



## Ohio Administrative Code

### Rule 5101:4-2-05 Food assistance: authorized representatives.

Effective: August 1, 2020

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(A) What is an authorized representative?

An authorized representative is a person/entity whom the assistance group chooses to act on its behalf. A non-household member may be designated as an authorized representative provided that the person is an adult who is sufficiently aware of relevant household circumstances. An adult member of the assistance group may identify and use an authorized representative at any time. The assistance group may have more than one authorized representative selected to do one or more of the following:

(1) Act on the assistance groups behalf, including but not limited to:

(a) Completing the application process;

(b) Carrying out responsibilities during the certification period, such as reporting changes in the assistance groups circumstances;

(c) Requesting a state hearing and representing the assistance group at a state hearing; and

(d) Receiving all notices and correspondence issued by the county agency on behalf of the assistance group. The county agency shall issue notices and correspondence to both the authorized representative and the assistance group.

(2) Obtain supplemental nutrition assistance program (SNAP) benefits on behalf of the assistance group, i.e. receive the electronic benefit transfer (EBT) card. Even when the assistance group is able to obtain its own SNAP benefits, it should be encouraged to name an authorized representative to obtain benefits in case of illness or other circumstances that might result in the inability to obtain benefits.



(3) Use SNAP benefits on behalf of the assistance group.

(B) How is an authorized representative identified?

When an adult member of the assistance group identifies and uses an authorized representative, the following actions are to be taken:

(1) An assistance group shall identify in writing an authorized representative who is authorized to act on their behalf as described in paragraph (A)(1) of this rule.

(2) An assistance group shall name an authorized representative to obtain SNAP benefits on behalf of the assistance group as described in paragraph (A)(2) of this rule.

(3) An assistance group may name an authorized representative to use SNAP benefits on its behalf, as described in paragraph (A)(3) of this rule, but is not required to do so.

(4) An assistance group may identify and use an authorized representative for a one time emergency situation. A separate written designation is needed each time an emergency authorized representative is used.

(C) What are the restrictions on designations of authorized representatives described in paragraphs (A)(1) and (A)(2) of this rule?

In order to prevent abuse of the program, the county agency may set a limit on the number of households an authorized representative can represent. The county agency shall impose the following restrictions for authorized representatives described in paragraphs (A)(1) and (A)(2) of this rule:

(1) County agency employees who are involved in the certification or issuance processes and retailers who are authorized to accept SNAP benefits shall not act as authorized representatives. When the county agency determines that no one else is available to serve as an authorized representative they may with written approval.



(2) An individual who is disqualified for an intentional program violation cannot act as an authorized representative during the disqualification period unless the county agency has determined that no one else is available to serve as an authorized representative. The county agency must separately determine whether the individual is needed to apply on behalf of the assistance group or to obtain benefits on behalf of the assistance group.

(3) When the county agency has confirmed that an authorized representative has knowingly provided false information or improperly used SNAP benefits, the representative may be disqualified to serve as an authorized representative for up to one year. The assistance group and authorized representative must be notified in writing thirty days prior to the date of disqualification. The notification must include the reason for the proposed action and include the assistance group's right to a state hearing. This provision is not applicable in the case of drug and alcoholic treatment centers and those group homes that act as authorized representatives for their residents.

(4) Homeless meal providers cannot act as authorized representatives for homeless SNAP recipients.

(5) In the event an employer such as those that employ migrant or seasonal farm workers are designated as authorized representatives or a single authorized representative has access to a large number of authorization documents, the county agency should exercise caution to ensure that each assistance group has freely requested the assistance of the authorized representative, the assistance group's circumstances are correctly represented, and that the authorized representative is properly using the benefits.

(D) How are authorized representatives utilized in drug and alcohol treatment centers and group living arrangements?

(1) Residents of drug or alcohol treatment centers must apply and be certified through the use of an authorized representative. Residents shall be responsible for complying with requirements described in rule 5101:4-6-01 of the Administrative Code.

(2) Residents of group living arrangements have the option to apply and be certified through the use of an authorized representative as described in rule 5101:4-6-26 of the Administrative Code.



(3) Drug or alcohol treatment centers and group living arrangements that act as authorized representatives for residents of the facilities must use SNAP benefits for food prepared and served to those residents participating in the SNAP program except when a resident leaves the facility as specified in rules 5101:4-6-01 and 5101:4-6-26 of the Administrative Code.

(4) The representatives of the drug and alcohol treatment centers or group living arrangements that act as authorized representatives for their residents, and intentionally misrepresent an assistance group's circumstances, may be prosecuted under applicable federal and state statutes for their acts.

(E) What are the responsibilities of the county agency?

(1) When an applicant or recipient indicates that he or she may have difficulty completing the application process, the county agency shall explain that a non-assistance group member may be designated as the authorized representative for the application process.

(2) When an applicant or recipient identifies an authorized representative as described in paragraph (B) of this rule, the county agency is to record the name of the authorized representative in the case file.

(3) The county agency is to develop a system that allows an assistance group to select an emergency authorized representative in writing for a particular month's benefits.

(4) Except for those situations in which a drug and alcohol treatment center or other group living arrangement acts as the authorized representative, the county agency must inform the household that they will be held liable for any overissuance that results from erroneous information given by the authorized representative.