

ARTICLE 6. FOOD STAMP PROGRAM

Rule 0.5. Definitions

470 IAC 6-0.5-1 Food stamp terms defined

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-13-1-1

Sec. 1. The following definitions apply throughout this article:

- (1) "Assistance group" means those persons determined potentially eligible or eligible to receive benefits together.
- (2) "Broad based categorical eligibility" means any assistance group receiving a TANF maintenance of effort (MOE) funded benefit or service, such as an informational packet or 800 number. These assistance groups are eligible without verification of resources; however, gross income limits must be applied and cannot exceed two hundred percent (200%) of the federal poverty level.
- (3) "Categorical eligibility" means any assistance group in which all assistance group members are certified as eligible for SSI or TANF or a combination of both. These assistance groups are eligible without verification of:

- (A) resources;
- (B) income;
- (C) Social Security number;
- (D) residency; or
- (E) sponsored alien status;

because the verifications obtained when TANF and SSI were approved are below the food stamp guidelines.

- (4) "Certification period" means the period of time, in calendar months, for which a household is determined eligible for food stamps, including months during which the household's participation is suspended or prorated to zero (0).

- (5) "Code of Federal Regulations" or "CFR" means the codification of the rules published in the Federal Register by the United States government.

- (6) "Contractor" means the:

- (A) person;
- (B) firm;
- (C) corporation; or
- (D) other entity;

that has a contract with the division to implement and operate an electronic benefits transfer (EBT) program.

- (7) "Division" means the division of family resources established by IC 12-13-1-1.

- (8) "EBT card" means a magnetic-stripe plastic card issued to a recipient which enables the recipient to purchase food items from a retailer through a point of sale (POS) terminal operated by the retailer and connected to a central computer maintained by the contractor for distribution of food stamp benefits to recipients.

- (9) "Eligibility worker" means an employee of the division responsible for determining eligibility for food stamps.

- (10) "Food and Nutrition Service" or "FNS" means the federal agency responsible for the overall administration of the food stamp program.

- (11) "Interviewee" means:

- (A) an applicant;
- (B) a participating member of the assistance group; or
- (C) an authorized representative.

- (12) "Nonassistance (NA) household" means all households other than public assistance (PA) households.

- (13) "Notification date" means the date on which a household is notified of any additional activity required of them or of changes in their eligibility or benefit level. This date may be established by the:

- (A) personal delivery to the household; or
- (B) mailing date;

of a written notice.

- (14) "Prospective budgeting" means the computation of a household's food stamp allotment for an issuance month based on a reasonable anticipation of income and circumstances that will exist in the issuance month or months.

- (15) "Public assistance (PA) household" means a household in which all members have applied for or received cash assistance, including households not receiving cash benefits because the grant is less than ten dollars (\$10) or recoupment is occurring.

- (16) "Recertification" means a certification pursuant to an application filed in a month where the household:
- (A) is currently certified; or
 - (B) was certified for the month prior to the month of application.
- (17) "Recipient" means a household that the division has determined, pursuant to 7 CFR 273, is eligible to receive food stamp benefits in a certification period.
- (18) "Retailer" means a store that:
- (A) sells food items to consumers; and
 - (B) has been authorized by the FNS pursuant to 7 CFR 278 to participate in the food stamp program.
- (19) "Suspension" means the interruption of the participation of a certified household that is categorically eligible but not eligible for a food stamp allotment.
- (20) "Thrifty food plan" means the diet required to feed a family of four (4) persons consisting of a:
- (A) man and woman twenty (20) years of age through fifty (50) years of age;
 - (B) child six (6) years of age through eight (8) years of age; and
 - (C) child nine (9) years of age through eleven (11) years of age;
- determined in accordance with the Secretary of Agriculture's calculations. The cost of the diet shall be the basis for uniform allotments for all assistance groups regardless of their actual composition. In order to develop maximum food stamp allotments, the Secretary of Agriculture shall make assistance group size and other adjustments in the thrifty food plan taking into account economies of scale and other adjustments as required by law.
- (21) "Verification" means the use of documentation or a contact with a third party to confirm the accuracy of statements or information.

