

By: Representative Hood

To: Medicaid

HOUSE BILL NO. 659

1 AN ACT TO BE KNOWN AS THE "MEDICAID ACCESS AND OPPORTUNITY
2 ACT OF 2022"; TO REQUIRE THE EXECUTIVE DIRECTOR OF THE DIVISION OF
3 MEDICAID TO PRESENT TO THE GOVERNOR, LIEUTENANT GOVERNOR, SPEAKER
4 OF THE HOUSE AND CHAIRS OF THE SENATE AND HOUSE MEDICAID
5 COMMITTEES A FEASIBILITY STUDY REGARDING THE APPLICATION FOR AND
6 USE OF A BLOCK GRANT TO FINANCE THE STATE MEDICAID PROGRAM; TO
7 AMEND SECTION 43-17-5, MISSISSIPPI CODE OF 1972, TO REQUIRE THE
8 DEPARTMENT OF HUMAN SERVICES TO DENY TANF BENEFITS TO FAMILIES
9 THAT INCLUDE AN ADULT WHO HAS RECEIVED TANF ASSISTANCE FOR
10 TWENTY-FOUR MONTHS, DISREGARDING ANY MONTHS DURING WHICH
11 ASSISTANCE IS RECEIVED BY AN ADULT RECIPIENT WHO AS A MINOR CHILD
12 WAS NOT A HEAD OF HOUSEHOLD OR BY A FOSTER PARENT, AN UNRELATED
13 ADULT, OR A NONPARENT RELATIVE IN A CHILD-ONLY CASE; TO CREATE NEW
14 SECTION 43-12-73, MISSISSIPPI CODE OF 1972, TO REQUIRE THE
15 DEPARTMENT OF HUMAN SERVICES TO ASSIGN CERTAIN RECIPIENTS OF
16 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) BENEFITS TO AN
17 EMPLOYMENT AND TRAINING PROGRAM AS A CONDITION OF PARTICIPATION IN
18 THE PROGRAM; TO CREATE NEW SECTION 43-33-801, MISSISSIPPI CODE OF
19 1972, TO REQUIRE ALL PUBLIC HOUSING AUTHORITIES TO SEEK A FEDERAL
20 WAIVER TO CONDUCT A SCREENING OF EACH APPLICANT FOR AND RECIPIENT
21 OF HOUSING BENEFITS ADMINISTERED BY THE HOUSING AUTHORITY TO
22 DETERMINE IF THE APPLICANT OR RECIPIENT IS UNEMPLOYED OR
23 UNDEREMPLOYED AND ABLE-BODIED, AND TO CREATE AN EMPLOYABILITY PLAN
24 FOR RECIPIENTS WHO ARE ABLE-BODIED AND EITHER UNEMPLOYED OR
25 UNDEREMPLOYED AND REQUIRE PARTICIPATION IN THE PLAN AS A TERM OF
26 THEIR HOUSING BENEFITS; TO CREATE NEW SECTION 43-33-803,
27 MISSISSIPPI CODE OF 1972, TO REQUIRE ALL PUBLIC HOUSING
28 AUTHORITIES IN THE STATE TO DISTRIBUTE HOUSING BENEFITS AND SELECT
29 APPLICANTS FROM BENEFIT WAITING LISTS GIVING THE HIGHEST
30 PREFERENCE TO FAMILIES WHERE ALL ABLE-BODIED ADULTS IN THE
31 HOUSEHOLD ARE EMPLOYED; AND FOR RELATED PURPOSES.

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



33 **SECTION 1.** This act shall be known and may be cited as the
34 "Medicaid Access and Opportunity Act of 2022."

35 **SECTION 2.** Before October 1, 2022, the Executive Director of
36 the Division of Medicaid shall present to the Governor, Lieutenant
37 Governor, Speaker of the House and Chairs of the Senate and House
38 Medicaid Committees a feasibility study regarding the application
39 for and use of a block grant to finance the state Medicaid
40 program. The study must examine how a block grant may deliver
41 improved access to health care, improved health care outcomes,
42 flexibility for patients and providers, innovation in health care
43 delivery, increased self-sufficiency, budget stability and
44 sustainable fiscal performance.

