

Readopt with amendment He-W 686.01, effective 11-26-13 (Document #10471), to read as follows:

He-W 686.01 Protective and Vendor Payments.

(a) For adult category financial assistance, protective and vendor payments shall be made under the same circumstances and in the same manner as for financial assistance to needy families (FANF) financial assistance, unless otherwise specified.

(b) Pursuant to RSA 167:26, protective payments shall be authorized when required by federal regulations and due to mismanagement of funds as described in (d) below.

(c) The entire assistance payment, notices of decision, and medical assistance benefit cards shall be sent to the person designated as protective payee.

(d) Mismanagement of funds shall include, but not be limited to:

(1) Recurring inability to plan for and meet the monthly living expenses of the individual; a month's needs;

(2) Recurring failure to meet obligations for rent and groceries;

(3) Repeated evictions or incurrence of debts with attachments against current non-assistance income; or

(4) Recurring incidents of children not being properly fed or clothed, and their health and safety beings threatened as a result.

(e) Physical or mental incapacities by themselves shall not be valid reasons for assigning a protective payee.

(f) The protective payee shall be selected from the following:

(1) A relative, friend, neighbor, or clergy personman;

(2) An individual who works with voluntary social agencies, or is on the staff of a public agency which provides homemaker and housekeeping aid services, practical nursing, rehabilitation, or housing; or

(3) For adult category cases, the superintendent, or his or hera designated representative, of a public institution for the mentally ill or intellectually disabledmentally retarded, provided that there are staff available to assist the superintendent in carrying out the protective payee function.

(g) The protective payee shall not be a staff member of the department.

(h) The responsibilities of the protective payee shall be as follows:

(1) To receive the individualeient's entire assistance payment, and pay the bills according to a budget planned with the individualeient;

(2) Encourage the applicant or recipientindividual to actively participate in the management of his or herthe individual's income, resources, and expenses;

(3) Cooperate with the social worker and the department staff member in helping the individual learn how to manage household budgetingapplicant or recipient;

(4) Maintain ~~an accurate~~reasonable ~~accountability~~accounting of the ~~individual applicant or recipient's~~ assistance payments; and

(5) Comply with applicable federal laws and regulations, and state statutes regarding confidentiality.

(i) For adult category cases, protective payments for mismanagement shall be continued indefinitely if the mismanagement situation is not resolved.

(j) When voluntarily requested in writing by the ~~individual client~~, pursuant to (k)-(l) below, a portion or all of the assistance payment shall be made payable to a vendor payee, as defined in 601.08(m).

(k) To initiate vendor payments, the ~~individual applicant or recipient~~ shall:

(1) Specify the vendor's name, address, and the amount of the payment; and

(2) Notify the ~~department~~district office in writing when a vendor payment is to be changed or when a vendor payment ~~is~~are to be terminated.

(l) Vendor payments shall not be made if:

(1) A creditor is coercing the individual; or

(2) The ~~department~~district office has knowledge that a creditor will not provide the individual with the same quality and quantity of goods that would be provided to the general public.

(m) Voluntary vendor payments shall not be authorized for ~~individuals applicants or recipients~~ who have a:

(1) Protective payee due to mismanagement of funds; or non-compliance with Title IV-D requirements, as defined in 601.08(e)~~non-compliance~~, even if the assistance payment is directed to the casehead; or

(2) Foster parent, guardian, or conservator.

APPENDIX

Rule	Specific State or Federal Statutes or Regulations the Rule Implements
He-W 686.01	RSA 167:3-c, I; RSA 167:5; RSA 167:26; RSA 167:83, II(g) & (h); RSA 170-B:2, IX; RSA 463:2, IV; RSA 463-A:1, IV; RSA 464-A:2, III; RSA 464-A:2, VIII, IX, & XIV-b; 45 CFR 234.60; 45 CFR 234.70