(Division of Family Resources; 470 IAC 6-0.5-1; filed Apr 12, 1984, 8:24 a.m.: 7 IR 1502; filed Jul 16, 1987, 2:00 p.m.: 10 IR 2662; errata, 10 IR 2741, filed Jun 1, 1989, 10:00 a.m.: 12 IR 1854; filed Oct 6, 1997, 5:25 p.m.: 21 IR 372; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-470080278FRA; filed Jul 5, 2011, 1:33 p.m.: 20110803-IR-470100243FRA)

Rule 1. Personal Information System

470 IAC 6-1-1 Regular access authority to public welfare public assistance division personal information system

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 4-1-6-2; IC 12-13-7-6

Sec. 1. Individuals have regular access authority to the information contained in the personal information systems established by the division, subject to the confidentiality requirements in 7 CFR 272.1(c). *(Division of Family Resources; Title 6, Ch 1, Reg 6-101; filed Nov 14, 1977, 9:01 a.m.: Rules and Regs. 1978, p. 757; filed Jul 16, 1987, 2:00 p.m.: 10 IR 2663; errata, 10 IR 2741; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-470080278FRA)*

Rule 2. Household Reporting and Budgeting

470 IAC 6-2-1 Household reporting requirements

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-7-6

Sec. 1. (a) A food stamp household under simplified reporting is only required to report to the division when their gross monthly income exceeds one hundred thirty percent (130%) of the federal poverty level. Households must report changes in their gross monthly income greater than one hundred thirty percent (130%) of the poverty level by the tenth day of the next month after this change occurs.

(b) Non-elderly/disabled households and elderly/disabled households with earnings who are certified for longer than six (6) months are required to complete and return an interim contact form.

(c) Elderly/disabled households who are certified for longer than twelve (12) months are required to complete and return an interim contact form.

(d) Food stamp benefits are terminated if the household fails to complete and return the interim report. *(Division of Family Resources; 470 IAC 6-2-1; filed Apr 12, 1984, 8:24 a.m.: 7 IR 1503; filed Jul 16, 1987, 2:00 p.m.: 10 IR 2663; filed Jun 1, 1989, 10:00 a.m.: 12 IR 1855; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; filed Oct 20, 2003, 9:45 a.m.: 27 IR 870; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA; filed Jul 5, 2011, 1:33 p.m.: 20110803-IR-470100243FRA)*

470 IAC 6-2-2 Deadlines for filing monthly reports (Repealed)

Sec. 2. *(Repealed by Division of Family and Children; filed Jun 1, 1989, 10:00 a.m.: 12 IR 1856)*

470 IAC 6-2-3 Additional information or verification; filing deadlines (Repealed)

Sec. 3. *(Repealed by Division of Family and Children; filed Jun 1, 1989, 10:00 a.m.: 12 IR 1856)*

470 IAC 6-2-4 Continuation of benefits pursuant to fair hearing request (Repealed)

Sec. 4. *(Repealed by Division of Family and Children; filed Jun 1, 1989, 10:00 a.m.: 12 IR 1856)*

470 IAC 6-2-5 Processing of timely and complete monthly reports (Repealed)

Sec. 5. *(Repealed by Division of Family and Children; filed Jun 1, 1989, 10:00 a.m.: 12 IR 1856)*

470 IAC 6-2-6 Processing of late or incomplete monthly reports (Repealed)

Sec. 6. *(Repealed by Division of Family and Children; filed Jun 1, 1989, 10:00 a.m.: 12 IR 1856)*

470 IAC 6-2-7 Notice of benefit level calculations (Repealed)

Sec. 7. *(Repealed by Division of Family and Children; filed Jun 1, 1989, 10:00 a.m.: 12 IR 1856)*

470 IAC 6-2-8 Continuation or reinstatement of benefits; time limit for instituting (Repealed)

Sec. 8. *(Repealed by Division of Family and Children; filed Jun 1, 1989, 10:00 a.m.: 12 IR 1856)*

470 IAC 6-2-9 Recertification (Repealed)

Sec. 9. *(Repealed by Division of Family and Children; filed May 17, 1993, 5:00 p.m.: 16 IR 2405)*

470 IAC 6-2-10 Penalty for failure to file complete and timely monthly reports (Repealed)

Sec. 10. *(Repealed by Division of Family and Children; filed Jun 1, 1989, 10:00 a.m.: 12 IR 1856)*

470 IAC 6-2-11 Budgeting for calculation of allotments

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-7-6

Sec. 11. (a) All allotments shall be calculated by prospective budgeting.

