

AN ACT

*Codification
District of
Columbia
Code
2001 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Public Assistance Act of 1982 to establish an Interim Disability Assistance program to provide temporary financial assistance to adults with disabilities while their application for Supplemental Security Income is pending, and to place certain restrictions on the funding of the program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Interim Disability Assistance Amendment Act of 2000".

Sec. 2. The District of Columbia Public Assistance Act of 1982 is amended as follows:

(a) Section 201 is amended as follows:

(1) Paragraph (5) is amended by striking the word "and" at the end.

(2) Paragraph (6) is amended by striking the period at the end and inserting the phrase "; and" in its place.

(3) A new paragraph (7) is added to read as follows:

"(7) Interim Disability Assistance."

(b) A new section 407 is added to read as follows:

"Sec. 407. Interim Disability Assistance.

"(a) The purpose of the Interim Disability Assistance ("IDA") program is to provide temporary financial assistance to adults with disabilities while their application for Supplemental Security Income ("SSI") is pending. The eligibility criteria are designed to qualify individuals who have a high likelihood of receiving SSI.

"(b) The application and financial eligibility processes shall be administered in accordance with the rules for the Temporary Assistance to Needy Families ("TANF") program. The monthly grant amount shall be the same as that for a family size of one under the TANF program, as determined under section 552.

"(c) For the purposes of IDA, the term "disability" shall have the same meaning as that

employed by the Social Security Administration ("SSA");

"(d)(1) An individual shall be eligible for IDA if the individual is:

"(A) A United States citizen or an alien who meets the alien eligibility requirements for SSI under title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, approved August 22, 1996 (110 Stat. 2260; 8 U.S.C. §§ 1601-1646);

"(B) A resident of the District of Columbia, as determined under section 503 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code § 3-205.3);

"(C) Financially in need, as determined under the rules applicable to the TANF program;

"(D) Ineligible for a category of cash assistance in which there is federal financial participation, except that an individual who has applied for Social Security Disability Insurance ("SSDI") or Supplemental Security Income may be eligible during the period that the SSDI or SSI application is being processed; and

"(E) Determined by the Department of Human Services ("DHS") to meet the definition of disability.

"(2) An otherwise eligible individual may not receive assistance unless the individual:

"(A) Applies to the Social Security Administration for SSI benefits;

"(B) Signs an Interim Assistance Reimbursement Authorization form in accordance with subsection (e)(2) of this section; and

"(C) Provides a social security number or verification of application for a social security number.

"(3)(A) An otherwise qualified individual's period of eligibility for IDA benefits shall begin in the month following the month in which his or her application for SSI was filed with the Social Security Administration.

"(B) The period of eligibility for IDA benefits shall end either at the end of the month in which the Social Security Administration makes a final decision on the application for SSI benefits, if the Social Security Administration's decision is a denial of the application, or at the end of the month in which the Social Security Administration begins payment of benefits, if the decision is favorable.

"(C) For purposes of this paragraph, the final decision of the Social Security Administration shall be the decision by the Appeals Council of the Office of Hearings and Appeals, or the denial by the Disability Determination Division or Administrative Law Judge, if the IDA recipient fails, without good cause, to file a timely appeal from that decision.

"(D) If the decision of the Administrative Law Judge is a denial and an appeal is filed timely, the Department of Human Services shall immediately make a determination whether to refer the IDA recipient for appropriate vocational rehabilitation services.

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"(E) If an IDA recipient requests a fair hearing to contest the termination of his or her benefits, any IDA benefits paid pending the outcome of the fair hearing shall terminate as of the last month of the period of eligibility, as defined in this section, regardless of whether the fair hearing process is complete.

"(4) If an applicant for IDA has previously been determined by the Social Security Administration ("SSA") not to satisfy the disability requirements for SSI, DHS will evaluate disability in the same manner as under the Medicaid program, as provided in 42 C.F.R. §435.541. The applicant shall be ineligible for IDA unless he or she:

"(A) Alleges a disabling condition different from, or in addition to, that considered by SSA in making its determination;

"(B) Alleges more than 12 months after the most recent SSA determination denying disability that his or her condition has changed or deteriorated since that SSA determination, alleges a new period of disability which meets the durational requirements of the Social Security Act, and has not applied to SSA for a determination with respect to these allegations; or

"(C) Alleges less than 12 months after the most recent SSA determination denying disability that his or her condition has changed or deteriorated since that SSA determination, alleges a new period of disability which meets the durational requirements of the Social Security Act, and has applied to SSA for reconsideration or reopening of its disability decision.

"(e)(1) For any month or period of months in which an IDA recipient receives both IDA and SSI, the IDA recipient shall repay to the District of Columbia:

"(A) The entire amount of the IDA assistance payments received if the SSI benefits received for the same period equaled or exceeded the IDA payment; or

"(B) That portion of the IDA assistance payments equal in amount to the SSI benefits received for the same period if the SSI benefits received were less than the IDA payment.

"(2) To make repayment in accordance with paragraph (1) of this subsection, an IDA applicant shall sign an Interim Assistance Reimbursement Authorization which:

"(A) Permits the Social Security Administration to send the individual's past-due SSI benefit payment to the DHS; and

"(B) Permits DHS to deduct from these payments an amount equal to the IDA benefits provided.

"(3) Upon receipt of an IDA recipient's past-due SSI benefit, DHS shall calculate, in accordance with paragraph (1) of this subsection, the amount of the benefit due to DHS as repayment and the amount, if any, due the IDA recipient. DHS shall then provide the IDA recipient with a written explanation of this calculation and shall pay any amount due the IDA recipient, in accordance with section 1631 of the Social Security Act, approved October 30, 1972 (86 Stat. 1475; 42 U.S.C. § 1383(g)) and SSA Interim Assistance regulations, 20 C.F.R.

§§ 416.1901 to 416.1922.

"(4) Because having a pending SSI application is an eligibility requirement for IDA, if an IDA recipient is determined by the Social Security Administration to meet the disability requirements for purposes of SSI eligibility but withdraws the SSI application prior to payment of past-due SSI benefits, the IDA benefits received by that individual shall be considered an overpayment and that individual shall be liable to the District for repayment of all IDA benefits received."

"(f) The Mayor shall submit to the Council by March 15 of each year a report on the operation of the program for the previous calendar year. The report shall include:

"(1) The total number of IDA applicants, the number approved, and the number denied;

"(2) The number and percentage of IDA applicants approved for SSI. To the extent possible, the information should be provided for each of the four levels of adjudication (original application, reconsidered application, Administrative Law Judge decision, and Appeals Council of the Office of Hearings and Appeals;

"(3) An analysis of the approvals and denials at each level, why the approval percentage is what it is, and what needs to be done to ensure a better match between SSI approvals and DHS approvals; and

"(4) Observations on the best practices in other states.

"(g) The payment of benefits under this section shall be subject to the availability of appropriations."

Sec. 3. The Interim Disability Assistance Amendment Act of 2000 shall be applicable beginning October 1, 2001, unless funds are made available by reprogramming for implementation during the fourth quarter of fiscal year 2001.

Sec. 4. The Mayor shall provide the Council, no later than November 15, 2001, a report on how to implement a computer system that, at a minimum, would enable the District's Interim Disability Assistance program to interface and directly exchange information with the computer systems of the federal Social Security Disability Insurance and Supplemental Security Income programs. The report shall include a description of at least one proposed computer system, its capabilities and limitations, preliminary cost estimates to obtain the system, and timetables for acquisition and implementation.

Sec. 5. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

Sec. 6. This act shall take effect following approval by the Mayor (or in the event of

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veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia