

DEPARTMENT OF HUMAN RESOURCES INCOME MAINTENANCE ADMINISTRATION W. Saratoga Street Baltimore, Maryland 21201	IMA ACTION TRANSMITTAL
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TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR INCOME MAINTENANCE
INCOME MAINTENANCE SUPERVISORS

FROM: *Katherine L. Cook*
KATHERINE L. COOK, ACTING EXECUTIVE DIRECTOR, IMA

RE: FOOD STAMP ELIGIBILITY FOR PERSONS RESIDING IN GROUP
LIVING ARRANGEMENTS

PROGRAMS AFFECTED: FOOD STAMP PROGRAM

ORIGINATING OFFICE: OFFICE OF POLICY ADMINISTRATION

SUMMARY

This transmittal supersedes Action Transmittal IMA OPA 95-60 issued June 23, 1995, and IMA OPA 94-43 issued June 29, 1994, and Information Memo OPA 92-04 issued July 1, 1991. An overview of the food stamp policy relating to group living arrangements (GLA) is provided, including specific information affecting recipients receiving Public Assistance to Adults (PAA) households.

BACKGROUND

Over the past several years several transmittals were issued concerning GLA's. Action Transmittal 95-60 provided information concerning eligibility of PAA recipients residing in group living arrangements (GLA). Some of the information on this transmittal was found to be unclear. Action Transmittal OPA 94-43 provided a list of expanded eligibility for residents of group homes. Information Memo OPA 92-04 provided information on calculation of shelter and medical expenses for group home residents.

GROUP LIVING ARRANGEMENT POLICY REVIEW

Eligible Persons

Disabled or blind residents of a group living arrangement (GLA) may be eligible for food stamps even if the GLA provides a majority of the person's meals. This applies to individuals who are disabled or blind who receive:

1. Social Security Disability benefits
2. Supplemental Security Income

3. disability retirement benefits from a governmental agency because of a disability considered permanent under the Social Security Act
4. a Railroad Retirement Annuity which meets the SSI disability criteria or is determined by the Railroad Retirement Board to qualify for Medicare
5. presumptive eligibility payments pending receipt of SSI
6. Federal disability related Medical Assistance

This also applies to an individual who is blind or disabled who:

1. is a veteran with a disability rated or paid as total by the Veteran's Administration (VA), or
2. is a veteran considered by the VA to be in need of regular aid and attendance or permanently housebound, or
3. is a surviving spouse or surviving child of a veteran who VA has determined to be in need of aid and attendance, is permanently housebound, and permanently incapable of self-support.
4. is a surviving spouse or child of a veteran and considered by the VA to be entitled to compensation for a service connected death or pension benefits for a nonservice connected death and has a disability considered permanent.

Eligible Facilities

A group living arrangement is a private or public nonprofit setting that:

1. serves no more than 16 residents, and
2. is certified by The Department of Health and Mental Hygiene (DHMH) or Department of Human Resources (DHR) according to section 1616(e) of the Social Security Act. This section of the Social Security Act is general and requires each state to set standards for approving GLA'S in which a significant number of SSI recipients reside. Project Home, Domiciliary Care, and Rehabilitative Residences meet this criteria. Others may also meet the criteria.

A setting refers to each individual site rather than all locations of a particular organization.

All residents do not have to meet the blind or disabled criteria, but they are included in the 16-person limitation. If the group contains one or more persons who do not meet the blind or disabled criteria or if the residential setting does not provide

all of the residents the majority of their meals as part of its normal services, it may still qualify as a group living arrangement for food stamp purposes.

The regular food stamp rules apply to residents who are not provided the majority of their meals by the institution.

Applying for Food Stamps

Residents of group living arrangements may voluntarily apply for the program. They may either:

1. apply and be certified through an authorized representative employed by the GLA, or
2. if the GLA determines the person is physically and mentally fit to handle his own affairs, he may apply on his own behalf or through an authorized representative of his own choice.

Some residents may apply on their own behalf and others through the center. Applications must be accepted for any individual applying as a one-person household or for any grouping of residents applying as a household. Some people in the center may be eligible and others ineligible, depending on their situation.

If a resident applies on his own behalf, household size is based on regular household grouping procedures, e.g. spouses will be grouped together. The household is responsible for reporting changes to the local department and for overissuances.

If a resident applies through the GLA's authorized representative, his eligibility is determined as a one-person household. The GLA is responsible for reporting changes including when the person leaves.

LDSS Responsibility

Prior to certifying residents, the local department must:

1. verify that the facility meets the criteria of an eligible GLA, listed above, or is authorized by the Food and Consumer Service (FCS) as a retailer (if it wants to redeem benefits through a wholesaler).
2. advise the GLA of its responsibilities, including the requirement to submit a periodic list of participating residents.
3. conduct periodic visits to the GLA to assure the accuracy of the list and consistency with the LDSS's records.
4. if the GLA is the authorized representative, advise the Food and Consumer Service when it has reason to believe that the

GLA is misusing the benefits.

5. suspend the authorized representative status of the GLA for the same period if FCS disqualifies the center as an authorized food store. During this period, residents applying on their own behalf can still participate.

Use of Benefits

In local departments maintaining an inventory of food coupons for issuance to group homes, a GLA can choose whether or not they want to use the EBT system. If they choose EBT, arrangements must be made to train the authorized representative in the use of the EBT system. If coupons are chosen, the local department must maintain an adequate inventory. In local departments that are entirely on EBT, the GLA will have to use the EBT system to access benefits.

1. The GLA may purchase and prepare food to be consumed by eligible residents on a group basis if residents normally obtain meals at a central location or if meals are prepared at a central location for delivery to individual residents.
2. If residents purchase and prepare food for home consumption, as opposed to communal dining, the GLA must ensure that each resident's food benefits are used for meals intended for that resident.
3. If the resident retains use of his own allotment, he may either use the benefits to purchase meals prepared by the facility or to purchase food to prepare meals for his own consumption.

If EBT is chosen, the GLA must be reminded that when a person leaves prior to the 16th of the month they are entitled to at least half of their benefits. The only way to do this on EBT is to retain half of the benefits in the account until the 16th of the month.

Group Living Arrangement Responsibilities

1. The GLA must provide the lists of participating residents when requested. The list must be signed by a center official attesting to its accuracy.
2. The GLA must allow the local department to conduct periodic visits to assure the list is accurate and the agency's records are consistent and up to date.
3. When the GLA is acting as the authorized representative:
 - a. It must designate the authorized representative.

- b. It should review the person's circumstances prior to applying on the person's behalf.
- c. It is responsible for any intentional program violation the authorized representative commits.
- d. It is liable for losses and misuse of benefits.
- e. It must notify the state agency of changes in household circumstances and when the resident leaves.
- f. It must provide the household, if possible, with a change report form and advise the household to submit it to the local department within 10 days.

When the Person Leaves:

Before the benefit has been issued

After the benefit has been issued but before it has been redeemed

Before the 16th of the month and some of the benefits have been used

On or after the 16th and the coupons have been used

Before the center could give him unused coupons

The Center Must:

Return to the LDSS, the picture ID, if applicable, and the Independence Card

Give the person his or her Independence Card and total allotment

Give the person his or her Independence Card and 1/2 of the allotment

Give the person his Independence Card, but no benefits

At the end of the month return any unused benefits to the local department

Determining Countable Income

Include any income paid or owed to the household in the calculation of the food stamp benefit. This could include income such as, SSI, Veteran's benefits, Social Security, Public Assistance to Adults (PAA), or earnings.

Vendor payments made by DHMH or DHR directly to a provider for a service is not countable if the money is not owed to the household. In some living situations, such as, Residential Rehabilitation Programs, grants are made to a provider agency for a package of services for the care of the residents of the program. The money is not owed to the client and would not be counted. It will also not be used as a deduction.