(b) In calculating by prospective budgeting, income received weekly or biweekly shall be converted to a monthly amount. *(Division of Family Resources; 470 IAC 6-2-11; filed Apr 12, 1984, 8:24 a.m.: 7 IR 1506; filed Jul 16, 1987, 2:00 p.m.: 10 IR 2665; filed Jun 1, 1989, 10:00 a.m.: 12 IR 1856; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA)*

470 IAC 6-2-12 Suspension of benefits in lieu of termination

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-7-6

Sec. 12. The agency shall utilize suspension in lieu of termination whenever a household is categorically eligible but not eligible for a food stamp allotment. (*Division of Family Resources; 470 IAC 6-2-12; filed Apr 12, 1984, 8:24 a.m.: 7 IR 1506; filed Jul 16, 1987, 2:00 p.m.: 10 IR 2665; filed Jun 1, 1989, 10:00 a.m.: 12 IR 1856; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA*)

470 IAC 6-2-13 Certification periods

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-13-7-6

Sec. 13. (a) The agency shall establish a certification period for a PA household such that temporary assistance to needy families (TANF) restudy and food stamp recertification may be accomplished at the same time, provided no loss of, or delay in receipt of, food stamp benefits occurs.

(b) The agency shall establish the longest certification period possible based upon the household's status.

(c) When one (1) household moves into another household, residing at the same address, the agency shall shorten the certification period of the household with the longest certification in order to align the certification periods. (*Division of Family Resources; 470 IAC 6-2-13; filed Apr 12, 1984, 8:24 a.m.: 7 IR 1506; filed Jul 16, 1987, 2:00 p.m.: 10 IR 2665; filed Jun 1, 1989, 10:00 a.m.: 12 IR 1856; filed May 17, 1993, 5:00 p.m.: 16 IR 2402; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; filed Oct 20, 2003, 9:45 a.m.: 27 IR 871; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-470080278FRA; filed Jul 5, 2011, 1:33 p.m.: 20110803-IR-470100243FRA*)

Rule 3. Application Processing

470 IAC 6-3-1 Application processing

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-13-7-6

Sec. 1. (a) The application process includes the following:

(1) Completing and filing an application form.

(2) Being interviewed.

(3) Having certain information verified.

(b) Denial of an application must occur on or before the thirtieth calendar day after filing under the following conditions:

(1) A household is found ineligible.

(2) A household did not cooperate in the application process.

(3) A household misses the initial scheduled interview.

(c) If a household is denied under subsection (b), the household must file a new application to participate in the program and receive benefits.

(d) If a household misses the initial interview, the division shall send the household a "Notice of Missed Interview" (NOMI). If the household does not respond to the NOMI, then the division can deny the application. However, the division cannot deny the application prior to the thirtieth day following the date of the application.

(e) If the applicant does not provide the requested verification, the division may deny the application after the tenth day from the request.

(1) In the case where verification is incomplete, the division must allow sufficient time for the applicant to provide missing verification. Sufficient time shall be at least ten (10) days from the date of the division's initial request for the particular verification that was missing.

(2) If the applicant takes the required action within sixty (60) days following the date of application, the division shall reopen the case without requiring a new application.

(f) The division must determine the cause of the delay as outlined in 7 CFR 273.2(h)(1) if:

- (1) there is a delay in the processing of an application; and
 - (2) the division does not:
 - (A) determine a household's eligibility; and
 - (B) provide an opportunity to participate;within thirty (30) days following the date the application was filed.
 - (g) If the applicant was at fault for the delay in the initial thirty (30) day period and found to be eligible during the second thirty (30) day period, the division will prorate benefits from the date requested verifications are provided.
 - (h) The household is considered to have failed to appear for the face-to-face interview appointment if the interviewee arrives more than fifteen (15) minutes after the scheduled time. The division shall schedule another appointment in this situation.
 - (i) Households that:
 - (1) are certified on an expedited basis; and
 - (2) have a postponed interview or verifications, or both;shall be assigned a normal certification period if circumstances warrant a normal certification.
 - (j) The state agency shall verify Supplemental Security Income (SSI) benefit payments through the:
 - (1) state data exchange (SDX); or
 - (2) beneficiary data exchange (BENDEX).
- Only if the verification cannot be obtained through one (1) of these sources shall verification be requested from the household.
- (k) The division will accept an application for food stamps signed with an electronic signature. (*Division of Family Resources; 470 IAC 6-3-1; filed Jul 16, 1987, 2:00 p.m.: 10 IR 2666; filed May 17, 1993, 5:00 p.m.: 16 IR 2403; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-470080278FRA; filed Jul 5, 2011, 1:33 p.m.: 20110803-IR-470100243FRA*)

