relative has received TANF assistance under
365 the program for twenty-four (24) months, whether or not
366 consecutive, whichever is earlier. No TANF benefits shall be
367 given to any person to whom this section applies who fails without
368 good cause to comply with the Employability Development Plan
369 prepared by the department for the person, or who has refused to
370 accept a referral or offer of employment, training or education in
371 which he or she is able to engage, subject to the penalties
372 prescribed in paragraph (e) of this subsection. A person shall be



373 deemed to have refused to accept a referral or offer of
374 employment, training or education if he or she:

375 (i) Willfully fails to report for an interview
376 with respect to employment when requested to do so by the
377 department; or

378 (ii) Willfully fails to report to the department
379 the result of a referral to employment; or

380 (iii) Willfully fails to report for allowable work
381 activities as prescribed in paragraphs (c) and (d) of this
382 subsection.

383 (b) The Department of Human Services shall operate a
384 statewide work program for TANF recipients to provide work
385 activities and supportive services to enable families to become
386 self-sufficient and improve their competitive position in the
387 workforce in accordance with the requirements of the federal
388 Personal Responsibility and Work Opportunity Reconciliation Act of
389 1996 (Public Law 104-193), as amended, and the regulations
390 promulgated thereunder, and the Deficit Reduction Act of 2005
391 (Public Law 109-171), as amended. Within sixty (60) days after
392 the initial application for TANF benefits, the TANF recipient must
393 participate in a job search skills training workshop or a job
394 readiness program, which shall include resume writing, job search
395 skills, employability skills and, if available at no charge, the
396 General Aptitude Test Battery or its equivalent. All adults who
397 are not specifically exempt shall be referred by the department



398 for allowable work activities. An adult may be exempt from the
399 mandatory work activity requirement for the following reasons:

400 (i) Incapacity;

401 (ii) Temporary illness or injury, verified by
402 physician's certificate;

403 (iii) Is in the third trimester of pregnancy, and
404 there are complications verified by the certificate of a
405 physician, nurse practitioner, physician assistant, or any other
406 licensed health care professional practicing under a protocol with
407 a licensed physician;

408 (iv) Caretaker of a child under twelve (12)
409 months, for not more than twelve (12) months of the sixty-month
410 maximum benefit period;

411 (v) Caretaker of an ill or incapacitated person,
412 as verified by physician's certificate;

413 (vi) Age, if over sixty (60) or under eighteen
414 (18) years of age;

415 (vii) Receiving treatment for substance abuse, if
416 the person is in compliance with the substance abuse treatment
417 plan;

418 (viii) In a two-parent family, the caretaker of a
419 severely disabled child, as verified by a physician's certificate;
420 or

421 (ix) History of having been a victim of domestic
422 violence, which has been reported as required by state law and is



423 substantiated by police reports or court records, and being at
424 risk of further domestic violence, shall be exempt for a period as
425 deemed necessary by the department but not to exceed a total of
426 twelve (12) months, which need not be consecutive, in the
427 sixty-month maximum benefit period. For the purposes of this
428 subparagraph (ix), "domestic violence" means that an individual
429 has been subjected to:

- 430 1. Physical acts that resulted in, or
431 threatened to result in, physical injury to the individual;
- 432 2. Sexual abuse;
- 433 3. Sexual activity involving a dependent
434 child;
- 435 4. Being forced as the caretaker relative of
436 a dependent child to engage in nonconsensual sexual acts or
437 activities;
- 438 5. Threats of, or attempts at, physical or
439 sexual abuse;
- 440 6. Mental abuse; or
- 441 7. Neglect or deprivation of medical care.

