

TENNESSEE DEPARTMENT OF **HUMAN SERVICES**

DRUG TESTING IMPLEMENTATION PLAN:

2ND QUARTER PROGRESS REPORT

JANUARY 2, 2014



Helping Shape Tennessee Lives



**STATE OF TENNESSEE
DEPARTMENT OF HUMAN SERVICES**

CITIZENS PLAZA BUILDING
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BILL HASLAM
GOVERNOR

RAQUEL HATTER, MSW, Ed.D.
COMMISSIONER

January 2, 2014

Chairman Rusty Crowe
Senate Health and Welfare Committee
Suite 8, Legislative Plaza
Nashville, Tennessee

Chairman Bob Ramsey
House Health Committee
Suite 212, War Memorial Bldg.
Nashville, Tennessee

Dear Chairman Crowe and Chairman Ramsey:

This letter is serving as the Tennessee Department of Human Services' Drug Testing Implementation Plan FY 2014 Second Quarter Progress Report.

Public Chapter 1079 requires the Department of Human Services to develop a plan to implement a program of suspicion-based drug testing for each applicant who is otherwise eligible for temporary assistance for needy families (TANF).

The notice of rulemaking for the TANF drug testing program was filed with the Secretary of State's office on December 16, 2013. The details of this notice have been attached for your review. Public hearings are scheduled to take place on the following dates:

February 4, 2014 – 6:30 PM EST Tennessee Department of Human Services Conference Room 103 E. Walnut Street Johnson City, TN 37601	February 5, 2014 – 6:30 PM EST Tennessee Department of Human Services Large Conference Room 2700 Middlebrook Pike, Ste. 200 Knoxville, TN 37921
February 6, 2014 – 6:30 PM EST Tennessee Department of Human Services 1 st Floor Auditorium 540 McCallie Ave. Chattanooga, TN 37402	February 7, 2014 – 6:30 PM CST Davidson County DHS Office Video Conference Room 1000 2 nd Avenue North Nashville, TN 37243
February 10, 2014 – 6:30 PM CST Cookeville District Office	February 11, 2014 – 6:30 PM CST Maury County DHS Office

Multi-Purpose Room 1000 England Drive, Suite B Cookeville, TN 38501	Conference Room 1400 College Park Drive, Suite B Columbia, TN 38401
February 13, 2014 – 6:30 PM CST Lowell Thomas State Office Building 2nd Floor Conference Room B, Ste. 210 225 Martin Luther King, Jr. Drive Jackson, TN 38301	February 14, 2014 – 6:30 PM CST Southwest Tennessee Community College Farris Auditorium 5983 Macon Cove Memphis, TN 38134

The following is an overview of the contents of the proposed rules as they pertain to screening, testing, treatment referrals, and potential disqualification from assistance:

- **Screening** - DHS will conduct a drug screening of all new Families First applicants beginning July 1, 2014. New Families First applicants are defined as those individuals who have never before received temporary cash assistance or have not been receiving cash assistance for at least a month. Only those applicants who are eighteen years of age or older and are otherwise eligible for cash assistance are required to submit to the drug testing. Dependent children under age eighteen are exempt from these requirements, except that any minor parent who does not live with an adult caretaker must be screened. Only one parent in a two-parent household will be screened. All information related to this process shall be kept confidential.
- **Testing** - The drug screening will consist of a three question form given to the applicant by the DHS case worker. Without completion of the questionnaire, DHS will deny the temporary cash assistance application. Any “yes” answer on a completed drug screening questionnaire will trigger the applicant’s referral for drug testing at an approved drug testing agency. If an applicant refuses to take a drug test, DHS will deny the temporary cash assistance application. If the applicant complies with drug testing and treatment requirements, if applicable, the applicant will be eligible for cash assistance. DHS will be responsible for paying for the drug test, which will be a five panel drug test looking for the presence of marijuana, cocaine, methamphetamine, amphetamine, and opiates. If the cash assistance recipient tests positive for any of those drugs, the drug testing agency will administer a confirmation test, which re-tests the same sample. The results of the confirmation test will determine whether DHS refers the recipient for a substance abuse evaluation and treatment. The cash assistance recipient will be able to present a prescription for any medication she/he is taking to the drug testing agency for review in conjunction with any positive test results.
- **Referral for Treatment** - After a positive drug test, DHS will refer the recipient for professional substance abuse evaluation. The substance abuse professional will determine an appropriate treatment plan or recovery program for the recipient. If the recipient complies with the substance abuse evaluation and treatment/recovery plan then the recipient will continue to receive cash assistance for the duration of the program, at a maximum of six months. Recipients participating in a treatment or a recovery program will receive child care and other support services as part of their work activities.
- **Potential Disqualification from Assistance** - At the end of the treatment program, the recipient is required to take another five panel drug test. The results of the confirmation test will determine whether the treatment was successful. If the drug test results are negative, the recipient will continue to be eligible for cash assistance. If the tests results are positive, the recipient will be ineligible for cash assistance for six months. At the end of the six month disqualification period, the disqualified recipient is required to undergo another five panel drug test, if the individual tests positive again he/she will be disqualified for one year from

cash assistance. If a recipient, at any time, becomes ineligible to receive benefits because of refusal to participate in treatment, benefits will still be provided to the assistance unit. A protective payee will be designated to handle benefits for dependent children under age sixteen.

Additional details about the notice and the proposed rules can be found on the Secretary of State's website by visiting the following link: http://state.tn.us/sos/rules_filings/12-12-13.pdf

The Department is continuing to consult with additional state agencies that carry out some form of drug testing within their business operations. The Department is researching to see if any aspects of these operations can be leveraged. In addition, the department is examining various procurement methods should an external entity be selected.

Should you have questions, please contact my office at 615-313-4702.

In Service to Others,

A handwritten signature in black ink, appearing to read "Raquel Hatter". The signature is fluid and cursive, with the first name "Raquel" being more prominent than the last name "Hatter".

Raquel Hatter, MSW, Ed.D.
Commissioner

RH/bm

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For Department of State Use Only

Sequence Number: 12-12-13
 Notice ID(s): 2105
 File Date: 12/14/13

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Tennessee Department of Human Services
Division:	Family Assistance Division
Contact Person:	Madeline Brough
Address:	Office of General Counsel Citizens Plaza Building, 15 th Floor 400 Deaderick Street Nashville, Tennessee 37243-1403
Phone:	615-313-4731
Email:	Madeline.Brough@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Jeffrey Blackshear
Address:	Office of General Counsel Citizens Plaza Building, 15 th Floor 400 Deaderick Street Nashville, Tennessee 37243-1403
Phone:	615-313-4731
Email:	Jeffrey.Blackshear@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Tennessee Department of Human Services Conference Room
Address 2:	103 E. Walnut Street
City:	Johnson City
Zip:	37601
Hearing Date :	02/04/14
Hearing Time:	6:30 PM <input type="checkbox"/> CST/CDT <input checked="" type="checkbox"/> EST/EDT

Address 1:	Department of Human Services Large Conference Room
Address 2:	2700 Middlebrook Pike, Ste. 200
City:	Knoxville
Zip:	37921-5667
Hearing Date :	02/05/14
Hearing Time:	6:30 PM <input type="checkbox"/> CST/CDT <input checked="" type="checkbox"/> EST/EDT

Address 1:	1st Floor Auditorium
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Address 2:	540 McCallie Ave.		
City:	Chattanooga		
Zip:	37402		
Hearing Date :	02/06/14		
Hearing Time:	6:30 PM	<input type="checkbox"/> CST/CDT	<input checked="" type="checkbox"/> EST/EDT

Address 1:	Davidson County DHS Office Video Conference Room		
Address 2:	1000 2nd Avenue North		
City:	Nashville		
Zip:	37243		
Hearing Date :	02/07/14		
Hearing Time:	6:30 PM	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Address 1:	Cookeville District Office Multi Purpose Room		
Address 2:	1000 England Drive, Suite B		
City:	Cookeville		
Zip:	38501		
Hearing Date :	02/10/14		
Hearing Time:	6:30 PM	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Address 1:	Maury County Department of Human Services Office Conference Room		
Address 2:	1400 College Park Drive, Suite B		
City:	Columbia		
Zip:	38401		
Hearing Date :	02/11/14		
Hearing Time:	6:30 PM	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Address 1:	2 nd Floor Conference Room B, Ste 210 Lowell Thomas State Office Building		
Address 2:	225 Martin Luther King, Jr. Drive		
City:	Jackson		
Zip:	38301		
Hearing Date :	02/13/14		
Hearing Time:	6:30 PM	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Address 1:	Southwest Tennessee Community College Farris Auditorium		
Address 2:	5983 Macon Cove		
City:	Memphis		
Zip:	38134		
Hearing Date :	02/14/14		
Hearing Time:	6:30 PM	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to SS-7037 (October 2011))

accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1240-01-57	Families First Eligibility – Drug Screening and Testing
Rule Number	Rule Title
1240-01-57-.01	Purpose
1240-01-57-.02	Definitions
1240-01-57-.03	Program of Suspicion-Based Drug Testing
1240-01-57-.04	Drug Screening
1240-01-57-.05	Reasonable Cause
1240-01-57-.06	Drug Test
1240-01-57-.07	Referral for Substance Abuse Evaluation, Treatment, Ineligibility for Benefits, Appeals
1240-01-57-.08	Confidentiality