Rule 4. Allowable Costs for Utilities (Repealed)

(*Repealed by Division of Family and Children; filed May 17, 1993, 5:00 p.m.: 16 IR 2405*)

Rule 4.1. Benefit Calculation

470 IAC 6-4.1-1 Shelter and medical deductions

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-13-7

- Sec. 1. (a) Allowable costs for utilities shall include standard utility allowances (SUA) as calculated by average utility costs in accordance with 7 CFR 273.9(d)(6)(iii)(B). Each assistance group charged for a utility expense is entitled to a utility allowance.
- (b) The state agency shall determine the household's shelter deduction in accordance with 7 CFR 273.9(d)(5)(ii) and in using the following utility allowances:
- (1) A standard utility allowance that includes a heating or cooling component if the household incurs an out-of-pocket heating or cooling expense listed in 7 CFR 273.9(d)(6)(ii).
 - (2) A standard utility allowance for assistance groups that incur two (2) or more utility expenses, none of which is a heating/cooling expense, but could include a telephone expense.
 - (3) A single standard utility allowance for households that have only one (1) expense other than heating/cooling or telephone, or both.
 - (4) A single telephone standard for assistance groups that have no other utility expense other than a basic telephone fee.
 - (5) The standard utility allowances and the standard telephone allowance shall be:
 - (A) reviewed annually; and
 - (B) adjusted to reflect changes in the cost of utilities.
 - (c) Allowable medical deductions shall be those deductions as listed in 7 CFR 273.9(d)(3).
 - (d) The state agency shall allow forty cents (\$0.40) per mile as a transportation cost to obtain medical treatment or services for individuals who are elderly or disabled as defined in 7 CFR 271.2 when actual costs cannot be verified. (*Division of Family Resources; 470 IAC 6-4.1-1; filed May 17, 1993, 5:00 p.m.: 16 IR 2403; filed Jul 28, 1994, 4:00 p.m.: 17 IR 2854; filed Aug 1, 1996, 4:00 p.m.: 19 IR 3383; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-470080278FRA; filed Jul 5, 2011, 1:33 p.m.: 20110803-IR-*

470100243FRA)

470 IAC 6-4.1-2 Eligibility and benefit levels

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-7-6

Sec. 2. Eligibility and benefit levels shall be determined according to 7 CFR 273.10 with the following exceptions:

(1) To determine the amount of the prorated allotment, the state agency shall use the formula provided at 7 CFR 273.10(a)(iii)(B):

$$\text{The full month's benefit} \times \frac{\# \text{ of days in month} + 1 - \text{date of application}}{\text{number of days in month}} = \text{allotment}$$

(2) In calculating net monthly income, the state agency shall round down each income and allotment calculation that ends in one cent (\$0.01) through forty-nine cents (\$0.49) and round up each calculation that ends in fifty center [*sic.*, cents] (\$0.50) through ninety-nine cents (\$0.99).

(3) Households which have three (3) or more members which are entitled to no benefits due to proration in the initial month shall be denied on the grounds that the net income exceeds the level at which benefits are issued.

(Division of Family Resources; 470 IAC 6-4.1-2; filed May 17, 1993, 5:00 p.m.: 16 IR 2403; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA)

470 IAC 6-4.1-3 Benefit calculation for households with special circumstances

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-13-7-6

Sec. 3. Benefit calculation for households with special circumstances shall be completed according to 7 CFR 273.11 with the following exceptions:

(1) Households with self-employment income shall have the benefit level determined by using annualized income.

(2) When calculating the costs of producing self-employment, either the greater deduction, forty percent (40%) of the gross income, or actual verified expenses directly related to the production of income, is used.

(3) Transportation costs necessary for self-employment shall be allowed at forty cents (\$0.40) per mile when actual costs cannot be verified.

(4) Transportation costs that:

(A) exceed that amount earmarked by the school; and

(B) are related to school attendance;

shall be allowed at forty cents (\$0.40) per mile when actual costs cannot be verified.

