Policy Overview: CalFresh Eligibility Rules for Residents of Institutions

Hosted by the CalFresh and Nutrition Branch
Tuesday, February 19, 2019

Reversing the CalFresh SSI/SSP Cash-Out Policy Webinar Series
How to Listen In

- This webinar will be held in “listen only” mode.
- There are two ways to connect to audio:
  1. Via phone
  2. Via computer
How to Ask Questions

• On-line
  – Type your questions into the question pane on your control panel anytime during the presentation.

• We will address as many questions as possible.

• We will follow-up on questions that we cannot get to during the live presentation.
Reversing the CalFresh SSI/SSP Cash-Out Policy Webinar Series

<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tuesday, March 5(^{th}), 2019 10:00 AM – 11:00 AM</td>
<td>Policy Refresher: CalFresh Rules for Authorized Representatives</td>
</tr>
<tr>
<td>Tuesday, March 19(^{th}), 2019 10:00 AM – 11:00 AM</td>
<td>Reasonable Accommodation Best Practices</td>
</tr>
</tbody>
</table>

Register for future webinars and more at our webpage: [http://www.cdss.ca.gov/CalFreshSSI](http://www.cdss.ca.gov/CalFreshSSI)
Agenda

• Reversing SSI Cash-Out Refresher
• CalFresh Eligibility for Residents of Institutions
• Guidance by Type of Institution
  – Drug Addiction or Alcoholic Treatment and Rehabilitation Centers
  – Group Living Arrangements
  – Shelters for Battered Persons
  – Shelters for Homeless Persons
• Other Meal Service Providers
• Questions and Answers
Refresher on Reversing SSI Cash-Out: Expanding CalFresh to SSI/SSP Recipients

- People receiving Supplemental Security Income and/or California State Supplementary Payment (SSI/SSP) have been ineligible to receive CalFresh due to the policy known as “cash-out”.

- Beginning June 1, 2019, people receiving SSI/SSP will be eligible to apply for CalFresh.
  - There is NO change or reduction to the SSI/SSP benefit amount

- SSI/SSP recipients will be considered elderly and/or disabled for the purpose of determining CalFresh eligibility.

- For more information on the policy change, visit the Reversing SSI Cash-Out webpage at: http://www.cdss.ca.gov/CalFreshSSI
Residents of Institutions

Residents of Institutions are:

• Individuals who are provided a majority of their meals at an institution as part of that institution’s normal services.
  – A “majority of meals” means greater than 50% of three meals daily.
  – To be “normal service” of the institution, a meal plan does not have to be mandatory. A client who opts into a meal plan that provides a majority of meals is a resident of an institution.

• Generally, residents of institutions are ineligible for CalFresh, unless they meet one of several exceptions.
Exceptions

• The following individuals shall not be considered residents of an institution and may participate in CalFresh (if otherwise eligible):
  – Individuals who are residents of federally subsidized housing for the elderly
  – Individuals who are narcotic addicts or alcoholics and reside at a treatment and rehabilitation center for regular participation in a drug or alcohol treatment and rehabilitation program.
    • The separate household include the children, but not the souses of such persons who live with them at the treatment and rehabilitation center.
  – Individuals who are disabled or blind and are residents of group living arrangements.
  – Individuals and their children who are temporarily residing in a shelter for battered persons.
  – Individuals who are residents of public or private nonprofit shelters for homeless persons.
  – Residents of public institutions who apply for SSI prior to their releases from an institution.

• These individuals must be treated as a separate household from others with whom they reside.
Key Definitions to Establish an Exception
Drug Addiction or Alcoholic Treatment and Rehabilitation Center (DAA Center)

- A DAA Center provides a drug addiction or alcoholic treatment and rehabilitation program.
- A DAA Center may be operated by a private nonprofit organization or institution, or a public community mental health center.
- The DAA Center must be authorized by FNS as a retailer or operating under Part B or Title 19 of the Public Health Service Act.
  - Note: in California, the Department of Health Care Services licenses treatment and rehabilitation programs.
To be considered “operating under Part B of Title 19 of the Public Healthy Service Act”, a program must be certified or licensed by the State Title 19 Agency as:

- Receiving funding under part B of title 19 of the Public Health Service Act;
- Eligible to receive funding under part B of title 19, even if no funds are being received; or
- Operating to further the purpose of part B of title 19, to provide treatment and rehabilitation of drug addicts and/or alcoholics.