442 (c) For all families, all adults who are not
443 specifically exempt shall be required to participate in work
444 activities for at least the minimum average number of hours per
445 week specified by federal law or regulation, not fewer than twenty
446 (20) hours per week (thirty-five (35) hours per week for



447 two-parent families) of which are attributable to the following
448 allowable work activities:

- 449 (i) Unsubsidized employment;
- 450 (ii) Subsidized private employment;
- 451 (iii) Subsidized public employment;
- 452 (iv) Work experience (including work associated
453 with the refurbishing of publicly assisted housing), if sufficient
454 private employment is not available;
- 455 (v) On-the-job training;
- 456 (vi) Job search and job readiness assistance
457 consistent with federal TANF regulations;
- 458 (vii) Community service programs;
- 459 (viii) Vocational educational training (not to
460 exceed twelve (12) months with respect to any individual);
- 461 (ix) The provision of child care services to an
462 individual who is participating in a community service program;
- 463 (x) Satisfactory attendance at high school or in a
464 course of study leading to a high school equivalency certificate,
465 for heads of household under age twenty (20) who have not
466 completed high school or received such certificate;
- 467 (xi) Education directly related to employment, for
468 heads of household under age twenty (20) who have not completed
469 high school or received such equivalency certificate.



470 (d) The following are allowable work activities which
471 may be attributable to hours in excess of the minimum specified in
472 paragraph (c) of this subsection:

473 (i) Job skills training directly related to
474 employment;

475 (ii) Education directly related to employment for
476 individuals who have not completed high school or received a high
477 school equivalency certificate;

478 (iii) Satisfactory attendance at high school or in
479 a course of study leading to a high school equivalency, for
480 individuals who have not completed high school or received such
481 equivalency certificate;

482 (iv) Job search and job readiness assistance
483 consistent with federal TANF regulations.

484 (e) If any adult or caretaker relative refuses to
485 participate in allowable work activity as required under this
486 subsection (6), the following full family TANF benefit penalty
487 will apply, subject to due process to include notification,
488 conciliation and a hearing if requested by the recipient:

489 (i) For the first violation, the department shall
490 terminate the TANF assistance otherwise payable to the family for
491 a two-month period or until the person has complied with the
492 required work activity, whichever is longer;

493 (ii) For the second violation, the department
494 shall terminate the TANF assistance otherwise payable to the



495 family for a six-month period or until the person has complied
496 with the required work activity, whichever is longer;

497 (iii) For the third violation, the department
498 shall terminate the TANF assistance otherwise payable to the
499 family for a twelve-month period or until the person has complied
500 with the required work activity, whichever is longer;

501 (iv) For the fourth violation, the person shall be
502 permanently disqualified.

503 For a two-parent family, unless prohibited by state or
504 federal law, Medicaid assistance shall be terminated only for the
505 person whose failure to participate in allowable work activity
506 caused the family's TANF assistance to be sanctioned under this
507 paragraph (e), unless an individual is pregnant, but shall not be
508 terminated for any other person in the family who is meeting that
509 person's applicable work requirement or who is not required to
510 work. Minor children shall continue to be eligible for Medicaid
511 benefits regardless of the disqualification of their parent or
512 caretaker relative for TANF assistance under this subsection (6),
513 unless prohibited by state or federal law.

514 (f) Any person enrolled in a two-year or four-year
515 college program who meets the eligibility requirements to receive
516 TANF benefits, and who is meeting the applicable work requirements
517 and all other applicable requirements of the TANF program, shall
518 continue to be eligible for TANF benefits while enrolled in the



519 college program for as long as the person meets the requirements
520 of the TANF program, unless prohibited by federal law.

521 (g) No adult in a work activity required under this
522 subsection (6) shall be employed or assigned (i) when any other
523 individual is on layoff from the same or any substantially
524 equivalent job within six (6) months before the date of the TANF
525 recipient's employment or assignment; or (ii) if the employer has
526 terminated the employment of any regular employee or otherwise
527 caused an involuntary reduction of its workforce in order to fill
528 the vacancy so created with an adult receiving TANF assistance.
529 The Mississippi Department of Employment Security, established
530 under Section 71-5-101, shall appoint one or more impartial
531 hearing officers to hear and decide claims by employees of
532 violations of this paragraph (g). The hearing officer shall hear
533 all the evidence with respect to any claim made hereunder and such
534 additional evidence as he may require and shall make a
535 determination and the reason therefor. The claimant shall be
536 promptly notified of the decision of the hearing officer and the
537 reason therefor. Within ten (10) days after the decision of the
538 hearing officer has become final, any party aggrieved thereby may
539 secure judicial review thereof by commencing an action, in the
540 circuit court of the county in which the claimant resides, against
541 the department for the review of such decision, in which action
542 any other party to the proceeding before the hearing officer shall
543 be made a defendant. Any such appeal shall be on the record which



544 shall be certified to the court by the department in the manner
545 provided in Section 71-5-531, and the jurisdiction of the court
546 shall be confined to questions of law which shall render its
547 decision as provided in that section.