(5) Households that have boarders shall be allowed, as a business cost, the actual documented cost of providing room and meals if the actual cost exceeds the appropriate thrifty food plan.

(Division of Family Resources; 470 IAC 6-4.1-3; filed May 17, 1993, 5:00 p.m.: 16 IR 2403; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-470080278FRA)

470 IAC 6-4.1-4 Change reporting

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-13-7-6

Sec. 4. (a) Households under simplified reporting may report any other changes that occur, and those changes will be processed after verification is provided.

(b) The division shall not pay postage for households to mail the change report form provided by the agency.

(c) All changes reported within the certification period necessary to determine eligibility shall be verified prior to implementing the changes.

(d) All reported changes that result in an increase in benefits shall be reflected the month following the month the change is

reported providing verification is provided timely.

(e) Households that do not cooperate by providing requested verification or information, or both of reported changes necessary to determine eligibility shall be discontinued with advance notice. (*Division of Family Resources; 470 IAC 6-4.1-4; filed May 17, 1993, 5:00 p.m.: 16 IR 2404; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; filed Oct 20, 2003, 9:45 a.m.: 27 IR 871; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-470080278FRA; filed Jul 5, 2011, 1:33 p.m.: 20110803-IR-470100243FRA*)

470 IAC 6-4.1-5 Income considerations

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-7-6

Sec. 5. (a) All funds from residential living allowances (RLA) funded by the semi-independent living program (SLIP) shall be excluded as both income and as resources. Expenses paid from RLA funds shall be treated as vendor payments with no deduction allowed in the budget.

(b) Households which have recurring income received less often than monthly shall have the income prorated over the period for which it is provided. This shall be accomplished by dividing the amount reported on the most recent statement, or the amount projected to be received, by the appropriate number of months.

(c) Funds provided for a third party who is not a household member shall be considered as income for the third party. If any portion of the funds intended for the third party are retained by the household, that amount shall also be considered income for the applicant or recipient household. (*Division of Family Resources; 470 IAC 6-4.1-5; filed May 17, 1993, 5:00 p.m.: 16 IR 2404; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA*)

470 IAC 6-4.1-6 Allowable costs for utilities (Repealed)

Sec. 6. (*Repealed by Division of Family Resources; filed Jul 5, 2011, 1:33 p.m.: 20110803-IR-470100243FRA*)

Rule 4.2. Resource Considerations

470 IAC 6-4.2-1 Resource considerations

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-7-6

Sec. 1. (a) Assistance groups in which all members are receiving public assistance in the form of TANF or SSI are categorically eligible. These assistance groups are eligible for food stamps without verification of resources because the verifications obtained when TANF and SSI were approved are below the food stamp guidelines.

(b) Resources belonging to assistance groups are not to be considered in determining eligibility for food stamp benefits under broad based categorical eligibility. There is a gross income limit applied to all assistance groups considered under broad based categorical eligibility.

(c) Assistance groups are not to be considered under broad based categorical eligibility if as follows:

- (1) The entire assistance group is institutionalized.
- (2) Any member is disqualified for intentional program violation.
- (3) Assistance group is disqualified because one (1) or more of its members failed to comply with workfare.
- (4) The head of household is disqualified for not complying with work requirements.
- (5) Any member of the assistance group is ineligible because of a drug related felony.
- (6) The assistance group does not provide the division with enough information to determine eligibility.

(d) For assistance groups determined to not be categorically eligible, the following conditions would apply:

(1) The agency shall presume that all funds in a jointly owned financial institution belong to each owner. Individuals are to be advised of the presumption and given the opportunity to rebut. If the individual rebuts, he or she must provide proof of ownership. Following a successful rebuttal, funds must be separated and only the funds actually belonging to the applicant or recipient shall be counted as a resource to him or her.

(2) Proportionate shares of jointly owned real or personal property shall be considered if jointly owned with another applicant

or recipient.

(3) The available proportionate shares are considered as a resource if there is real or personal property jointly owned with a nonrecipient.

