

## QUESTIONS AND ANSWERS

Concerning

### AID TO THE PERMANENTLY AND TOTALLY DISABLED

Foreword

Aid to the Permanently and Totally Disabled, Old Age Assistance, Aid to the Blind, and Aid to Families with Dependent Children are administered by the State Department of Public Welfare. They are federally subsidized state programs, created and defined by statute, designed to give monthly cash assistance according to need to permanently and totally disabled persons, to aged persons, to the blind, and to children deprived of parental support. Legislative enactment determines the administrative structure of the State Department of Public Welfare, the conditions under which a person may be aided and the basis on which money is drawn into the treasury through taxation and redistributed to eligible persons. The problem of administering these assistance programs, therefore, becomes a matter of understanding the laws which apply to them and give these laws proper effect.

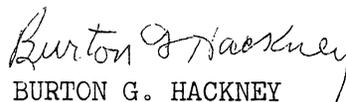
This pamphlet sets forth the principal facts relating to the Aid to the Permanently and Totally Disabled program in Texas, although many details have of necessity been omitted. It is hoped that persons contemplating applying for aid will study carefully this information and check their individual situation against eligibility requirements. Knowledge of the factors involving eligibility and the steps to be taken in applying for assistance will prevent undue delays.

It should be kept in mind, however, that administrative policies and regulations are subject to change as progressive experience demonstrates the desirability of such or as the law and the appropriations make mandatory. The information appearing here, therefore, is released as a service to the public and is not to be construed as having the force of official instructions or regulations.

The local Public Assistance worker is in your community for the purpose of giving effect to the state provisions for assisting its needy people. If you need additional information, or desire to apply for aid, or have a problem relating to this program, you should go directly to your local Public Assistance worker.

Pamphlets similar to this one pertaining to Old Age Assistance, Aid to the Blind, and Aid to Families with Dependent Children are also available in the local office for distribution if you desire additional information about these programs.

Additional copies of this pamphlet may be obtained from the local county office of the State Department of Public Welfare or by writing the State Office in Austin.

  
BURTON G. HACKNEY  
Commissioner

## Section I

### FACTS OF GENERAL INTEREST

1. What is meant by permanently disabled?

Briefly, this means that no cure or improvement in the patient's condition can be anticipated in the light of present medical knowledge. In order to qualify, the individual must have a physical or mental impairment, disease or loss or a combination of such which is verifiable by medical findings, which is irreversible or progressive and not amenable to treatment or requires treatment that is continuous, hazardous or of questionable benefit.

2. What is meant by totally disabled?

This means almost complete helplessness. With respect to physical disability, an applicant's functional capacity must be extremely limited to the extent that he requires considerable assistance from another person in the normal activities of daily living and which permanently precludes applicant from engaging in any useful occupation as a homemaker or as a wage earner. With respect to mental disability, the disability must be of such magnitude that the applicant requires close and constant supervision and personal care from others.

3. Will all handicapped individuals be able to qualify for some amount of assistance under the provisions of this program?

No. Many handicapped individuals, for reasons explained below, will not be able to qualify under the law.

4. Does inability to work automatically qualify a handicapped individual for aid?

No. Many unemployable individuals cannot be qualified as "totally and permanently" disabled. For example, a tubercular patient might be totally incapacitated for work, yet not be permanently disabled.

5. Must both conditions be met? In order to qualify, must the applicant be both "totally" and "permanently" disabled?

Yes.

6. What is the maximum aid that can be granted under the law?

The maximum grant including both State and Federal funds for Aid to the Permanently and Totally Disabled is \$79.00 a month.

7. Will all applicants receive maximum grants?

No. The maximum grant is the most that can be received, but grants range down to the minimum of \$5.00 according to the individual needs of the applicant.

8. Why doesn't every person receive the maximum grant?

Circumstances vary from person to person and the maximum is the most that can be paid under Texas law. The law requires that the amount of each grant be determined on the basis of each person's need. This conforms with the Federal Social Security Act.

9. Is the amount of the assistance grant based in any way upon the type or the degree of the disabling condition?

No. The amount of the grant is based upon the amount of the individual's financial need and has no direct relation to the extremities of his mental or physical condition.

10. Does this mean that it would be possible for an individual who is "chairfast" to receive a higher grant than one who is "bedfast"?

Yes. The amount of the grant is determined by computing an "expense vs. income" budget. The individual who is "chairfast" might have to pay rent whereas the bedfast individual might own his own home. The latter might have children able to assume a part of his support, etc.