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

47 43-17-5. (1) The amount of Temporary Assistance for Needy
48 Families (TANF) benefits which may be granted for any dependent
49 child and a needy caretaker relative shall be determined by the
50 county department with due regard to the resources and necessary
51 expenditures of the family and the conditions existing in each
52 case, and in accordance with the rules and regulations made by the
53 Department of Human Services which shall not be less than the
54 Standard of Need in effect for 1988, and shall be sufficient when
55 added to all other income (except that any income specified in the
56 federal Social Security Act, as amended, may be disregarded) and
57 support available to the child to provide such child with a



58 reasonable subsistence compatible with decency and health. The
59 first family member in the dependent child's budget may receive an
60 amount not to exceed Two Hundred Dollars (\$200.00) per month; the
61 second family member in the dependent child's budget may receive
62 an amount not to exceed Thirty-six Dollars (\$36.00) per month; and
63 each additional family member in the dependent child's budget an
64 amount not to exceed Twenty-four Dollars (\$24.00) per month. The
65 maximum for any individual family member in the dependent child's
66 budget may be exceeded for foster or medical care or in cases of
67 children with an intellectual disability or a physical disability.
68 TANF benefits granted shall be specifically limited only (a) to
69 children existing or conceived at the time the caretaker relative
70 initially applies and qualifies for such assistance, unless this
71 limitation is specifically waived by the department, or (b) to a
72 child born following a twelve-consecutive-month period of
73 discontinued benefits by the caretaker relative.

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

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

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



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

89 (c) Families not assigning to the state any rights a
90 family member may have, on behalf of the family member or of any
91 other person for whom the family member has applied for or is
92 receiving such assistance, to support from any other person, as
93 required by law;

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

96 (e) Any individual who has not attained eighteen (18)
97 years of age, is not married to the head of household, has a minor
98 child at least twelve (12) weeks of age in his or her care, and
99 has not successfully completed a high school education or its
100 equivalent, if such individual does not participate in educational
101 activities directed toward the attainment of a high school diploma
102 or its equivalent, or an alternative educational or training
103 program approved by the department;

104 (f) Any individual who has not attained eighteen (18)
105 years of age, is not married, has a minor child in his or her
106 care, and does not reside in a place or residence maintained by a



107 parent, legal guardian or other adult relative or the individual
108 as such parent's, guardian's or adult relative's own home;

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

112 (h) Any individual who is a parent or other caretaker
113 relative of a minor child who fails to notify the department of
114 the absence of the minor child from the home for the thirty-day
115 period specified in paragraph (g), by the end of the five-day
116 period that begins with the date that it becomes clear to the
117 individual that the minor child will be absent for the thirty-day
118 period;

119 (i) Any individual who fails to comply with the
120 provisions of the Employability Development Plan signed by the
121 individual which prescribe those activities designed to help the
122 individual become and remain employed, or to participate
123 satisfactorily in the assigned work activity, as authorized under
124 subsection (6) (c) and (d), or who does not engage in applicant job
125 search activities within the thirty-day period for TANF
126 application approval after receiving the advice and consultation
127 of eligibility workers and/or caseworkers of the department
128 providing a detailed description of available job search venues in
129 the individual's county of residence or the surrounding counties;

130 (j) A parent or caretaker relative who has not engaged
131 in an allowable work activity once the department determines the



132 parent or caretaker relative is ready to engage in work, or once
133 the parent or caretaker relative has received TANF assistance
134 under the program for twenty-four (24) months, whether or not
135 consecutive, whichever is earlier;

136 (k) Any individual who is fleeing to avoid prosecution,
137 or custody or confinement after conviction, under the laws of the
138 jurisdiction from which the individual flees, for a crime, or an
139 attempt to commit a crime, which is a felony under the laws of the
140 place from which the individual flees, or who is violating a
141 condition of probation or parole imposed under federal or state
142 law;