(Division of Family Resources; 470 IAC 6-4.2-1; filed May 17, 1993, 5:00 p.m.: 16 IR 2404; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA; filed Jul 5, 2011, 1:33 p.m.: 20110803-IR-470100243FRA)

Rule 4.3. Disqualifications for Intentional Program Violations

470 IAC 6-4.3-1 Disqualifications for intentional program violations

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-7-6

Sec. 1. Disqualifications for intentional program violations shall be administered in accordance with 7 CFR 273.16 with the exception that the state agency shall allow accused individuals to waive their rights to an administrative disqualification hearing. *(Division of Family Resources; 470 IAC 6-4.3-1; filed May 17, 1993, 5:00 p.m.: 16 IR 2404; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA)*

Rule 4.4. Claim Establishment and Collection

470 IAC 6-4.4-1 Claim establishment and collection

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-13-7-6

Sec. 1. Claims shall be established and collected upon in accordance with 7 CFR 273.18 with the following exceptions:

(1) The state agency shall take action to establish a claim against any household that received an overissuance due to inadvertent household or administrative error for which three (3) years or less have elapsed between the month an overissuance occurred and the month the state agency discovered a specific case involving an overissuance.

(2) The state agency shall take action to establish a claim for an alleged intentional program violation (IPV) error for which six (6) years or less have elapsed between the month an overissuance occurred and the month the state agency discovered the overissuance.

(3) Collection on claims shall be terminated when all adult members of a household are deceased.

(Division of Family Resources; 470 IAC 6-4.4-1; filed May 17, 1993, 5:00 p.m.: 16 IR 2405; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-470080278FRA)

Rule 5. Food Stamp Employment and Training Program

470 IAC 6-5-1 Definitions

Authority: IC 12-13; IC 12-14-28-7

Affected: IC 12-13-7-2

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) "Community work experience program" or "CWEP" means the workfare component of the IMPACT program.

(c) "IMPACT" means the Indiana manpower placement and comprehensive training program. This is the title of the employment and training program administered through the division.

(d) "Work registration" means registering a household member by the registrant, authorized representative, or responsible adult household member signing the application for assistance form on behalf of all registrants in the household. *(Division of Family Resources; 470 IAC 6-5-1; filed Jul 16, 1987, 2:00 p.m.: 10 IR 2666; errata, 10 IR 2741; filed Mar 31, 1992, 5:00 p.m.: 15 IR 1385; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3077; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-470080278FRA)*

470 IAC 6-5-2 Work registration

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-13-7-6

Sec. 2. (a) At initial application for food stamp benefits, the eligibility worker will work register each assistance group member unless that member is exempt.

(b) Exemptions from work registration are limited to those found at 7 CFR 273.7(b)(1).

(c) A copy of the work:

(1) registration form; and

(2) registrant's responsibilities and rights;

will be provided to the interviewee.

(d) The interviewee shall be responsible for informing all registered assistance unit members of their responsibilities and rights after the forms are mailed to the casehead.

(e) Work registration requirements shall be reviewed at each recertification point to determine the need for registration by assistance unit members.

(f) There are no acceptable reasons for failure to work register after the interviewee is notified of the requirement to do so, other than a subsequent occurrence that rendered the individual exempt from registration. (*Division of Family Resources; 470 IAC 6-5-2; filed Jul 16, 1987, 2:00 p.m.: 10 IR 2666; filed Jun 2, 1988, 8:35 a.m.: 11 IR 3552; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-470080278FRA*)

470 IAC 6-5-3 Employment and training

Authority: IC 12-13; IC 12-14-28-7

Affected: IC 12-13-7-2

Sec. 3. (a) The following are general provisions for employment and training:

(1) Persons will be placed in appropriate components as determined by the agency. Referral to the IMPACT program as a mandatory participant does not entitle that person to IMPACT services or placement in a component. Participation in any IMPACT component does not guarantee any individual placement in employment or a designated level of competency for employment.

(2) Individuals exempt from work registration may volunteer to participate in the IMPACT program.

(3) Mandatory work registrants who are exempt from participation in IMPACT may volunteer to participate in the IMPACT program subject to the following limitations:

(A) No volunteer will be guaranteed a placement in a component or special services.

(B) Voluntary participants will have the same component requirements as mandatory participants in IMPACT. Voluntary participants will not be disqualified from participation in the food stamp program if they fail to comply with IMPACT component requirements without good cause. However, a voluntary participant who fails to comply with the requirements of any component without good cause will not be given priority to participate in the future.

(4) Participants will be placed in IMPACT components until:

(A) employment/training goals are achieved;

(B) the activity is completed; or

(C) the individual:

(i) becomes exempt; or

(ii) leaves the food stamp program.

(5) The IMPACT program base of eligibles shall include all mandatory work registrants, less those who meet the IMPACT exemptions, adjusted downward by ten percent (10%) at the end of the federal fiscal year to account for short-term (less than thirty (30) days) food stamp program participants.

(6) Work registrants, unless otherwise exempt, will be required to participate in IMPACT.

(7) The division will implement the voluntary employment and training program per the annual state plan that is reviewed and approved by FNS.

(8) IMPACT participants will be reimbursed for the costs of supportive services determined to be necessary and directly related

to participation in an IMPACT component up to a maximum level of reimbursement established by the state agency in the federally approved food stamp employment and training state plan developed on an annual basis.

(9) Provision of any IMPACT services shall be based on the availability of funding.

(b) The referral process to IMPACT shall be as follows:

(1) Each voluntary or mandatory work registrant shall be evaluated to determine exemption from referral to IMPACT.

(2) Mandatory work registrants shall be exempt from IMPACT if they meet the following conditions:

(A) The monthly cost of participation exceeds the reimbursement limits for supportive services identified in subsection (a)(8).

(B) The registrant does not have available transportation necessary to attend an assigned component.

(3) If not exempt from IMPACT, registrants shall be notified, in writing, of referral to IMPACT and the appointment scheduled for them to attend orientation. This information will be provided to registrants only after the assistance unit is determined eligible for the food stamp program.

(4) At the time of entry into each component, the IMPACT case manager shall be responsible for informing the registrant, in writing, of the following:

(A) The requirements of the component.

(B) What will constitute noncompliance.

(C) The sanction for noncompliance.

(c) The IMPACT program incorporates the employment and training program provisions identified in 7 CFR 273.7(e)(1), including the following:

(1) Employment services, may include the following:

(A) Job search.

(B) Job placement.

(C) Job development.

(D) On-the-job training.

(E) Community work experience.

(F) Other work programs.

(2) Training activities, may include the following:

(A) Job skills assessment.

(B) Adult basic education.

(C) High school completion.

(D) Vocational and other job skills training.

Training and education beyond high school is limited to twenty-four (24) months in duration.

(d) After notice of a requirement, a mandatory IMPACT participant shall be considered to have good cause for failure to comply with an employment and training component if the reason provided by the participant for failure to comply is any of the following:

(1) Illness or illness of another household member requiring the participant's presence. A physician's statement may be required if illness is given as the reason for failure to comply.

(2) A household emergency.

(3) The unavailability of transportation.

(4) The lack of adequate child care for children who have reached six (6) years of age but are under twelve (12) years of age.

(Division of Family Resources; 470 IAC 6-5-3; filed Jul 16, 1987, 2:00 p.m.: 10 IR 2667; filed Jun 2, 1988, 8:35 a.m.: 11 IR 3553; filed Mar 31, 1992, 5:00 p.m.: 15 IR 1386; filed Feb 26, 1993, 5:00 p.m.: 16 IR 1819; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3078; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-470080278FRA; filed Jul 5, 2011, 1:33 p.m.: 20110803-IR-470100243FRA)

Rule 6. Electronic Benefit Transfer System

470 IAC 6-6-1 Electronic benefit transfer; issuance system standards

Authority: IC 12-13-7-6; IC 12-13-14-2

Affected: IC 12-13-7-1; IC 12-13-14

Sec. 1. On and after the date an electronic benefit transfer (EBT) program is implemented in a county, food stamp assistance will be distributed to eligible persons in that county through an electronic benefit transfer issuance system conforming to the standards and requirements of 7 CFR 274.12, with exceptions and additions stated in this rule. *(Division of Family Resources; 470 IAC 6-6-1; filed Oct 6, 1997, 5:25 p.m.: 21 IR 373; Mar 27, 2000, 8:29 a.m.: 23 IR 1993; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA)*

470 IAC 6-6-2 Replacement of electronic benefit transfer cards

Authority: IC 12-13-7-6; IC 12-13-14-2

Affected: IC 12-13-7-1; IC 12-13-14

Sec. 2. (a) The division will replace lost, stolen, or damaged electronic benefit transfer (EBT) cards.

(b) The division may charge a fee for a replacement EBT card. The amount of the fee will be based on the cost of replacement. Fees may increase for a second or subsequent replacement card within any consecutive period of twelve (12) months.