Examples:

- #1 Mr. Jones is in a Project HOME facility. His income consists of \$525 SSA disability and \$611 PAA. His countable income is \$1136.
- #2 Ms. Smith is in an Association of Retarded Citizens (ARC) Group Living Arrangement. She receives \$545 SSA benefits as a disabled child and works for ARC in a sheltered workshop earning an average of \$5 weekly. Her countable income is \$566.50.
- #3 Mr. Jackson is in a Rehabilitative Residence which meets the definition of a GLA. He receives an \$82 personal needs allowance and \$560 SSA. His countable income is \$642.

Determining Shelter and Medical Expenses

Room and Medical costs which can be separately identified are allowable shelter and medical expenses. Normally the group home will identify the part of the payment that is being charged for separate costs. The GLA can only verify payments for items or services they provide such as, shelter or attendant care. If the amount the resident pays for room and meals is combined into one amount, the amount which exceeds the food stamp maximum for a one-person household can be allowed as an identified shelter expense. If the GLA incorrectly includes PAA personal needs allowance as shelter cost on the rent form, it must also be subtracted before entering the shelter costs on the system.

If more than one resident applies as part of the same food stamp household, the food stamp maximum allotment for a one-person household is deducted from the room and board payment for each person. Some group homes charge a basic rate for room and board and they charge higher rates depending on the amount of medical care that is needed. In such instances, if a person is charged a higher rate, the basic rate minus the food stamp maximum for a one-person household may be used to determine the shelter cost for that person, and the difference between the basic rate and the higher rate may be determined to be medical costs.

If the amount paid for medical and shelter costs cannot be separately identified, no deduction is allowed for the cost. In most instances, a provider will identify the costs separately, if applicable, as either shelter and/or medical. Use the provider's verification of the breakdown of costs unless questionable.

Medical expenses must be verified by the medical provider. The person, agency, or organization who provides a service is the correct source of verification of an expense. The GLA is the correct source of verification of the costs of attendant care provided through the group home. If the attendant care is provided by an agency, other than the GLA, the agency providing

the service is the source of verification. A doctor visit, not covered by medical assistance or other insurance, must be verified by a bill or statement from the doctor's office.

Examples:

- #1 See situation #1 above. The Project HOME facility in which Mr. Jones resides provided a rent verification form listing the total income of \$1136 (\$525 SSA and \$611 PAA). The one-person maximum food stamp allotment is \$119 and the personal needs allowance is \$82. The allowable shelter cost is \$935.
- #2 See situation #2 above. The ARC facility provided verification of Ms. Smith's rent as \$445. Ms. Smith is responsible for providing her own meals. The allowable shelter cost is \$445.
- #3 Mr. Johnson is in a Domiciliary Care Facility which meets the criteria of a GLA. His income is \$458 SSI and \$196 PAA. The provider listed the costs of care as \$100 for attendant care and shelter cost as \$472. The allowable medical cost is \$65 (\$100-\$35). The allowable shelter cost is \$353 (\$472-\$119).

CARES

Enter all countable income and allowable deductions on the appropriate screens. PAA income does not automatically come over to the food stamp case. If a food stamp case for a PAA recipient is opened, enter the amount of the PAA income, coding it "OF" for other unearned food stamp income only.

AIMS

PAA benefits are handled in special processing. Any associated food stamp case must also be handled in special processing. Complete the calculations in the 469 Combined Application Workbook, documenting thoroughly. Enter the food stamp benefit amount to be issued on the AIMS 3.

EBT

EBT is not able to accommodate more than one account on an Independence Card. An EBT Demonstration Project, to allow GLA's to participate as merchants, with a point of sale device at each facility, is still pending. At this time, each recipient or authorized representative will have his own Independence Card and the GLA will have to work out procedures to return any benefits due to a recipient leaving a facility.

INQUIRIES

Please direct any FS or CARES/AIMS questions to Kay Finegan at
(410) 767-7939.

DHR Executive Staff
IMA Management Staff
Arnold Dixon