

1. **How does the Drug Felon Report legislation referred to in Bulletin 13-69-07 change current policy?** For MFIP, DWP, WB, and GA the legislation in MN Statute 256.01, Subd. 18c does not change any other drug felon related policy. It simply adds a mechanism for identifying people with drug felony convictions. Workers should continue to follow all policies currently in the Combined Manual for those programs.

The legislation extends to MSA the requirement that a person convicted of a drug felony after July 1, 1997:

- is subject to random drug testing, and
  - loses eligibility for five years if they test positive for an illegal controlled substance or if they have another drug felony, and
  - the person and the entire assistance unit are not eligible for MSA for 5 years after the completion of their court ordered sentence unless he/she participates in or has successfully completed a drug treatment program or has been determined by the county to not need treatment.
2. **Will the Combined Manual be updated?** Yes. We realize that particularly since MSA has never had drug felon policy in the past it is necessary to add MSA information to appropriate manual sections. CM 11.27.03 is being updated to include MSA information for October updates. Other areas of the CM that deal with specific drug felon policy (CM 12.30, 24.09.12, 13.15.54, 24.09.01) will also be updated to provide correct policy guidance.
  3. **Is the county expected or required to drug test every person who is identified on the report?** No. The county is expected to review the list of individuals who have been identified as likely convicted drug felons and determine if the match is correct. If the county determines the person is not a convicted drug felon, no action is required. If the county determines the person is a convicted drug felon, the county should send the DHS-6749A or DHS-6749B to the individual. Counties should follow their current random drug testing policy and the policies in chapter 11.27.03 of the Combined Manual. DHS suggests that county agencies coordinate efforts with local probation or court services to establish procedures and share costs of random drug testing for these clients.
  4. **If someone loses their GA or MSA because of a drug felony do they also lose their GRH?** No. The requirements of the drug felon statute only apply to MSA and GA, not to GRH. A person who is disqualified from receiving GA or MSA because of the drug felony policies would continue to receive GRH room and board and the supplemental service rate, if applicable. A person who is eligible for GRH with a GA basis of eligibility who is disqualified from receiving GA due to the drug felony

requirements would continue to have the personal needs allowance calculated in their budget but would not be eligible to receive it as a cash grant.

5. **What does “random” mean?** Statute does not define “random.” Counties must determine if, when and how often to test individuals who are identified on the report.
6. **Is not showing up for a drug test considered failing?** No. The county must have a policy for determining good cause for failure to appear for a drug test and allowing the person to reschedule, within a reasonable time period. If the person fails to appear for a drug test without good cause, fail eligibility for non-cooperation but do not apply the drug felon ineligibility policies.
7. **What if prescription drugs show up on the drug test?** It is the responsibility of the entity administering the test to determine illegal vs. legal drugs. A person who only tested positive for legal, prescription drugs would not be considered to have failed a drug test.
8. **GA policy states, “The ENTIRE unit is ineligible for 5 years from the date the convicted person completes terms of the court-ordered sentence, UNLESS the convicted member meets 1 of the following conditions: participates in a drug treatment program, or has successfully completed a drug treatment program, or has been assessed by the county as NOT needing a drug treatment program.” How should the county verify the date the client completed his/her sentence? It is not listed on the DHS convicted drug felon list.** DHS will request from the courts the date the client completed his/her sentence and will add that information to the report, if possible. In the mean-time counties should ask the client the date the sentence was completed and accept his/her self-report.
9. **Does this policy apply to Emergency General Assistance (EGA)?** Yes, a person who has been determined to be ineligible for GA or MSA due to the drug felon policies is also not eligible for EGA. People receiving only EGA are not identified on the DHS drug felon report.
10. **When should a person with a drug felony be determined ineligible for MSA or GA?** There are two different scenarios of when/how a person with a drug felony could become ineligible for GA or MSA:
  - 1) MSA or GA enrollee identified as drug felon is within 5 years of the date they completed the terms of the court ordered sentence and they are not enrolled in a drug treatment program, have not successfully completed a drug treatment program or have not been assessed by the county as not needing drug treatment. The entire unit is ineligible until 5 years from the completion of the court ordered sentence or until the person with the drug felony provides proof of completion of a drug treatment program, enrolls in a drug treatment program or is assessed by the county as not needing drug treatment.

- 2) MSA or GA enrollee identified as drug felon fails a drug test or is convicted of another drug felony. Only the convicted person is ineligible for 5 years from the date of testing positive or discharge of their sentence after conviction of another drug felony, regardless of drug treatment status.

11. **What date do you enter in MAXIS the sentence date, or the commit date?** For individuals on DWP/MFIP/WB enter the commit date in MAXIS. For individuals on GA or MSA enter the sentencing (conviction date) in MAXIS.
12. **There is no “conviction date” field in the list provided to the counties, only “sentence date” and “commit date.” What should be used for the conviction date?** The “sentence date” is what should be used for the conviction date. The courts only consider a person convicted of a felony once that person has been given a felony level sentence. Therefore the sentence date in the provided list is also the conviction date.
13. **What are the MAXIS instructions for a person who is disqualified from MSA because of the drug felony policy?** For MSA MAXIS instructions, please see POLI/TEMP Section: TE13.048 MSA DRUG FELON
14. **What are the MAXIS instructions for a person who is disqualified from GA because of the drug felony policy?** For GA MAXIS instructions, please see POLI/TEMP Section: TE13.049 GA Drug Felon
15. **What are the MAXIS instructions for a person who is disqualified from MFIP, DWP, or WB?** For Family Cash MAXIS instructions, please see POLI/TEMP Section: TE13.014 FAMILY CASH DRUG FELON COOPERATION