The New York City Council

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Legislation Details (With Text)

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Title: Resolution in support of A.2957 and S.1326, which would amend the social service law in relation to considering the opinion of a public assistance applicant's health care practitioner when determining if an applicant has work limitations.

Sponsors: Albert Vann, Margaret S. Chin, Mathieu Eugene, Lewis A. Fidler, Letitia James, G. Oliver Koppell, Brad S. Lander, Jumaane D. Williams, Ruben Wills, Ydanis A. Rodriguez

Indexes:

Attachments:

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Res. No. 1606

Resolution in support of A.2957 and S.1326, which would amend the social service law in relation to considering the opinion of a public assistance applicant's health care practitioner when determining if an applicant has work limitations.

By Council Members Vann, Chin, Eugene, Fidler, James, Koppell, Lander, Williams, Wills and Rodriguez

Whereas, The Temporary Assistance for Needy Families ("TANF") program provides public assistance including, but not limited to, cash assistance and work opportunities to families in need by granting states federal funds through the TANF block grant; and

Whereas, TANF places an emphasis on working for one's benefits and requires each state to meet a 50 percent work activity engagement rate for all families receiving public assistance in order for the state to receive the maximum TANF grant amount; the remaining 50 percent of a state's caseload is work-exempt and does not need to be engaged in a work activity; and

Whereas, Work-exempt public assistance recipients include those who are: (i) disabled or incapacitated; (ii) pregnant and due to have child within 30 days; (iii) youth under 16 years old or under 19 and enrolled in school; (iv) adults 60 years old and over; and (v) parents with children under one year of age; and

Whereas, In New York City the Human Resources Administration ("HRA") is the agency charged with providing assistance to eligible applicants; and

Whereas, Individuals seeking public assistance in New York City apply at an HRA Job Center and, as part of the application process, an HRA staff member must inquire whether the applicant has a medical condition that would limit his or her participation in a work activity; and

Whereas, When applicants disclose their physical or mental disabilities at intake or if the HRA staff member observes such disabilities, clients are referred to the WeCARE program; and

Whereas, When an applicant is referred to WeCARE they undergo an assessment conducted by a social services appointed examining practitioner to identify medical or other issues that affect an individual's ability to participate in work related activities; and

Whereas, Based on the findings, applicants are assigned to one of four service tracks: (i) fully employable (employable without limitations); (ii) vocational rehabilitation (employable but may require minimal accommodation); (iii) wellness rehabilitation (client is temporarily unemployable and needs medical treatment to stabilize condition); and (iv) federal disability (client is unemployable for 12 months or more); and

Whereas, In March of 2007, Community Voices Heard released a report entitled, "Failure to Comply: The Disconnect Between Design and Implementation in HRA's WeCARE Program," which found that 52% of those surveyed did not agree with the results of the WeCARE assessment and did not believe they received an adequate, comprehensive assessment; and

Whereas, Currently, it is within the social services appointed examiner's discretion what, if any, weight is given to the treating health care practitioner's opinion; and

Whereas, However, the federal government recognizes the importance of giving sufficient

consideration to an applicant’s physician's medical opinion as demonstrated in how they determine if an individual is eligible for Supplemental Security Income; and

Whereas, A.2957, currently pending in the New York State Assembly, and companion billl S.1326, currently pending in the New York State Senate, provide that if the social services appointed examiner makes any findings contrary to the treating health care practitioner's diagnosis, the reasons for the differing diagnosis should have to be defended and explicitly stated in writing; and

Whereas, A.2957 and S.1326 would help create a more comprehensive assessment by ensuring that the opinions and determinations of a public assistance applicant's treating health care practitioner are given sufficient weight when making disability determinations; now, therefore, be it

Resolved, That the Council of the City of New York supports of A.2957 and S.1326, which would amend the social service law in relation to considering the opinion of a public assistance applicant’s health care practitioner when determining if an applicant has work limitations.

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