

GENERAL ASSISTANCE

ARTICLE 3 ADMINISTRATIVE RULES AND REGULATIONS

Sec. 7-301 Administrative Rules

The following are rules and regulations for the administration of general assistance.

1. Confidentiality of information. Case records and all other information relating to an applicant or recipient of general assistance are confidential and will not be disclosed to the general public, unless the applicant or recipient states in writing what information is to be released. (22 M.R.S.A. § 4306, Janak v. D.H.S., Aroostook Cty #CV-89-116).
2. Release of information. Applicants, recipients and their legal representatives have the right to review their case records. No record will be released to a third party, however, unless the administrator receives a consent form signed by the applicant expressly authorizing the release of his/her records to the specified parties. Whenever the administrator releases any information, he/she will make a notation in the applicant's file stating to whom the record was released and the date. The administrator may charge a reasonable fee for the reproduction of any records when appropriate.
3. Information from other sources. penalty. Information furnished to the municipality by the Department of Human Services or any other agency or institution pursuant to 22 M.R.S.A. § 4314, is confidential. The general assistance administrator will also comply with laws relating to the confidentiality of records concerning birth, marriage and death. 22 M.R.S.A. § 2706.

Any representative of a financial institution (except national banks) or any employer of a general assistance applicant who refuses to provide necessary information to the administrator in order to verify an applicant's eligibility must state in writing the reason for the refusal. Any such person who refuses to provide information, without just cause, may be subject to a civil penalty of not less than \$25 nor more than \$100. Any person, including the applicant, who knowingly and willfully makes a false representation of a material fact to the administrator is committing a Class E crime (22 M.R.S.A. § 4314, 4315).

4. Misuse of information. Misuse of any information relating to an applicant or recipient is a punishable offense. 22 M.R.S.A. § 42(2).
5. Maintenance of records. The general assistance administrator will keep complete and accurate general assistance records (22 M.R.S.A. § 4306). These records are necessary to:
 - A. Provide a valid basis of accounting for municipal expenditures;
 - B. Document and support decisions concerning an applicant or recipient; and
 - C. Ensure the availability of all relevant information in the event of a fair hearing or judicial review of a decision by the general assistance administrator.
6. Case records. The administrator will establish and maintain a separate case record for each applicant or recipient. Each case record will include at least the household's applications, budget sheets, information concerning the types and amounts of assistance provided, narrative statements describing the nature of the emergency situation whenever general assistance is granted in amounts greater than the applicant's mathematical eligibility (i.e., deficit or unmet need, whichever is less), written decisions, and any requests for fair hearings and the fair hearing authority decisions. Workfare participation will also be recorded, as will any cash repayments to the municipality. The record may also include any narrative writings documenting the need for general assistance, the results of home visits, collateral information,

GENERAL ASSISTANCE

referrals, changes in status, the reason(s) for the release of confidential information, adjustments in aid, and suspension or termination of eligibility. Case records will not include information or material that is irrelevant to an applicant's or recipient's application or the administrator's decisions.