11. Is financial need an eligibility requirement set forth in the law?

Yes. The law specifically requires that an applicant "not have sufficient income or other resources to provide a reasonable subsistence compatible with health and decency."

12. Does the law require that the Department take into consideration the ability of relatives to support?

Yes. The law requires that the Department take into consideration the income and resources which may be available to the relatives of an applicant who are responsible for his support.

13. Who are "legally responsible" relatives?

For the purpose of determining eligibility for Aid to the Permanently and Totally Disabled, they are defined by statute to include "spouses, parents, step-parents, children, step-children, brothers, sisters, and any other relatives who have been contributing to the support of the applicant."

14. What are the age limitations for the Aid to the Permanently and Totally Disabled program?

18-64 inclusive. This means that the individual must have attained his eighteenth birthday and not passed his sixty-fifth.

15. What will happen to the recipient of Aid to the Permanently and Totally Disabled when he reaches age 65 and thus ceases to be eligible for aid under this program?

Such an individual may then be qualified for aid under the Old Age Assistance program. The transfer from Aid to the Permanently and Totally Disabled to Old Age Assistance can generally be accomplished without any interruption in monthly checks.

16. May an individual currently receiving Aid to the Blind receive additional assistance by qualifying for Aid to the Permanently and Totally Disabled?

No. The law specifies that an individual may not concurrently receive both Aid to the Blind and Aid to the Permanently and Totally Disabled.

17. Assuming that a blind individual could qualify as being "permanently and totally disabled", would it be to his advantage to apply for Aid to the Permanently and Totally Disabled rather than Aid to the Blind?

No. In several particulars, the Aid to the Blind program is a more liberal program than the Aid to the Permanently and Totally Disabled program.

18. May an incapacitated individual qualify both as a payee for Aid to Families with Dependent Children and as a recipient of Aid to the Permanently and Totally Disabled?

This would be possible, provided:

- (1) None of the needs of the incapacitated individual were included in the Aid to Families with Dependent Children grant.
- (2) The total of the two grants (AFDC and APTD) plus all other family income did not exceed the family's total need as computed by the Department's standard budget.
- (3) The incapacitating condition was sufficiently severe to qualify the individual as being permanently and totally disabled.
- (4) All other eligibility requirements were met with respect to both programs.

19. Must an applicant be a citizen in order to qualify for Aid to the Permanently and Totally Disabled?

Yes.

20. Must an applicant be a resident of Texas in order to qualify?

Yes. The applicant must have lived in Texas for five out of the last nine years, including the year immediately preceding the date of application.

21. May assistance be received under this program by an individual who is an inmate of a public institution?

No. And in addition the law also prohibits the Department from granting assistance to patients in an institution for the treatment of tuberculosis or mental diseases, or to patients in any medical institution as a result of having been diagnosed as having tuberculosis or psychosis.

22. May the Department refuse to grant assistance to an individual based on a decision that the best interest of the individual and the best interest of society would be served by obtaining institutional care?

Yes. There is such a provision of the law. The Department's Medical Review Team may make a decision to deny an application for Aid to the Permanently and Totally Disabled if the medical information indicates that the applicant's mental or physical condition is such that his welfare and that of the general public would best be served by care and treatment in a public institution and such institutional care is available.

23. May a grant be made to an applicant who has transferred property for the purpose of receiving aid or for the purpose of increasing needs?

No. The law specifically prohibits the Department from granting assistance to such an individual.

24. Who determines the eligibility of an applicant for Aid to the Permanently and Totally Disabled?

The local field worker determines such factors of eligibility as age, citizenship, residence, institutional status, and need.

Disability eligibility is determined by a medical examination which is authorized and paid for by the Department. The examination must be made by a physician who is licensed to practice medicine in Texas and who is approved by the Department to make such an examination. The report of the medical examination is reviewed by the Department's Medical Review Team in Austin, who makes the final decision with respect to the applicant's physical or mental eligibility.

25. How is assistance money paid to eligible recipients?

A regular monthly check is mailed to each person certified as eligible for aid. In the instance of a mentally incompetent individual, the check will be sent to his legal guardian.

26. How are funds provided for this program?

A portion of each assistance grant comes from the Federal Government, and a portion comes from State funds.

27. Is information given the State Department and its workers kept confidential?

Yes. Since it is necessary for the State Department to have many personal facts about the recipient's circumstances in order to determine whether or not the person is eligible, the law requires that the Department hold such information confidential and to not make it known to persons who have no legitimate interest in the recipient's affairs.

