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| **DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION** | | **TEMPORARY CASH ASSISTANCE MANUAL** |
| **SUBSTANCE ABUSE SANCTIONS – 1005** | **COMAR 07.03.03.19** | **NON-COMPLIANCE 1000** |

# 1005 NON-COMPLIANCE WITH SUBSTANCE ABUSE REQUIREMENTS

1. Application
   1. Deny the case when the adult or minor parent head of household fails to appear for screening, screens positive and fails to sign the Consent for Release of Alcohol and Drug Treatment Information (DHS/FIA 1176) form or refuses to complete the drug test.
   2. Deny the case if two parents are in the household and one or both parents refuse to be screened, refuse to sign the 1176 when the substance abuse screen is positive, or fails to complete the drug-testing requirement.
   3. Remove the individual’s needs if a minor parent not the head of household refuses to be screened, refuses to sign the 1176 when substance abuse screen is positive or fails to complete the drug-testing requirement.

1. Recertification or Interim Change
   1. Individuals **being added** to the TCA grant at recertification or interim change are treated as **applicants** and must comply with substance abuse treatment and services provisions.
   2. When it is a two-parent household and one parent fails to comply with the screening, signature requirement, or the drug-testing provision, the applicant is ineligible for TCA and will be denied.
   3. Remove the individual’s needs if the minor parent is not the head of household and refuses to be screened, fails to sign the 1176 when the substance abuse screen is positive, or fails to complete the drug-testing requirement.
2. Specific Substance Abuse Sanctions
   1. Impose an individual sanction when the 1177 or 1178 indicates an adult or minor parent refuse to comply with the SATS requirements
      1. Assign a protective payee if the sanctioned individual is head of household

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* + 1. Refer sanctioned individuals to Social Services for failure or refusal to comply with SATS requirements
    2. Pay the TCA benefit to a third-party payee when the head of household is sanctioned for failure to enroll or maintain enrollment in an appropriate and available treatment program
  1. Do not remove a sanctioned individual from the grant
     1. To determine the correct benefit amount, subtract the benefit amount for the household without the individual from the benefit for the household including the sanctioned person
     2. Enter the difference on the sanctioned individual’s E&E Unearned income screen

**Note:** The individual’s share of the TCA grant is treated as phantom income for the Supplemental Nutrition Assistance Program case. E&E will calculate phantom. For assistance review E&E User Guide and the TCA Workbook.

1. Lifting a substance abuse sanction.
   1. Customers must comply with the requirement that caused the sanction before the sanction can be lifted
   2. Treat the customer the same as a new applicant if the case has been closed 30 days or more
   3. Lift the sanction and issue prorated benefits effective the day after day of compliance when the adult and/or minor parent is in compliance.
   4. Customers only have to comply for one day to resolve non-compliance issues for substance abuse

* Substance abuse procedures for E&E are available in the Work Book.

1. Medical Marijuana

* 1. If an applicant or recipient states that he or she is a user of medical marijuana and presents a marijuana card or written statement from a provider registered with the Maryland Medical Cannabis Commission, still refer the customer to the addiction’s specialist.
* Medical marijuana users should be referred to the addiction’s specialist.
* The addictions specialist will determine if further assessment is needed.
* If the condition for which the customer is being treated with medical marijuana renders the customer unable to work or participate in a work activity, give the customer a DHS/FIA 500 and ask him or her to have their health care provider fill it out.

# ADDITIONAL INFORMATION

* TCA Manual, Section 1002, Conciliation Process
* TCA Manual, Section 700, Substance Abuse
* The Work Book