548 (7) The Department of Human Services may provide child care
549 for eligible participants who require such care so that they may
550 accept employment or remain employed. The department may also
551 provide child care for those participating in the TANF program
552 when it is determined that they are satisfactorily involved in
553 education, training or other allowable work activities. The
554 department may contract with Head Start agencies to provide child
555 care services to TANF recipients. The department may also arrange
556 for child care by use of contract or vouchers, provide vouchers in
557 advance to a caretaker relative, reimburse a child care provider,
558 or use any other arrangement deemed appropriate by the department,
559 and may establish different reimbursement rates for child care
560 services depending on the category of the facility or home. Any
561 center-based or group home child care facility under this
562 subsection shall be licensed by the State Department of Health
563 pursuant to law. When child care is being provided in the child's
564 own home, in the home of a relative of the child, or in any other
565 unlicensed setting, the provision of such child care may be
566 monitored on a random basis by the Department of Human Services or
567 the State Department of Health. Transitional child care
568 assistance may be continued if it is necessary for parents to



569 maintain employment once support has ended, unless prohibited
570 under state or federal law. Transitional child care assistance
571 may be provided for up to twenty-four (24) months after the last
572 month during which the family was eligible for TANF assistance, if
573 federal funds are available for such child care assistance.

574 (8) The Department of Human Services may provide
575 transportation or provide reasonable reimbursement for
576 transportation expenses that are necessary for individuals to be
577 able to participate in allowable work activity under the TANF
578 program.

579 (9) Medicaid assistance shall be provided to a family of
580 TANF program participants for up to twenty-four (24) consecutive
581 calendar months following the month in which the participating
582 family would be ineligible for TANF benefits because of increased
583 income, expiration of earned income disregards, or increased hours
584 of employment of the caretaker relative; however, Medicaid
585 assistance for more than twelve (12) months may be provided only
586 if a federal waiver is obtained to provide such assistance for
587 more than twelve (12) months and federal and state funds are
588 available to provide such assistance.

589 (10) The department shall require applicants for and
590 recipients of public assistance from the department to sign a
591 personal responsibility contract that will require the applicant
592 or recipient to acknowledge his or her responsibilities to the
593 state.



594 (11) The department shall enter into an agreement with the
595 State Personnel Board and other state agencies that will allow
596 those TANF participants who qualify for vacant jobs within state
597 agencies to be placed in state jobs. State agencies participating
598 in the TANF work program shall receive any and all benefits
599 received by employers in the private sector for hiring TANF
600 recipients. This subsection (11) shall be effective only if the
601 state obtains any necessary federal waiver or approval and if
602 federal funds are available therefor.

603 (12) Any unspent TANF funds remaining from the prior fiscal
604 year may be expended for any TANF allowable activities.

605 (13) The Mississippi Department of Human Services shall
606 provide TANF applicants information and referral to programs that
607 provide information about birth control, prenatal health care,
608 abstinence education, marriage education, family preservation and
609 fatherhood.

610 (14) No new TANF program requirement or restriction
611 affecting a person's eligibility for TANF assistance, or allowable
612 work activity, which is not mandated by federal law or regulation
613 may be implemented by the Department of Human Services after July
614 1, 2004, unless such is specifically authorized by an amendment to
615 this section by the Legislature.

616 **SECTION 4.** The following shall be codified as Section
617 43-12-73, Mississippi Code of 1972:



618 43-12-73. The Department of Human Services shall assign
619 individuals subject to requirements established under 7 USC
620 Section 2015(d)(1), but not subject to requirements established
621 under 7 USC Section 2015(o), to an employment and training program
622 as defined in 7 USC Section 2015(d)(4).

623 **SECTION 5.** This act shall take effect and be in force from
624 and after July 1, 2020.