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

144 (m) For a period of ten (10) years following
145 conviction, individuals convicted in federal or state court of
146 having made a fraudulent statement or representation with respect
147 to the individual's place of residence in order to receive TANF,
148 food stamps or Supplemental Security Income (SSI) assistance under
149 Title XVI or Title XIX simultaneously from two (2) or more states;

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

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

155 (4) (a) Any person who is otherwise eligible for TANF
156 benefits, including custodial and noncustodial parents, shall be



157 required to attend school and meet the monthly attendance
158 requirement as provided in this subsection if all of the following
159 apply:

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

161 (ii) The person has not graduated from a public or
162 private high school or obtained a High School Equivalency Diploma
163 equivalent;

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

166 (iv) If the person is a parent or caretaker
167 relative with whom a dependent child is living, child care is
168 available for the child.

169 The monthly attendance requirement under this subsection
170 shall be attendance at the school in which the person is enrolled
171 for each day during a month that the school conducts classes in
172 which the person is enrolled, with not more than two (2) absences
173 during the month for reasons other than the reasons listed in
174 paragraph (e)(iv) of this subsection. Persons who fail to meet
175 participation requirements in this subsection shall be subject to
176 sanctions as provided in paragraph (f) of this subsection.

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

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

180 (ii) A vocational, technical and adult education
181 program; or



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

185 (c) If any compulsory-school-age child, as defined in
186 Section 37-13-91(2), to which TANF eligibility requirements apply
187 is not in compliance with the compulsory school attendance
188 requirements of Section 37-13-91(6), the superintendent of schools
189 of the school district in which the child is enrolled or eligible
190 to attend shall notify the county department of human services of
191 the child's noncompliance. The Department of Human Services shall
192 review school attendance information as provided under this
193 paragraph at all initial eligibility determinations and upon
194 subsequent report of unsatisfactory attendance.

195 (d) The signature of a person on an application for
196 TANF benefits constitutes permission for the release of school
197 attendance records for that person or for any child residing with
198 that person. The department shall request information from the
199 child's school district about the child's attendance in the school
200 district's most recently completed semester of attendance. If
201 information about the child's previous school attendance is not
202 available or cannot be verified, the department shall require the
203 child to meet the monthly attendance requirement for one (1)
204 semester or until the information is obtained. The department
205 shall use the attendance information provided by a school district
206 to verify attendance for a child. The department shall review



207 with the parent or caretaker relative a child's claim that he or
208 she has a good cause for not attending school.

209 A school district shall provide information to the department
210 about the attendance of a child who is enrolled in a public school
211 in the district within five (5) working days of the receipt of a
212 written request for that information from the department. The
213 school district shall define how many hours of attendance count as
214 a full day and shall provide that information, upon request, to
215 the department. In reporting attendance, the school district may
216 add partial days' absence together to constitute a full day's
217 absence.

218 If a school district fails to provide to the department the
219 information about the school attendance of any child within
220 fifteen (15) working days after a written request, the department
221 shall notify the Department of Audit within three (3) working days
222 of the school district's failure to comply with that requirement.
223 The Department of Audit shall begin audit proceedings within five
224 (5) working days of notification by the Department of Human
225 Services to determine the school district's compliance with the
226 requirements of this subsection (4). If the Department of Audit
227 finds that the school district is not in compliance with the
228 requirements of this subsection, the school district shall be
229 penalized as follows: The Department of Audit shall notify the
230 State Department of Education of the school district's
231 noncompliance, and the Department of Education shall reduce the



232 calculation of the school district's average daily attendance
233 (ADA) that is used to determine the allocation of Mississippi
234 Adequate Education Program funds by the number of children for
235 which the district has failed to provide to the Department of
236 Human Services the required information about the school
237 attendance of those children. The reduction in the calculation of
238 the school district's ADA under this paragraph shall be effective
239 for a period of one (1) year.

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

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

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

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

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



- 257 1. Illness, injury or incapacity of the child
258 or the minor parent's child;
259 2. Court-required appearances or temporary
260 incarceration;
261 3. Medical or dental appointments for the
262 child or minor parent's child;
263 4. Death of a close relative;
264 5. Observance of a religious holiday;
265 6. Family emergency;
266 7. Breakdown in transportation;
267 8. Suspension; or
268 9. Any other circumstance beyond the control
269 of the child, as defined in regulations of the department.

270 (f) Upon determination that a child has failed without
271 good cause to attend school as required, the department shall
272 provide written notice to the parent or caretaker relative
273 (whoever is the primary recipient of the TANF benefits) that
274 specifies:

275 (i) That the family will be sanctioned in the next
276 possible payment month because the child who is required to attend
277 school has failed to meet the attendance requirement of this
278 subsection;

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



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

284 The child's parent or caretaker relative (whoever is the
285 primary recipient of the TANF benefits) may request a fair hearing
286 on the department's determination that the child has not been
287 attending school. If the child's parents or caretaker relative
288 does not request a fair hearing under this subsection, or if,
289 after a fair hearing has been held, the hearing officer finds that
290 the child without good cause has failed to meet the monthly
291 attendance requirement, the department shall discontinue or deny
292 TANF benefits to the child thirteen (13) years old, or older, in
293 the next possible payment month. The department shall discontinue
294 or deny twenty-five percent (25%) of the family grant when a child
295 six (6) through twelve (12) years of age without good cause has
296 failed to meet the monthly attendance requirement. Both the child
297 and family sanction may apply when children in both age groups
298 fail to meet the attendance requirement without good cause. A
299 sanction applied under this subsection shall be effective for one
300 (1) month for each month that the child failed to meet the monthly
301 attendance requirement. In the case of a dropout, the sanction
302 shall remain in force until the parent or caretaker relative
303 provides written proof from the school district that the child has
304 reenrolled and met the monthly attendance requirement for one (1)
305 calendar month. Any month in which school is in session for at



306 least ten (10) days during the month may be used to meet the
307 attendance requirement under this subsection. This includes
308 attendance at summer school. The sanction shall be removed the
309 next possible payment month.

310 (5) All parents or caretaker relatives shall have their
311 dependent children receive vaccinations and booster vaccinations
312 against those diseases specified by the State Health Officer under
313 Section 41-23-37 in accordance with the vaccination and booster
314 vaccination schedule prescribed by the State Health Officer for
315 children of that age, in order for the parents or caretaker
316 relatives to be eligible or remain eligible to receive TANF
317 benefits. Proof of having received such vaccinations and booster
318 vaccinations shall be given by presenting the certificates of
319 vaccination issued by any health care provider licensed to
320 administer vaccinations, and submitted on forms specified by the
321 State Board of Health. If the parents without good cause do not
322 have their dependent children receive the vaccinations and booster
323 vaccinations as required by this subsection and they fail to
324 comply after thirty (30) days' notice, the department shall
325 sanction the family's TANF benefits by twenty-five percent (25%)
326 for the next payment month and each subsequent payment month until
327 the requirements of this subsection are met.

328 (6) (a) If the parent or caretaker relative applying for
329 TANF assistance is work eligible, as determined by the Department
330 of Human Services, the person shall be required to engage in an



331 allowable work activity once the department determines the parent
332 or caretaker relative is determined work eligible, or once the
333 parent or caretaker relative has received TANF assistance under
334 the program for twenty-four (24) months, whether or not
335 consecutive, whichever is earlier. No TANF benefits shall be
336 given to any person to whom this section applies who fails without
337 good cause to comply with the Employability Development Plan
338 prepared by the department for the person, or who has refused to
339 accept a referral or offer of employment, training or education in
340 which he or she is able to engage, subject to the penalties
341 prescribed in paragraph (e) of this subsection. A person shall be
342 deemed to have refused to accept a referral or offer of
343 employment, training or education if he or she:

344 (i) Willfully fails to report for an interview
345 with respect to employment when requested to do so by the
346 department; or

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

349 (iii) Willfully fails to report for allowable work
350 activities as prescribed in paragraphs (c) and (d) of this
351 subsection.