Part B of Title 19 requirements vary from state to state. Essentially, however, it requires that the program have a medical component to rehabilitation.
Group Living Arrangement (GLA)

- A GLA is a public or private nonprofit residential home for disabled or blind individuals.
- A GLA serves no more than 16 residents.
- The GLA must be authorized by FNS as a retailer or operating under section 1616(3) of the Social Security Act.
  - Note: in California, the Department of Social Services licenses GLAs.
- Residents of private for profit group living arrangements are ineligible to receive CalFresh.
Shelter for Battered Persons

- Public or private nonprofit residential facility that serves battered women, men and children.
- If such a facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered persons.
- Serves meals or provides food to its residents.
- Authorized by FNS as a retailer or confirmed by the county as a facility that serves battered individuals.
Shelter for Homeless Persons

- Public or private nonprofit facility (e.g. soup kitchen, temporary shelter) that serves homeless persons.
- Serves meals or provides food to its residents.
- Authorized by FNS as a retailer or confirmed by the county as an establishment that serves meals to homeless persons.
Authorized FNS Retailer List

List of FNS authorized retailers that are DAA Centers, GLAs or MSPs is available on the CalFresh Resource Center Page.
Authorized Representative (AR)

• An adult non-household member who may be authorized to act on behalf of a household to:
  – Complete the application process
  – Obtain CalFresh benefits
  – Use CalFresh benefits

• For more information, tune into the next webinar in the policy webinar series.

Policy Refresher: CalFresh Authorized Representative Rules on Tuesday March 5, 2018

– Register at: http://www.cdss.ca.gov/CalFreshSSI
Guidance by Type of Institution
DAA Center Residents: Applying for CalFresh

- Individuals who are narcotic addicts or alcoholics and who regularly participate in a residential treatment and rehabilitation program may voluntarily apply for CalFresh.

- Prior to approving any DAA Center resident for CalFresh, the county must confirm that the DAA Center is authorized by FNS as a retailer OR that the program is operating under Part B of Title 19 of the Public Health Act.
DAA Center Residents: Applying for CalFresh Continued

- DAA Center residents **must** apply through an AR employed and designated by the DAA Center.
- Counties **may** require DAA Center residents to designate the DAA Center as its AR for the purpose of receiving and using benefits.
- Since an employee of the DAA Center is acting as the AR for the household, the AR must notify the county of changes in the household’s circumstances that are required to be reported.
DAA Center Residents:
Household Size

• DAA Center residents must apply for CalFresh as a separate household from others with whom they reside.

• DAA Center residents must apply as a one-person household, unless their children are residing with them.
DAA Center Residents: Redeeming Benefits

The DAA Center may redeem CalFresh benefits in various ways:

• Use of individual household EBT cards.

• Use of a DAA Center EBT card that is an aggregate of individual household benefits.

• Authorization as a retailer with a Point of Sale (POS) device.
DAA Center Residents: When Individuals Leave

DAA Centers have certain responsibilities when a household leaves a DAA Center:

- Inform the county.
- If possible as the household is leaving, provide the household information about reporting required changes to the county.
- Ensure the AR designated by the DAA Center is no longer the household’s AR.
- Provide the household with it’s EBT card (if applicable) and, depending on the time of the month the household leaves the DAA Center, return any prorated benefits (if applicable).
GLA Residents: Applying for CalFresh

- To be eligible for CalFresh, a GLA resident must be blind or disabled.
- Prior to approving any GLA resident for CalFresh, the county must confirm that the GLA is authorized by FNS as a retailer OR is operating under section 1616(3) of the Social Security Act.

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GLA Residents: Applying for CalFresh Continued

GLA residents may apply for CalFresh:

- On their own behalf; or
- Through an AR
  - Employed and designated by the GLA, or
  - An AR of their choice.
- Like DAA Centers, if an employee of the GLA is acting as the AR for the household, the AR must notify the county of changes in the household’s circumstances that are required to be reported.
GLA Residents: Who Can Apply on Their Own?

• The GLA must determine if a resident is able to handle his or her own affairs and may apply on his or her own behalf.
  - Based on the resident’s physical and mental ability

• Some residents of a GLA may apply on their own, while other residents of the same GLA may apply using an AR.
GLA Residents: Redeeming Benefits

If a GLA resident applies on their own, the GLA may either:

• Act as the household’s AR for purposes of obtaining and using CalFresh benefits to be used to purchase food to be served communally or individually, or

• Allow eligible residents to get and use their own EBT card.
GLA Residents: Redeeming Benefits Continued

Like DAA Centers, GLAs may redeem CalFresh benefits in various ways:

• Use of individual household EBT cards.

• Use of a DAA Center EBT card that is an aggregate of individual household benefits.

• Authorization as a retailer with a Point of Sale device.
GLA Residents: Redeeming Benefits for Group Meals

A GLA designated AR may only purchase and prepare food to be consumed by eligible residents on a group basis:

• If residents normally obtain their meals at a central location, or

• If meals are prepared at a central location for delivery to the individual residents.
GLA Residents:
When Individuals Leave

GLAs have certain responsibilities when a household leaves a GLA:

• Provide the household with it’s EBT card (if applicable) and, depending on the time of the month the household leaves the GLA, return any prorated benefits (if applicable).

• Return to the county EBT cards not provided to departing residents at the end of each month.

• If possible as the household is leaving, provide the household information about reporting required changes to the county.
Additional Roles and Responsibilities
DAA Center and GLA Responsibilities

When acting as an AR:

• Liable for losses, misuse of benefits, and overissuances.

• Responsible for any misrepresentation or intentional program violation (IPV) which it knowingly commits.
County Responsibilities

• If FNS disqualifies the facility, suspend the facility’s AR status.
• Notify FNS if the county has reason to believe facility is misusing benefits and/or EBT cards.
Shelters for Battered Persons

- Public or private nonprofit residential facility that serves battered women, men and children.
- If such a facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered persons.
- Serves meals or provides food to its residents.
- Authorized by FNS as a retailer or confirmed by the county as a facility that serves battered individuals.
Shelters for Battered Persons: Applying for CalFresh

Residents of battered persons shelters may apply for CalFresh:

• On their own behalf or

• Through an AR
  – employed and designated by the battered persons shelter, OR
  – an AR of their choice.
Shelters for Battered Persons: Redeeming CalFresh Benefits

CalFresh benefits may be:

- Used by eligible residents to purchase and prepare food for their own consumption

- Provided to the shelter to be used:
  - To purchase food for meals served communally, or
  - To purchase food for meals served individually to eligible residents.

Battered persons shelters can be equipped by FNS to have an EBT Point of Sale device.
Shelters for Homeless Persons

- Public or private nonprofit facility (e.g. soup kitchen, temporary shelter) that serves homeless persons.
- Authorized by FNS or confirmed by the county as an establishment that serves meals to homeless persons.
- Meals must include food purchased by the homeless meal provider
  - The meals cannot consist wholly of donated foods
- May not act as an AR
Shelters for Homeless Persons: Accepting CalFresh Benefits

Homeless meal providers may only request *voluntary* use of CalFresh benefits from homeless recipients to pay for meals.

- They cannot ask CalFresh recipients to pay more than the average cost of meals at the shelter.
- If non-CalFresh clients have the option to eat for free or make a monetary donation, the same option must be made available to a CalFresh recipient.

Homeless meal providers can also be equipped by FNS to have an EBT Point of Sale device.
Other Meal Service Providers
Meal Service Provider (MSP)

An MSP is an FNS-approved retail food store that is authorized to provide meals to CalFresh participants.

MSPs commonly approved by FNS to accept CalFresh benefits include DAA Centers, GLAs, and:

- Shelter for Battered Persons
- Shelter for Homeless Persons/Homeless Meal Providers
- Meal Delivery Services (e.g. Meals On Wheels)
- Communal Dining Facilities
- Senior Citizen Centers or Apartment Buildings
Meal Delivery Services

• Public or private non profit
  – Ex. Meals on Wheels

• Prepares and delivers meals to elderly or disabled persons (and their spouses) who are housebound

• Authorized by FNS
Meal Delivery Services: Accepting CalFresh Benefits

- Payment for delivered meals is voluntary
  - CalFresh recipients cannot be required to use their benefits to receive delivered meals.

- Facility may accept CalFresh benefits at intervals not exceeding one month for delivered meals.

- If non-CalFresh clients have the option to eat for free or make a monetary donation, the same option must be made available to a CalFresh recipient.

- The county must have procedures in place to identify eligible recipients that may use their CalFresh benefits for delivered meals.
Communal Dining Facilities

• Public or nonprofit private establishment
• Prepares and serves meals for elderly persons or SSI recipients, and their spouses
• Authorized by FNS
Senior Citizen Centers or Apartment Buildings

- Private facility
- Occupied primarily by the elderly, disabled, and SSI/SSP recipients
- **Do not** provide a majority of the residents’ meals (i.e. over 50 percent of three meals daily) as part of normal services
- Authorized by FNS
Key Takeaways

• Beginning June 1, 2019, a large influx of newly eligible SSI/SSP recipients, including residents of institutions, are expected to apply for CalFresh.

• Some SSI/SSP recipients who are residents of institutions may not be eligible to CalFresh.

• There are EXCEPTIONS. Some SSI/SSP that reside in an institution may not be subject to the “residents of institutions” rule and may be eligible for CalFresh.

• Email questions to: calfreshssi@dss.ca.gov
Resources
Resources: Policy Webinar Series

Next Webinar:  Policy Refresher: CalFresh Rules for Authorized Representative

March 5, 2019, 10:00 am to 11:00 am
Resources: All Stakeholder Meeting

All are invited to join. The group meets bi-monthly, in-person and via webinar.

Next Meeting: All Stakeholder #5
March 13, 2019, 1:00 pm – 2:30 pm
CDSS Headquarters and Webinar

More info, including meeting materials:
http://www.cdss.ca.gov/CalFreshSSI

Email: CalFreshSSI@dss.ca.gov
Resources: Policy Guidance

- CalFresh SSI Cash-Out CDSS Webpage
- Assembly Bill 1811 (Chapter 35, Statutes of 2018)
- ACL 18-90: CalFresh Reversing Cash-Out Policy
- ACL 18-131: CalFresh Reversing Cash-Out Policy, Supplemental Nutrition Benefit Program, And Transitional Nutrition Benefit Program Quarterly Question And Answer
- **Coming Soon:** ACL: CalFresh Guidance on Residents of Institutions
Question and Answer