

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred House Bill
3 No. 464 entitled “An act relating to miscellaneous changes to the Reach Up
4 Program” respectfully reports that it has considered the same and recommends
5 that the Senate propose to the House that the bill be amended as follows:

6 First: By striking out Sec. 8, 33 V.S.A. § 1114, in its entirety and inserting
7 in lieu thereof a new Sec. 8 and a Sec. 8a to read as follows:

8 Sec. 8. 33 V.S.A. § 1114 is amended to read:

9 § 1114. DEFERMENTS, MODIFICATIONS, AND REFERRAL

10 * * *

11 (b) The work requirements shall be either modified or deferred for:

12 * * *

13 (5) A participant who is needed in the home on a full- or part-time basis
14 in order to care for an ill or disabled parent, spouse, or child. In granting
15 deferments, the Department shall fully consider the participant’s preference as
16 to the number of hours the participant is able to leave home to participate in
17 work activities. ~~A deferral or modification of the work requirement exceeding~~
18 ~~60 days due to the existence of illness or disability pursuant to this subdivision~~
19 ~~shall be confirmed by the independent medical review of one or more~~
20 ~~physicians, physician assistants, advanced practice registered nurses, or other~~

1 ~~health care providers designated by the Secretary of Human Services prior to~~
2 ~~receipt of continued financial assistance under the Reach Up program.~~

3 * * *

4 (d) Absent an apparent condition or claimed physical, emotional, or mental
5 condition, participants are presumed to be able-to-work. A participant shall
6 have the burden of demonstrating the existence of the condition asserted as the
7 basis for a deferral or modification of the work requirement. ~~A deferral or~~
8 ~~modification of the work requirement exceeding 60 days due to the existence~~
9 ~~of conditions rendering the participant unable to work shall be confirmed by~~
10 ~~the independent medical review of one or more physicians, physician~~
11 ~~assistants, advanced practice registered nurses, or other health care providers~~
12 ~~designated by the Secretary of Human Services prior to receipt of continued~~
13 ~~financial assistance under the Reach Up program.~~

14 * * *

15 Sec. 8a. 33 V.S.A. § 1114 is amended to read:

16 § 1114. DEFERMENTS, MODIFICATIONS, AND REFERRAL

17 ~~(a) The Commissioner shall establish by rule criteria, standards, and~~
18 ~~procedures for granting deferments from or modifications to the work~~
19 ~~requirements established in section 1113 of this title, in accordance with the~~
20 ~~provisions of this section and for referring individuals with disabilities to the~~
21 ~~Office of Vocational Rehabilitation.~~

1 ~~(b) The work requirements shall be either modified or deferred for:~~

2 ~~(1) A participant for whom no unsubsidized or subsidized job or other~~
3 ~~equivalent supervised work activity recognized by the Commissioner by rule is~~
4 ~~available.~~

5 ~~(2) A participant for whom support services that are essential to~~
6 ~~employment and other work activities and identified in the family development~~
7 ~~plan cannot be arranged. Such services shall include case management,~~
8 ~~education and job training, child care, and transportation.~~

9 ~~(3) A primary caretaker parent in a two-parent family in which one~~
10 ~~parent is able to work part-time or unable to work, a single parent, or a~~
11 ~~caretaker who is caring for a child who has not attained 24 months of age for~~
12 ~~no more than 24 months of the parent's or caretaker's lifetime receipt of~~
13 ~~financial assistance. To qualify for such deferment, a parent or caretaker of a~~
14 ~~child older than the age of six months but younger than 24 months shall~~
15 ~~cooperate in the development of and participate in a family development plan.~~

16 ~~(4) An individual who has exhausted the 24 months of deferment~~
17 ~~provided for in subdivision (3) of this subsection and who is caring for a child~~
18 ~~who is not yet 13 weeks of age or a primary caretaker parent in a family with~~
19 ~~two parents who are able to work if the primary caretaker is caring for a child~~
20 ~~under 13 weeks of age and is otherwise subject to a work requirement because~~

1 the other parent in the family is being sanctioned in accordance with section
2 1116 of this title.