352 (b) The Department of Human Services shall operate a
353 statewide work program for TANF recipients to provide work
354 activities and supportive services to enable families to become
355 self-sufficient and improve their competitive position in the



356 workforce in accordance with the requirements of the federal
357 Personal Responsibility and Work Opportunity Reconciliation Act of
358 1996 (Public Law 104-193), as amended, and the regulations
359 promulgated thereunder, and the Deficit Reduction Act of 2005
360 (Public Law 109-171), as amended. Within sixty (60) days after
361 the initial application for TANF benefits, the TANF recipient must
362 participate in a job search skills training workshop or a job
363 readiness program, which shall include resume writing, job search
364 skills, employability skills and, if available at no charge, the
365 General Aptitude Test Battery or its equivalent. All adults who
366 are not specifically exempt shall be referred by the department
367 for allowable work activities. An adult may be exempt from the
368 mandatory work activity requirement for the following reasons:

369 (i) Incapacity;

370 (ii) Temporary illness or injury, verified by
371 physician's certificate;

372 (iii) Is in the third trimester of pregnancy, and
373 there are complications verified by the certificate of a
374 physician, nurse practitioner, physician assistant, or any other
375 licensed health care professional practicing under a protocol with
376 a licensed physician;

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



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

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

384 (vii) Receiving treatment for substance abuse, if
385 the person is in compliance with the substance abuse treatment
386 plan;

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

390 (ix) History of having been a victim of domestic
391 violence, which has been reported as required by state law and is
392 substantiated by police reports or court records, and being at
393 risk of further domestic violence, shall be exempt for a period as
394 deemed necessary by the department but not to exceed a total of
395 twelve (12) months, which need not be consecutive, in the
396 sixty-month maximum benefit period. For the purposes of this
397 subparagraph (ix), "domestic violence" means that an individual
398 has been subjected to:

399 1. Physical acts that resulted in, or
400 threatened to result in, physical injury to the individual;

401 2. Sexual abuse;

402 3. Sexual activity involving a dependent
403 child;



404 4. Being forced as the caretaker relative of
405 a dependent child to engage in nonconsensual sexual acts or
406 activities;

407 5. Threats of, or attempts at, physical or
408 sexual abuse;

409 6. Mental abuse; or

410 7. Neglect or deprivation of medical care.

411 (c) For all families, all adults who are not
412 specifically exempt shall be required to participate in work
413 activities for at least the minimum average number of hours per
414 week specified by federal law or regulation, not fewer than twenty
415 (20) hours per week (thirty-five (35) hours per week for
416 two-parent families) of which are attributable to the following
417 allowable work activities:

418 (i) Unsubsidized employment;

419 (ii) Subsidized private employment;

420 (iii) Subsidized public employment;

421 (iv) Work experience (including work associated
422 with the refurbishing of publicly assisted housing), if sufficient
423 private employment is not available;

424 (v) On-the-job training;

425 (vi) Job search and job readiness assistance
426 consistent with federal TANF regulations;

427 (vii) Community service programs;



428 (viii) Vocational educational training (not to
429 exceed twelve (12) months with respect to any individual);

430 (ix) The provision of child care services to an
431 individual who is participating in a community service program;

432 (x) Satisfactory attendance at high school or in a
433 course of study leading to a high school equivalency certificate,
434 for heads of household under age twenty (20) who have not
435 completed high school or received such certificate;

436 (xi) Education directly related to employment, for
437 heads of household under age twenty (20) who have not completed
438 high school or received such equivalency certificate.

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

442 (i) Job skills training directly related to
443 employment;

444 (ii) Education directly related to employment for
445 individuals who have not completed high school or received a high
446 school equivalency certificate;

447 (iii) Satisfactory attendance at high school or in
448 a course of study leading to a high school equivalency, for
449 individuals who have not completed high school or received such
450 equivalency certificate;

451 (iv) Job search and job readiness assistance
452 consistent with federal TANF regulations.



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

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

462 (ii) For the second violation, the department
463 shall terminate the TANF assistance otherwise payable to the
464 family for a six-month period or until the person has complied
465 with the required work activity, whichever is longer;

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

470 (iv) For the fourth violation, the person shall be
471 permanently disqualified.