28. May a person, firm, or corporation advertise that he is available for aiding persons to obtain aid or solicit persons to use his services in the obtainment of assistance?

It is unlawful for any person, firm or corporation to do such. Any person soliciting prospective applicants or recipients to use such services is subject to a fine of not more than \$100.00, or imprisonment for not less than six months or more than two years, or both such fine and imprisonment.

29. Is the person who conceals his true financial circumstances in order to obtain assistance subject to penalty?

The law provides penalties of not more than \$100.00 or imprisonment of not less than six months or more than two years, or both, when it is found upon conviction that any person has obtained, or helped another to obtain, aid through fraudulent representation.

## Section II. How to Make Application

1. What State agency administers the Aid to the Permanently and Totally Disabled program in Texas?

The State Department of Public Welfare.

2. Where should application for assistance be filed?

Application should be made at the local office of the Department in the county (or town) in which the applicant resides.

3. Where are the offices of the Department located?

The State Department of Public Welfare has a local office in every county, usually at the county seat, with the exception of a few thinly populated counties which are served by workers from nearby counties. The State Office is in the John H. Reagan Building, Austin, Texas.

4. If the applicant is physically disabled to the extent that he cannot get to the office, how may he apply?

A person physically unable to go to the office may notify the local field worker of his desire to apply and application will be taken in the home.

5. How may application be made for a mentally incompetent person?

If there is a guardian, then application should be made by the guardian. If there is no guardian for an individual believed to be mentally incompetent, the Department will accept application on behalf of such individual from a close relative or next friend, and will proceed (in cooperation with the family of such individual) to determine eligibility with respect to age, residence, citizenship, need, medical disability, institutional status, etc.

6. If this investigation indicates that the mentally incompetent individual meets Aid to the Permanently and Totally Disabled eligibility requirements, may checks then be issued to the close relative (or next friend) who initially made application for the individual?

No. Not until there has been a court finding of mental incompetence and a general guardianship has been established.

7. What is the purpose of delaying guardianship proceedings until Aid to the Permanently and Totally Disabled eligibility has been determined?

This is really an optional procedure which the Department makes available to the family (or next friend) of an incompetent individual in order that they need not suffer unnecessary expense of court cost before they can know for sure that the individual will qualify for aid.

8. When should an applicant or person acting in his behalf call at a local welfare office to apply for assistance or report any change in circumstances?

As the worker by necessity must spend considerable time away from the office making home visits, certain days are designated for each office on which persons wishing to apply for assistance, or persons receiving assistance, may call to discuss their circumstances with the field worker. These designated days may be determined by telephone contact with the local office.

9. May an applicant or a person acting in his behalf call at the local office on any other day besides those announced for this purpose?

The local welfare worker will seldom be in the office on days other than those designated. Unless a person has arranged an appointment, it will save time and trouble to call only on the designated days.

10. What is the procedure that is followed in determining "permanent and total disability"?

After the field worker has determined that the applicant will likely meet the other eligibility requirements, the worker assists the applicant to arrange for an examination by a local examining physician. The local examining physician must be a physician who is legally licensed to practice medicine in Texas and who has been approved by the Department to make such examinations. The report of the examination is then forwarded to Austin for the review of the Department's Medical Review Team, who makes the final decision with respect to the applicant's physical or mental eligibility.

11. Will all applicants routinely be given the opportunity to have a medical examination?

Applicants will be referred for medical examination only if it appears that they will probably meet the other eligibility requirements (such as age, citizenship, residence, needs, etc.). If it appears to the field worker that there is some serious doubts as to the applicant's being able to qualify on these other points of eligibility, the worker may withhold authorizing examination until all other eligibility factors have been definitely established. If the applicant is determined to be ineligible on some other eligibility requirement, no medical examination will be authorized.

12. Who pays for the medical examination?

If the examination is made upon the written authorization of the field worker, the State Department will pay the charge.

13. May the applicant select the physician of his choice to make the examination?

Yes, provided the physician has been approved by the Department to make such examinations. The law provides that "permanent and total disability" should be established on the basis of a currently applicable medical report of examination by a physician licensed to practice medicine in Texas who has been approved by the Department to make such examinations.

14. Prior to making application, should an applicant obtain a general statement from his physician attesting to his disability?

No. Such general statements serve no useful purpose and represent an unnecessary waste of time and money. The law provides for the medical report to be submitted on forms prescribed by the Department. These will be supplied the applicant (or his physician) at the proper time.

15. How long does it normally take from the date of application until the applicant receives his first check or notice of denial?

