



Ohio Administrative Code

Rule 5101:4-6-01 Food assistance: determining eligibility of individuals in drug addiction and alcoholic treatment and rehabilitation programs.

Effective: September 1, 2020

Narcotic addicts or alcoholics who regularly participate in publicly operated or private non-profit drug addiction or alcoholic (DAA) treatment and rehabilitation programs on a resident basis may voluntarily apply for supplemental nutrition assistance program (SNAP).

(A) What is the certification process for DAA treatment center residents?

(1) Applications shall be made through an authorized representative who is employed by the DAA treatment center and designated by the center for that purpose.

(2) The county agency shall require the assistance group to designate the DAA treatment center as its authorized representative for the purpose of receiving and using an allotment on behalf of the assistance group.

(3) Residents shall be certified as a one-person assistance group unless their children are living with them, in that case their children shall be included in the assistance group.

(4) The county agency shall certify residents of DAA treatment centers using the same provisions that apply to all other assistance groups, including, but not limited to, the same rights to notices of adverse action and fair hearings.

(5) The county agency shall conduct periodic random on-site visits to the DAA treatment center to ensure the accuracy of the list (as provided in paragraph (C)(3) of this rule) and that the county agency's records are consistent and up to date.

(B) What requirements shall the DAA treatment center meet in order for the residents of the center to be eligible to receive SNAP?

The DAA treatment center shall provide evidence that it is:



- (1) Tax exempt and certified by the Ohio department of mental health and addiction services as:
 - (a) Receiving funding under part B of Title XIX of the Public Health Service Act, 42 U.S.C. 300x (1992);
 - (b) Eligible to receive funding under part B of Title XIX even when no funds are being received;
 - (c) Operating to further the purposes of part B of Title XIX, to provide treatment and rehabilitation of drug addicts and/or alcoholics; or
- (2) Authorized as a retailer by food and nutrition service.

When the United States department of agriculture (USDA), food and nutrition service (FNS) disqualifies a treatment program as an authorized retailer, the county agency shall suspend its authorized representative status for the same period.

(C) What are the responsibilities of the DAA treatment centers?

- (1) Accessing the benefits: DAA treatment centers may redeem benefits by using the assistance group's electronic benefit transfer (EBT) card at authorized retailers or at a point of sale device at the center, when the center is an authorized retailer.
- (2) Change notification: the DAA treatment center shall notify the county agency of changes in the assistance group's circumstances as described in rule 5101:4-7-01 of the Administrative Code and when an assistance group leaves the DAA treatment center. When an individual leaves a DAA treatment center the center shall:
 - (a) Provide the assistance group with a change report form to report to the county agency the assistance group's new address and other circumstances after leaving the center;
 - (b) Advise the assistance group to return the form to the appropriate county agency office within ten days;



(c) No longer act as the assistance group's authorized representative for certification purposes or for obtaining or using SNAP benefits; and

(d) When the card was in the possession of the center the center shall provide the assistance group with his/her EBT card. When the assistance group has already left the center, the center shall return the EBT card to the county agency by the end of the month.

(3) List of current participants: the DAA treatment center shall provide the county agency with a list of currently participating residents that includes a statement signed by a responsible center official attesting to the validity of the list. The participating resident list shall be supplied to the county agency by the DAA treatment center on a monthly basis.

(4) The organization or institution shall be responsible for any misrepresentation or intentional program violation that it knowingly commits in the certification of center residents. As an authorized representative, the organization or institution shall be knowledgeable about the assistance group's circumstances and should carefully review those circumstances with residents prior to applying on their behalf. The organization or institution shall be strictly liable for all losses or misuse of SNAP benefits held on behalf of residents and for all overpayments that occur while the assistance group is a resident of the DAA treatment center.

(D) What shall the DAA treatment center do with SNAP benefits of recipients that have left the center?

(1) When no benefits have been spent on behalf of the individual assistance group, the center is to return the full value of any benefits already debited from the assistance group's current monthly allotment back into the assistance group's EBT account at the time the assistance group leaves the center.

(2) When benefits have already been debited from the EBT account and any portion spent on behalf of the assistance group, the following procedures are to be followed:

(a) When the assistance group leaves the DAA treatment center prior to the sixteenth of the month the



county agency is to permit the return of one-half of the allotment to the assistance group's EBT account through a refund.

(b) When the assistance group leaves the DAA treatment center on or after the sixteenth day of the month the assistance group is to be allowed to receive any remaining benefits authorized or posted to the EBT account at the time the assistance group leaves the center.

(3) The county agency shall promptly notify the state agency when it has reason to believe that a center is misusing benefits in its possession. The state agency shall notify FNS of the report. The county agency shall not take any action against the organization or institution prior to FNS action. Upon a determination of misuse by FNS the county agency shall establish a claim for the overpayments of SNAP benefits held on behalf of residents as stipulated in paragraph (C)(4) of this rule. When FNS disqualifies an organization or institution as an authorized retailer, the county agency shall suspend its authorized representative status for the same period.

(4) When the center loses its authorization under Title XIX, or its FNS authorization as a retail food store is revoked, participation by any resident is automatically canceled. A notice of adverse action is not required but the center and each recipient shall be notified in writing of their ineligibility.