472 For a two-parent family, unless prohibited by state or
473 federal law, Medicaid assistance shall be terminated only for the
474 person whose failure to participate in allowable work activity
475 caused the family's TANF assistance to be sanctioned under this
476 paragraph (e), unless an individual is pregnant, but shall not be
477 terminated for any other person in the family who is meeting that



478 person's applicable work requirement or who is not required to
479 work. Minor children shall continue to be eligible for Medicaid
480 benefits regardless of the disqualification of their parent or
481 caretaker relative for TANF assistance under this subsection (6),
482 unless prohibited by state or federal law.

483 (f) Any person enrolled in a two-year or four-year
484 college program who meets the eligibility requirements to receive
485 TANF benefits, and who is meeting the applicable work requirements
486 and all other applicable requirements of the TANF program, shall
487 continue to be eligible for TANF benefits while enrolled in the
488 college program for as long as the person meets the requirements
489 of the TANF program, unless prohibited by federal law.

490 (g) No adult in a work activity required under this
491 subsection (6) shall be employed or assigned (i) when any other
492 individual is on layoff from the same or any substantially
493 equivalent job within six (6) months before the date of the TANF
494 recipient's employment or assignment; or (ii) if the employer has
495 terminated the employment of any regular employee or otherwise
496 caused an involuntary reduction of its workforce in order to fill
497 the vacancy so created with an adult receiving TANF assistance.
498 The Mississippi Department of Employment Security, established
499 under Section 71-5-101, shall appoint one or more impartial
500 hearing officers to hear and decide claims by employees of
501 violations of this paragraph (g). The hearing officer shall hear
502 all the evidence with respect to any claim made hereunder and such



503 additional evidence as he may require and shall make a
504 determination and the reason therefor. The claimant shall be
505 promptly notified of the decision of the hearing officer and the
506 reason therefor. Within ten (10) days after the decision of the
507 hearing officer has become final, any party aggrieved thereby may
508 secure judicial review thereof by commencing an action, in the
509 circuit court of the county in which the claimant resides, against
510 the department for the review of such decision, in which action
511 any other party to the proceeding before the hearing officer shall
512 be made a defendant. Any such appeal shall be on the record which
513 shall be certified to the court by the department in the manner
514 provided in Section 71-5-531, and the jurisdiction of the court
515 shall be confined to questions of law which shall render its
516 decision as provided in that section.

517 (7) The Department of Human Services may provide child care
518 for eligible participants who require such care so that they may
519 accept employment or remain employed. The department may also
520 provide child care for those participating in the TANF program
521 when it is determined that they are satisfactorily involved in
522 education, training or other allowable work activities. The
523 department may contract with Head Start agencies to provide child
524 care services to TANF recipients. The department may also arrange
525 for child care by use of contract or vouchers, provide vouchers in
526 advance to a caretaker relative, reimburse a child care provider,
527 or use any other arrangement deemed appropriate by the department,



528 and may establish different reimbursement rates for child care
529 services depending on the category of the facility or home. Any
530 center-based or group home child care facility under this
531 subsection shall be licensed by the State Department of Health
532 pursuant to law. When child care is being provided in the child's
533 own home, in the home of a relative of the child, or in any other
534 unlicensed setting, the provision of such child care may be
535 monitored on a random basis by the Department of Human Services or
536 the State Department of Health. Transitional child care
537 assistance may be continued if it is necessary for parents to
538 maintain employment once support has ended, unless prohibited
539 under state or federal law. Transitional child care assistance
540 may be provided for up to twenty-four (24) months after the last
541 month during which the family was eligible for TANF assistance, if
542 federal funds are available for such child care assistance.

543 (8) The Department of Human Services may provide
544 transportation or provide reasonable reimbursement for
545 transportation expenses that are necessary for individuals to be
546 able to participate in allowable work activity under the TANF
547 program.

548 (9) Medicaid assistance shall be provided to a family of
549 TANF program participants for up to twenty-four (24) consecutive
550 calendar months following the month in which the participating
551 family would be ineligible for TANF benefits because of increased
552 income, expiration of earned income disregards, or increased hours



553 of employment of the caretaker relative; however, Medicaid
554 assistance for more than twelve (12) months may be provided only
555 if a federal waiver is obtained to provide such assistance for
556 more than twelve (12) months and federal and state funds are
557 available to provide such assistance.