(c) Except as provided in subsection (d), if replacement cards are issued through a centralized mailing system, the division or contractor will mail the replacement cards within seventy-two (72) hours after receipt to notice from the recipient household of the loss or damage.

(d) If, at the time a recipient gives notice to the contractor or division of loss or damage to the recipient's EBT card and requests a replacement card, the recipient does not have a food stamp benefit credit in the EBT system in an amount equal to or exceeding the amount of the replacement card fee determined under subsection (b), the contractor or division is not required to issue a replacement card until the recipient is eligible to receive and is credited with an additional food stamp benefit. The contractor or county office may notify the recipient to request issuance of a replacement card after the recipient's next availability date. *(Division of Family Resources; 470 IAC 6-6-2; filed Oct 6, 1997, 5:25 p.m.: 21 IR 373; Mar 27, 2000, 8:29 a.m.: 23 IR 1994; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA)*

470 IAC 6-6-3 Notification of off-line storage of stale benefit accounts

Authority: IC 12-13-7-6; IC 12-13-14-2

Affected: IC 12-13-7-1; IC 12-13-14

Sec. 3. The division will notify recipient households of the time and procedure for storage offline of stale benefit accounts, as defined in 7 CFR 274.12(f)(7), and the procedure for reactivating stored accounts, as part of the required household training at the time the initial certification period is established and at time of recertification. *(Division of Family Resources; 470 IAC 6-6-3; filed Oct 6, 1997, 5:25 p.m.: 21 IR 373; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-470080278FRA)*

**470 IAC 6-6-4 Permissible conversions from electronic benefit transfer accounts to coupons for temporary absences
(Repealed)**

Sec. 4. *(Repealed by Division of Family Resources; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-470080278FRA)*

470 IAC 6-6-5 Retailer participation

Authority: IC 12-13-7-6; IC 12-13-14-2

Affected: IC 12-13-7-1; IC 12-13-14-5

Sec. 5. (a) The division will provide point of sale (POS) equipment to each retailer whose average monthly food stamp program sales are equal to one hundred dollars (\$100) or greater.

(b) The division will determine the average monthly food stamp program sales for each retailer in the following manner:

(1) For a retailer who was authorized to participate in the food stamp program for at least nine (9) months before:

(A) the electronic benefit transfer (EBT) system is implemented in the retailer's market area; or

(B) the retailer applies to the division for POS equipment;

the determination will be based on the two (2) most recent quarterly sales reports for the retailer that the division receives from the Food and Consumer Service.

(2) For a retailer to whom subdivision (1) does not apply, the determination will be based on the division's estimate of future average monthly sales. The estimate will consider the following:

- (A) The retailer's estimated future monthly food inventory and sales.
- (B) The size and location of the retailer's facility.
- (C) The retailer's actual monthly food sales during the preceding twelve (12) months.
- (D) Any other facts the retailer considers relevant to the determination.

(c) The division may remove any POS equipment that it provided to a retailer if the division determines, based on review of the most recent quarterly food stamp program sales reports, that the retailer's average monthly food stamp program sales are less than one hundred dollars (\$100).

(d) A retailer who is not eligible to receive POS equipment pursuant to subsection (a) may:

- (1) purchase the equipment necessary to access the EBT system; or
- (2) utilize a manual voucher process provided by the contractor for redemption of benefits.

(Division of Family Resources; 470 IAC 6-6-5; filed Oct 6, 1997, 5:25 p.m.: 21 IR 374; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA)

470 IAC 6-6-6 Off-line transactions

Authority: IC 12-13-7-6; IC 12-13-14-2

Affected: IC 12-13-14-8

Sec. 6. (a) In the event of an operational failure of the electronic benefit transfer system, a retailer may provide benefits off-line to a recipient household in an amount not exceeding forty dollars (\$40).

(b) Before providing benefits off-line, a retailer must obtain approval from the contractor or division in accordance with the procedure specified in the contract between the retailer and the division.

(c) An off-line transaction that is authorized and approved under this section must be completed in accordance with the procedures specified in the contract between the retailer and the division or contractor, including any operating rules or standards applicable to the Indiana electronic benefit transfer system that are incorporated by reference in the contract. *(Division of Family Resources; 470 IAC 6-6-6; filed Oct 6, 1997, 5:25 p.m.: 21 IR 374; Mar 27, 2000, 8:29 a.m.: 23 IR 1994; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA)*

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