3 (5) A participant who is needed in the home on a full or part-time basis
4 in order to care for an ill or disabled parent, spouse, or child. In granting
5 deferments, the Department shall fully consider the participant's preference as
6 to the number of hours the participant is able to leave home to participate in
7 work activities.

8 (6) A participant who is under 20 years of age, who is a single head of
9 household or married, and who maintains satisfactory attendance at secondary
10 school or the equivalent during the month, or participates in education directly
11 related to employment for an average of 20 or more hours per week during the
12 month.

13 (7) A participant who has attained 20 years of age and who is engaged
14 in at least 15 hours per week of classes and related learning activities for the
15 purpose of attaining a high school diploma or General Educational
16 Development (GED) certificate or completing a literacy program approved by
17 the Department; provided that the participant is making satisfactory progress
18 toward the attainment of the diploma or certificate; and provided further that a
19 deferment or modification granted for this purpose does not exceed 18 months.

20 (8) A participant who is enrolled in, attending, and making satisfactory
21 progress toward the completion of a full-time vocational training program that

1 has a normal duration of no more than two years and who is within 12 months
2 of expected completion of such program. Such deferment or modification
3 shall continue until he or she has completed the program, he or she is no longer
4 attending the program, or the 12-month expected completion period has ended,
5 whichever occurs first.

6 (9) A participant for whom, due to the effects of domestic violence,
7 fulfillment of the work requirement can be reasonably anticipated to result in
8 serious physical or emotional harm to the participant that significantly impairs
9 his or her capacity either to fulfill the work requirement or to care for his or her
10 child adequately, or can be reasonably anticipated to result in serious physical
11 or emotional harm to the child.

12 (10) Any other participant designated by the Commissioner in
13 accordance with criteria established by rule.

14 (e) A participant who is able to work part time or is unable to work shall
15 be referred for assessment of the individual's skills and strengths,
16 accommodations and support services, and vocational and other services in
17 accordance with the provisions of his or her family development plan. The
18 work requirement hours shall reflect the individual's ability to work.

19 Participants with disabilities that do not meet the standards used to determine
20 disability under Title XVI of the Social Security Act shall participate in
21 rehabilitation, education, or training programs as appropriate. A participant

1 ~~who qualifies for a deferment or modification and who is able to work part-~~
2 ~~time shall have his or her work requirement hours modified or deferred. In~~
3 ~~granting deferments, the Department shall fully consider the participant’s~~
4 ~~estimation of the number of hours the participant is able to work.~~

5 ~~(d) Absent an apparent condition or claimed physical, emotional, or mental~~
6 ~~condition, participants are presumed to be able to work. A participant shall~~
7 ~~have the burden of demonstrating the existence of the condition asserted as the~~
8 ~~basis for a deferral or modification of the work requirement.~~

9 ~~(e) Deferments and modifications granted pursuant to this section shall~~
10 ~~continue for as long as the grounds for the deferment or modification exist or~~
11 ~~until expiration of a related time period specified in subsection (b) of this~~
12 ~~section, whichever occurs first.~~

13 ~~(f) As used in this section, “health care provider” means a person,~~
14 ~~partnership, or corporation, other than a facility or institution, licensed or~~
15 ~~certified or authorized by law to provide professional health care service in this~~
16 ~~State to an individual during that individual’s medical care, treatment, or~~
17 ~~confinement The program participation requirements established in section~~
18 ~~1113 of this chapter shall be deferred when:~~

19 ~~(1) a participating adult is 60 years of age or older;~~

20 ~~(2) a participating adult is caring for a child under six weeks of age;~~

1 (3) a participating adult for whom, due to the effects of domestic
2 violence, engaging in the program participation requirements can be
3 reasonably anticipated to result in serious physical or emotional harm to the
4 participating adult or participating adult’s child; or

5 (4) any other participant designated by the Commissioner in accordance
6 with criteria established by the Commissioner in rule pursuant to 3 V.S.A.
7 chapter 25.

8 Second: In Sec. 12, effective dates, after “This section”, by inserting the
9 following:

10 , Sec. 8 (deferments, modifications, and referral),

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(Committee vote: _____)

Senator _____

FOR THE COMMITTEE