558 (10) The department shall require applicants for and
559 recipients of public assistance from the department to sign a
560 personal responsibility contract that will require the applicant
561 or recipient to acknowledge his or her responsibilities to the
562 state.

563 (11) The department shall enter into an agreement with the
564 State Personnel Board and other state agencies that will allow
565 those TANF participants who qualify for vacant jobs within state
566 agencies to be placed in state jobs. State agencies participating
567 in the TANF work program shall receive any and all benefits
568 received by employers in the private sector for hiring TANF
569 recipients. This subsection (11) shall be effective only if the
570 state obtains any necessary federal waiver or approval and if
571 federal funds are available therefor. Not later than September 1,
572 2021, the department shall prepare a report, which shall be
573 provided to the Chairmen of the House and Senate Public Health
574 Committees and to any other member of the Legislature upon
575 request, on the history, status, outcomes and effectiveness of the
576 agreements required under this subsection.



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

579 (13) The Mississippi Department of Human Services shall
580 provide TANF applicants information and referral to programs that
581 provide information about birth control, prenatal health care,
582 abstinence education, marriage education, family preservation and
583 fatherhood. Not later than September 1, 2021, the department
584 shall prepare a report, which shall be provided to the Chairmen of
585 the House and Senate Public Health Committees and to any other
586 member of the Legislature upon request, on the history, status,
587 outcomes and effectiveness of the information and referral
588 requirements under this subsection.

589 (14) No new TANF program requirement or restriction
590 affecting a person's eligibility for TANF assistance, or allowable
591 work activity, which is not mandated by federal law or regulation
592 may be implemented by the Department of Human Services after July
593 1, 2004, unless such is specifically authorized by an amendment to
594 this section by the Legislature.

595 **SECTION 4.** The following shall be codified as Section
596 43-12-73, Mississippi Code of 1972:

597 43-12-73. The Department of Human Services shall assign
598 individuals subject to requirements established under 7 USC
599 Section 2015(d)(1), but not subject to requirements established
600 under 7 USC Section 2015(o), to an employment and training program
601 as defined in 7 USC Section 2015(d)(4).



602 **SECTION 5.** The following shall be codified as Section
603 43-33-801, Mississippi Code of 1972:

604 43-33-801. (1) To the extent allowed under federal law, and
605 no later than January 1, 2023, all public housing authorities in
606 the state shall seek a waiver from the United States Department of
607 Housing and Urban Development to implement the following:

608 (a) A screening conducted on each applicant for and
609 recipient of housing benefits administered by the housing
610 authority to determine if the applicant or recipient is unemployed
611 or underemployed and able-bodied, which is defined for the
612 purposes of this section as a nondisabled adult individual who is
613 age eighteen (18) through sixty-four (64) years without dependent
614 children under the age of six (6) years;

615 (b) Creation of an employability plan for recipients
616 who are able-bodied and either unemployed or underemployed and
617 require participation in the plan as a term of their housing
618 benefits. Each employability plan must require recipients of
619 housing assistance to engage in paid work, education, or job
620 training for at least twenty (20) hours per week; and

621 (c) Failure to adhere to the employability plan and
622 work requirements contained in the plan results in a loss of
623 eligibility for housing benefits, including, but not limited to,
624 public housing and voucher benefits.



625 (2) The Department of Employment Security shall promulgate
626 rules establishing standards for determining whether an individual
627 is unemployed or underemployed for purposes of this section.

628 **SECTION 6.** The following shall be codified as Section
629 43-33-803, Mississippi Code of 1972:

630 43-33-803. All public housing authorities in the state shall
631 distribute housing benefits and select applicants from benefit
632 waiting lists giving the highest preference to families where all
633 able-bodied adults in the household are employed. Authorities
634 shall adopt this preference to the maximum extent allowed by
635 minimum federal requirements as to the distribution of benefits
636 with which housing authorities must comply.

637 **SECTION 7.** This act shall take effect and be in force from
638 and after July 1, 2022.