Sixty days unless there are some unusual circumstances.

16. Will the applicant be informed of the Department's decision as to eligibility?

Yes. The worker will keep the applicant currently informed with respect to the progress that is being made toward establishing his eligibility; and will share with the applicant all significant findings brought out by the investigation. In the final interview, the worker will explain what decision has been made and will interpret the reasons therefor. The decision will be confirmed in writing from the State Office.

If the application has been denied, the notice will give the reason for the denial. If the application has been acted upon favorably, the notice will state the amount of assistance.

### Section III. Need As a Condition of Eligibility

1. Are all income and resources, not specifically exempted in the following answers taken into account in determining need?

Yes.

2. How much cash may an eligible person have?

The applicant may have a reserve of \$300.00 to provide for emergencies. Otherwise, any cash or money which may be made available through the sale of non-income producing property (other than homestead and necessary household effects), must be taken into consideration in determining need.

3. What does the term "resource" include?

A resource is anything or anybody upon which the individual has a claim that can be depended upon to meet or reduce the individual's need.

4. When is a person in need?

A person is in need when he does not have ways and means to provide the necessities of life sufficient for health and wholesome living conditions and does not have legally responsible relatives who can meet such needs.

5. What is meant by "income"?

Income is "means of support". It includes wages, salary, pensions, Old Age and Survivors Insurance payments, income from real or personal property, gifts, and anything of value which regularly meets or reduces need.

6. May a person own a home and still be eligible for assistance?

Yes. A person may own his home and still be eligible to receive assistance; however, the money which can be made available from sale of any property other than a home must be taken into consideration in determining eligibility. Income from the home is considered the same as income from any other source.

7. What constitutes a home in relation to Aid to the Permanently and Totally Disabled?

This means the house in which the applicant lives and the land immediately surrounding it that is used in connection with the home. An urban homestead is not considered as a resource affecting eligibility so long as it provides shelter. A rural homestead is not considered as a resource affecting eligibility so long as it provides shelter and does not exceed 50 acres. Any acreage in excess of 50 must be considered as excess property.

8. How does ownership of an insurance policy affect eligibility?

A life insurance policy (or policies) having legal reserve cash and/or loan values is exempted from consideration provided the cash and/or loan values in such policy (or policies) do not exceed \$1,000.00. Any values in excess of \$1,000.00 must be considered as any other cash or personal property resource.

9. How is need determined?

The family budget is the yardstick by which the State Department of Public Welfare determines need.

10. What is meant by family budget?

A family budget is a method of estimating monthly expenditures and average monthly income. If the income is enough to meet the cost of the basic necessities, need does not exist within the meaning of the law. If the income cannot secure the basic necessities, a deficit (the amount of income lacking) will be found. This indicates the degree of need.

11. Does the fact that a person receives OASI (Social Security) payments disqualify him from receiving Aid to the Permanently and Totally Disabled?

Not necessarily. In computing the family budget (see question immediately above) the Department considers OASI income in the same manner as it considers any other income.

12. What should a person have with him as evidence of need when he first discusses eligibility for assistance with the field worker?

Any of the following papers, if obtainable should be collected and brought as evidence of the applicant's financial circumstances: Insurance policies, deeds to property, notes (promissory or vendor's lien), bonds, bank statements, rent receipts, statements showing monthly payments on residence and balance due, tax receipts, delinquent tax notices, utility bills, social security number, notices indicating amount of compensation or pension received from any source, soldier's dependency allowance official approval notice, or notice of termination.

If residing on a farm, applicant will also need the following, if such exists: gin receipts, creamery receipts, name of produce purchaser and any record of such sales, blacksmithing and equipment repair expense, indebtedness to bank, store, or other furnishing agency, farm lease agreement, balance due on farming equipment, bookkeeping records of farming operations, tax rebate record on tractor fuel, record of feed and seed purchases.

Any other papers or documents which will show the amount of income or the amount of expenses.

## Section IV

### The Right to Appeal if Dissatisfied

#### With Decision of Local Office

1. If an applicant or recipient has a complaint, to whom should he go?

First, the applicant should make known the complaint to the local worker of the State Department of Public Welfare.

2. If after talking with the local field worker, the applicant is still not satisfied with the manner in which his complaint has been handled, what steps may he then take?

The applicant may either (1) request an interview with the Area Supervisor at which time he can present his reasons for dissatisfaction, or (2) he may sign a formal appeal to the Appeal Board of the State Department of Public Welfare and thereby secure a fair hearing before a representative of the Appeal Board.

3. On what basis does an applicant or recipient have the right to appeal?

In the event that an application for assistance is denied or is not acted upon with reasonable promptness, the applicant has the right to appeal to the Appeal Board of the State Department. "Reasonable promptness" means that the application will be denied or payment made within sixty days from the date of application. There may be exceptions to this standard of promptness when circumstances beyond the agency's control prevent prompt completion of the application. An applicant or a recipient may also appeal if he believes the amount of his grant has been unfairly determined.

4. How is an appeal made?

The local worker will issue Petition to Appeal blanks to any dissatisfied person and assist in filling them out.

5. What action is taken by the State Department of Public Welfare when an appeal is received.

The dissatisfied person will be given a hearing at the county seat, or at some other convenient place, by a representative of the State Appeal Board. If the appellant is physically unable or for any other reason cannot go to the office for the hearing, the hearing will be held in the appellant's home. All evidence entered in the record of hearing will be submitted to the State Appeal Board for study and decision.

6. Will the person filing an appeal be informed in writing of the facts in the Department's records on which the field worker's recommendation was based?

Yes. Prior to the date of the hearing, the appellant is always furnished a summary of the facts in the Department's record on which the recommendation was based.

7. Is it necessary for an appellant to employ a lawyer?

The hearing will be in the nature of an interview in which the appellant and any witnesses having any specific evidence of eligibility will be given an opportunity to present the full facts. Although the employment of an attorney is not necessary, the appellant may have an attorney to represent him if he desires to do so.

8. If an applicant or a recipient consults or hires the services of a lawyer, what is the maximum fee that the lawyer may charge?

The law limits such charge to \$10.

9. What if a person's circumstances change after an appeal decision has been rendered by the Appeal Board?

Such person should bring the change to the attention of the local field worker who will be glad to make such adjustments or take any action that the change in circumstances make appropriate.

10. If the decision of the local office is reversed, does the appellant receive payments for the purpose of making adjustments in his grant?

If the appellant appeals within 90 days from the date of the decision, retroactive pay for the month in which the appeal was filed and the two preceding months and during the interim from the filing of the appeal to the date of the adjustment following the decision may be made if the Department was in error.

## Section V

### Facts Relating to Checks and Changes of Address

1. Why are the checks printed on light cardboard?

The checks are really cards which have been printed and verified by automatic machines. The holes in the cards are so placed as to cause the machines to automatically print such information as name, address, case number, and amount of grant. DO NOT FOLD OR TEAR the check or punch a hole in it, for the checks must be run through the tabulating machines again when returned to the treasury from the bank; and if it is damaged, a new card must be made to replace it.

2. What should a recipient do if he fails to receive his monthly check?

If a recipient fails to receive his check promptly and has not had word from the Department that his grant has been discontinued, he should notify the field worker. This may be done by writing, telephoning, or calling at the local office of the State Department of Public Welfare.

3. Are checks always mailed on the same day of the month?

The Aid to the Permanently and Totally Disabled checks are mailed on the third work day of the month.

In an effort to render prompt service in getting the first assistance check to a new applicant, the Department also maintains a "supplemental mailing date". This date is normally the 17th, but may vary slightly from month to month due to the intervention of Saturdays and Sundays in the working schedule.

The local worker will be able to advise the new applicant as to whether he will be sent his initial payment on the "regular" or the "supplemental" check mailing date. Payment is for the month in which it is received. No applicant is entitled to more than one payment each month.

After initial payment has been made, all subsequent payments will be mailed on the regular mailing date (that is the third work day of the month).

4. Should a check always be endorsed by the person to whom it is made?

It is absolutely necessary that the check be signed by the payee or his legal guardian. Except under circumstances provided by law, no person should sign the name of the recipient. To do so is forgery and the offending person is subject to the usual penalty for forgery.

5. How may a person endorse his check if he cannot sign his name?

If unable to write his name in longhand, he should sign with a mark. He must make the mark himself in the presence of two witnesses, and if necessary, one of the witnesses may guide his hand in the making of the mark. Each witness must affix his signature and address.

6. Is it permissible for relatives to remail a warrant to recipient?

No. The envelope is plainly marked "Do Not Forward, Deliver or Remail to Another Address". Checks should be returned to State Office.

7. May a check be endorsed after the death of the recipient to whom it was issued?

Such checks should not be endorsed but should be returned to the Department. In most instances, these checks can be re-issued so that the proceeds can be made available to the individual who cared for the deceased recipient during his last illness, or to the heirs of the deceased. In all such instances involving checks received after the death of a recipient, or unendorsed checks remaining on hand at the time of death, the local field worker should be consulted with respect to the proper procedure to be followed. In no case can a check be paid for a month that is subsequent to the month in which the recipient died.

8. Will a recipient's check always be for the amount of his grant?

No. If at any time there is insufficient money available with which to pay all authorized grants in full, the law provides that grants may be prorated by the Department. A notice as to the amount of this "cut" will be enclosed with each check whenever a payment of grant changes from the previous month.

9. What should a recipient do if he desires to move?

He should immediately inform the field worker of his contemplated plans. The State Department must have the correct address of all recipients at all times in order that checks may be properly mailed.

10. What should a recipient do if he desires to visit out of the State?

A recipient may normally visit out of the State for as long as six months out of a calendar year and continue to receive his assistance check. Before he leaves, he should notify the field worker of his temporary mailing address and how long he expects to be out of the State.

Under certain circumstances, visits out of the State may be prolonged for additional periods of time. If, after having left the State, the recipient finds that he will be unavoidably detained beyond six months, he should write the field worker explaining the circumstances and request an extension of the visitation period.

11. Should the worker be notified if the recipient finds it necessary to go to a state or city-county hospital, or if he decides to live in a public institution?

Yes. If it becomes necessary for the recipient to go to the city-county or other public hospital or if the recipient is admitted to a public institution, the local worker must be notified immediately.

12. May a person receive assistance while temporarily in a public hospital or while in a private hospital?

Under certain circumstances the assistance grants may be continued while a person is temporarily in a public hospital or if he is in a private hospital. When a recipient goes to either a public or private hospital, the worker should be notified immediately. The

worker will be able to make a decision after the circumstances in each case have been considered.

13. Should the person who is receiving a grant notify the State Department of Public Welfare when a change occurs in the circumstances that existed when the amount of grant was determined?

Yes. The law places responsibility upon the person receiving aid for doing this. If a person on the assistance rolls begins to receive additional income, such as soldier's dependency allowance, increased contributions from relatives, rental income, or earnings or becomes possessed of any other resource by inheritance or device, he should report the change at once to the local office. Likewise, if need increases, the local worker should be informed.

14. Is it to the interest of a person to report a change?

Yes. The circumstances and eligibility of every person receiving assistance from the State must be reviewed by the field worker at least once a year. Any unreported change will be recorded at the time and proper adjustments will be required.

15. What action may be taken if the Department finds that a recipient has been drawing assistance by reason of concealment of income or resources?

The total amount paid any person during his period of ineligibility may be collected by the State. In addition, in cases of intent to defraud by concealment of the facts of ineligibility, a person is subject to fine and imprisonment.

16. Will the amount of a grant change?

Yes. The amount may be changed at any time, if a recipient's circumstances change so as to require a greater or lesser amount for the purchase of necessities.

17. Will a recipient be notified of any change in the amount of his grant?

Yes. Changes are made only after a full discussion of circumstances with the recipient. A notice will be received through the mails giving the exact amount of the new grant as finally approved.

18. What conditions cause assistance to be denied?

Aid will be denied upon loss of residence, admittance to a public institution, or to a private institution under certain circumstances, increase in income or resources which remove need, or upon any other change which makes the individual no longer eligible for aid.

19. Once eligibility for Aid to the Permanently and Totally Disabled has been established, will it ever be necessary for the recipient to submit to a re-examination in order to establish his continuing eligibility?

There will be some cases in which this procedure will be necessary. The law requires that each recipient shall submit to a re-examination whenever such re-examination is deemed necessary by the Department for the continuance of the assistance grant. At the time of the initial determination of physical or mental disability, the Medical Director will specify the Department's requirements with respect to the need for any further re-examinations, and the date when such re-examination should be made.

#### Section VI

#### NONDISCRIMINATION ON BASIS OF RACE, COLOR, OR NATIONAL ORIGIN

1. Can there be any discrimination against an applicant or recipient on the ground of race, color, or national origin?

No. Public Law 88-352, the Civil Rights Act of 1964, provides that:

"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

2. If an applicant or recipient considers that his civil rights have been violated, how shall he proceed to register his complaint?

He may register such complaint at the local office on forms which will be provided him upon request, or he may write directly to the State Department of Public Welfare, John H. Reagan Building, Austin, Texas, and/or to the Department of Health, Education and Welfare, Washington, D. C. Normally a complainant can expect a report of the result of the investigation made regarding alleged discrimination within 30 days.