

ENROLLED ACT NO. 57, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING
2016 BUDGET SESSION

AN ACT relating to welfare; providing for an enhanced eligibility and identity verification process; providing for referral of cases to other agencies; requiring a report; providing definitions; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 42-9-101 through 42-9-107 are created to read:

CHAPTER 9
WELFARE FRAUD PREVENTION ACT

42-9-101. Definitions.

(a) As used in this chapter:

(i) "Identity information" includes the name, alias, date of birth, address, social security number and other related information of an applicant for or recipient of a public welfare benefit;

(ii) "Public welfare benefit" means as provided in W.S. 42-2-102(a)(vii).

42-9-102. Enhanced identity authentication process.

Prior to awarding any public welfare benefit the department may require an applicant to complete an identity authentication process that confirms the applicant owns the identity presented in the application. The identity authentication process under this section shall consist of financial or personal questions related to the applicant. The authentication process shall be available for applicant interviews in person or by telephone.

ENROLLED ACT NO. 57, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING
2016 BUDGET SESSION

42-9-103. Enhanced eligibility verification process.

(a) Prior to awarding any public welfare benefit, and on a quarterly basis after any benefit is awarded, the department shall, to the extent practicable, determine the following information as it relates to each applicant for or recipient of a public welfare benefit:

(i) Earned and unearned income information maintained by the United States internal revenue service;

(ii) Weekly, monthly or quarterly reports of income and unemployment insurance payment information maintained by the department of workforce services;

(iii) Income information maintained by the United States social security administration;

(iv) Immigration status information maintained by the United States citizenship and immigration services;

(v) Death register information maintained by the United States social security administration;

(vi) Prisoner information maintained by the United States social security administration;

(vii) Public housing and section 8 housing assistance payment information;

(viii) Fleeing felon, probation or parole violation information;

(ix) Wage reporting information maintained by states contiguous to Wyoming;

ENROLLED ACT NO. 57, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING
2016 BUDGET SESSION

(x) Beneficiary records and earnings information maintained by the United States social security administration in the beneficiary and earnings data exchange system;

(xi) Earnings and pension information maintained by the United States social security administration in the beneficiary earnings exchange record system;

(xii) Earnings and pension information maintained by the Wyoming retirement system;

(xiii) Employment information maintained by the department of workforce services;

(xiv) Employment information maintained by the United States department of health and human services in the national directory of new hires;

(xv) Supplemental security income information maintained by the United States social security administration in the social security income state data exchange system;

(xvi) Veterans' benefits information;

(xvii) Child care services information maintained by the department;

(xviii) Utility payment information maintained by the state under the low income home energy assistance program as provided in W.S. 42-2-501;

(xix) Emergency utility payment information maintained by the state or local governmental entities; and

ENROLLED ACT NO. 57, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING
2016 BUDGET SESSION

(xx) Income and employment information maintained by the department and the United States department of health and human services office of child support enforcement.

(b) The department is authorized to enter into agreements with third-party vendors to obtain the following information prior to awarding any public welfare benefit, and on a quarterly basis after any benefit is awarded:

(i) Information on public welfare benefits received in other states maintained in any real time national database, including the national accuracy clearinghouse;

(ii) A nationwide public records data source of physical asset ownership including real property, automobiles, watercraft, aircraft, luxury vehicles or any other vehicle;

(iii) A nationwide public records data source of incarcerated individuals;

(iv) A nationwide best available address and driver's license data source to verify individuals are residents of Wyoming;

(v) A comprehensive public records database that identifies potential identity fraud or identity theft which can closely associate name, social security number, date of birth, phone and address information; or

(vi) National and local financial institutions, in order to locate undisclosed depository accounts or verify account balances of disclosed accounts.

ENROLLED ACT NO. 57, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING
2016 BUDGET SESSION

(c) In addition to the records specified in subsections (a) and (b) of this section, the department may also consider information from any database or source which is substantially similar to or a successor of any record, database or information specified under this section.

42-9-104. Case review process.

(a) If the department finds a discrepancy or change in circumstances as a result of the activities required by W.S. 42-9-102 or 42-9-103, the department shall review the case using the following procedures:

(i) If the discrepancy or change in circumstances does not affect eligibility, the department shall take no further action;

(ii) If the discrepancy or change in circumstances may affect eligibility, the department shall:

(A) Promptly make a determination of the effect of the discrepancy or change in circumstances on the eligibility of the applicant or recipient; and

(B) Provide written notice to the applicant or recipient describing in detail the circumstances of the discrepancy or change in circumstances, the manner in which the applicant or recipient may respond and the consequences of failing to take any action. The department shall give the applicant or recipient an opportunity to explain the discrepancy or change in circumstances.

(iii) The applicant or recipient shall respond within thirty (30) business days from the date of the written notice of the discrepancy or change in circumstances;

ENROLLED ACT NO. 57, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING
2016 BUDGET SESSION

(iv) If an applicant or recipient does not respond to a notice of a discrepancy or change in circumstances as provided in paragraph (ii) of this subsection and the department determines that the discrepancy or change in circumstances affects eligibility for a public welfare benefit, the department shall provide a written decision of the intent to deny, reduce the benefit or close the benefit case;

(v) If an applicant or recipient responds to a notice of a discrepancy or change in circumstances as provided in paragraph (ii) of this subsection, the department shall investigate and make a determination of whether or not the discrepancy or change in circumstances has been resolved and determine the applicant's or recipient's eligibility for public welfare benefits. The decision of the department shall be provided to the applicant or recipient in writing;

(vi) A written decision of the department under this section shall constitute a final decision of the department subject to judicial review as provided in W.S. 16-3-114.

42-9-105. Referral of cases for investigation.

(a) After review of a discrepancy or change in circumstances under W.S. 42-9-104, if the department finds that there is inadequate documentation or upon reasonable suspicion that there is fraud, misrepresentation, identity theft or another violation of law the department shall:

(i) Refer the case to the fraud and recovery unit for investigation, recovery of improper payments and collection of civil penalties, if applicable and, if appropriate, referral to prosecuting authorities for criminal prosecution;

ENROLLED ACT NO. 57, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING
2016 BUDGET SESSION

(ii) Refer the information to other agencies, divisions or departments as appropriate for review of eligibility in public programs.

42-9-106. Report.

Not later than November 30 of 2017, 2018 and 2020 the department shall report to the governor and the joint labor, health and social services interim committee on the effectiveness of the eligibility verification system and the number of cases referred under W.S. 42-9-105 including information on the outcome of the cases, if available, and on the cost to the department of the system.

42-9-107. Rulemaking authority.

The department shall promulgate rules necessary to implement this chapter.

Section 2. W.S. 42-2-103(b) by creating a new paragraph (xvi) is amended to read:

42-2-103. Provision of assistance and services; duties of department; burial assistance; state supplemental security income program.

(b) In carrying out subsection (a) of this section and except as provided under the Wyoming Medical Assistance and Services Act, the department shall:

(xvi) Conduct the eligibility and identity verification process as provided in W.S. 42-9-101 through 42-9-107.

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ENGROSSED

ENROLLED ACT NO. 57, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING
2016 BUDGET SESSION

Section 3. This act is effective July 1, 2016.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk