

R-39 Rev. 02/2012
(Title page)

IMPORTANT: Read instructions on back of last page (Certification Page) before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations

State of Connecticut
REGULATION
of

NAME OF AGENCY

Department of Social Services

Concerning

SUBJECT MATTER OF REGULATION

SNAP Institutional Notice

The Commissioner seeks to amend section 1570.10 of the Department's Uniform Policy Manual pursuant to the powers granted under section 17b-105c of the Connecticut General Statutes.

**CONNECTICUT DEPARTMENT OF SOCIAL SERVICES
UNIFORM POLICY MANUAL**

Date:	Transmittal:	1570.10 Page 1
Section: Eligibility Process		Type: POLICY
Chapter: Fair Hearings	Program: AFDC, AABD, MA, SNAP	
Subject: Notice of Action		

1570.10 A. Notice Requirements

Except in situations described below, the Department mails or gives adequate notice at least ten days prior to the date of the intended action if the Department intends to:

1. discontinue, terminate, suspend or reduce benefits; or
2. change the manner or form of payment for programs.

B. Exceptions to Timely Notice Requirements

1. AFDC, AABD, MA, SNAP

The Department mails an adequate notice no later than the date of the action if the action is based on any of the following circumstances:

- a. the Department has factual information that all members of the assistance unit have died; or
- b. the Department receives a clear, written statement signed by the assistance unit stating that:
 - (1) the unit no longer wishes to receive benefits; or
 - (2) the unit is giving the Department information which requires that the Department terminate or reduce benefits, and that the unit understands that this must be the result of supplying that information; or
- c. the assistance unit is required to submit monthly reports and the unit either:
 - (1) furnishes information which requires that the Department reduce or discontinue benefits; or
 - (2) fails to complete a timely monthly report without good cause; or
- d. for AFDC, AABD and MA, but not for SNAP, the affected individual has been admitted to or committed to an institution, and the individual is not eligible for assistance while living there; or
- e. the assistance unit's whereabouts are unknown and the post office returns departmental mail directed to the unit indicating no forwarding address; or
- f. the Department verifies that the assistance unit has been granted benefits under the same program in another state.

2. AFDC

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In the AFDC program, the Department sends an adequate notice no later than the date of the action, under the following situations, as well as under those described in paragraph 1:

- a. the Department has factual information that an assistance unit member has died, or that the AFDC payee has died and there is no relative available to serve as new payee; or
- b. the assistance unit member has been placed in a long term care facility and no longer qualifies for assistance; or
- c. an AFDC child is removed from the home as a result of a judicial determination, or voluntarily placed in foster care by his or her caretaker relative or legal guardian; or
- d. the Department grants the assistance unit a special allowance for a specific period of time and informs the unit in writing at the time of grant that the allowance automatically terminates when the specific period ends; or
- e. the Department determines that the AFDC payee has mismanaged the unit's finances and that the Department should issue a restricted method of payment (Cross Reference 6505).

3. AABD

In the AABD program, the Department sends an adequate notice no later than the date of the action, under the following situations, as well as under those described in paragraph 1:

- a. the Department grants the assistance unit a special allowance for a specific period of time and informs the unit in writing at the time of grant that the allowance automatically terminates when the specific period ends; or
- b. the Department determines that the AABD payee has mismanaged the unit's finances and that the Department should issue a restricted method of payment (Cross Reference 6505).

4. MA

In the Medicaid program, the Department sends adequate notice no later than the date of the action, under the following situations, as well as under those described in paragraph 1:

- a. the Department has factual information that a member of the assistance unit has died; or
- b. the unit member's physician prescribes a change in the unit member's level of care; or

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- c. the Department authorizes the assistance unit to receive assistance for a specific period of time and informs the unit in writing at the time of authorization that assistance automatically terminates when the specific period ends.

5. SNAP

- a. In the Supplemental Nutrition Assistance Program, the Department does not mail individual notices to assistance units when the Department initiates a mass change affecting a class of recipients. The Department does publicize the mass change, however, by mailing a general notice to the affected class.
- b. In the Supplemental Nutrition Assistance Stamp program, the Department does not send individual notices to assistance units regarding a reduction or termination of benefits if:
 - (1) the assistance unit has been receiving an increased allotment as a corrective payment, and the Department notifies the unit in writing, at the time of the increase, that such increase will terminate after a specific period of time; or
 - (2) the assistance unit's allotment varies from month to month within the certification period to reflect changes anticipated at the time of certification, and the Department so notifies the assistance unit at the time of certification; or
 - (3) the assistance unit applies for Public Assistance as well as SNAP benefits and has been receiving SNAP benefits pending approval of the Public Assistance grant, and the Department notifies the unit at the time of certification that SNAP benefits will be reduced upon approval of the Public Assistance grant; or
 - (4) an overpaid assistance unit fails to make repayment and the Department recoups the overpayment by benefit reduction (Cross Reference: Section 7000); or
 - (5) the assistance unit consists of someone who is a resident of a drug or alcoholic treatment center or group living arrangement if the facility either loses its certification or has its status as an authorized representative suspended because of disqualification by the Food and Nutrition Service (Cross Reference: Section 1505); or
 - (6) the assistance unit's benefits are being reduced or terminated as a result of an intentional program violation.

Statement of Purpose

Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation." Enter the statement here.

(A) The purpose of the regulation: To amend section 1570.10 of the Department of Social Services' Uniform Policy Manual to comply with federal requirements pertaining to the Supplemental Nutrition Assistance Program (SNAP, formerly known as Food Stamps). The proposed amendment adds language to clarify that the Department will notify individuals receiving SNAP benefits who are admitted or committed to institutions, and are ineligible to receive benefits while in such institutions, at least ten days before the Department intends to discontinue, terminate, suspend or reduce such benefits.

(B) The problems, issues or circumstances that the regulation proposes to address: The proposed amendment brings the existing regulation into compliance with requirements of the federal Food and Nutrition Service (FNS). FNS has requested that the Department make this amendment to comply with federal regulations that require the Department to provide notice ten days prior to termination of SNAP benefits.

(C) The legal effects of the regulation, including all of the ways that the regulation would change existing regulations or other laws: The proposed amendment clarifies that the Department will notify individuals receiving SNAP benefits who are admitted or committed to institutions, and are ineligible to receive benefits while in such institutions, at least ten days before the Department intends to discontinue, terminate, suspend or reduce such benefits. The existing language in section 1570.10 of the Uniform Policy Manual provides an exception to the standard ten day notice period for individuals receiving SNAP benefits who are admitted or committed to institutions and are ineligible to receive benefits while in such institutions. The proposed regulation would clarify that this exception does not apply to recipients of SNAP benefits.

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(Certification page—see Instructions on back)

CERTIFICATION

This certification statement must be completed in full, including items 3 and 4, if they are applicable.

- 1) I hereby certify that the above (check one) Regulations Emergency Regulations
- 2) are (check all that apply) adopted amended repealed by this agency pursuant to the following authority(ies): (complete all that apply)
 - a. Connecticut General Statutes section(s) 17b-105c.
 - b. Public Act Number(s) _____.
(Provide public act number(s) if the act has not yet been codified in the Connecticut General Statutes.)
- 3) And I further certify that notice of intent to adopt, amend or repeal said regulations was published in the **Connecticut Law Journal** on July 17, 2012;
(Insert date of notice publication if publication was required by CGS Section 4-168.)
- 4) And that a public hearing regarding the proposed regulations was held on _____;
(Insert date(s) of public hearing(s) held pursuant to CGS Section 4-168(a)(7), if any, or pursuant to other applicable statute.)
- 5) And that said regulations are **EFFECTIVE** (check one, and complete as applicable)
 - When filed with the Secretary of the State
 - OR on (insert date) July 1, 2012

DATE <u>9/21/12</u>	SIGNED (Head of Board, Agency or Commission) <u>Kathleen M. Barlow</u>	OFFICIAL TITLE, DULY AUTHORIZED <u>Commissioner, Deputy</u>
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APPROVED by the Attorney General as to legal sufficiency in accordance with CGS Section 4-169, as amended		
DATE <u>10/2/12</u>	SIGNED (Attorney General or AG's designated representative) <u>Joseph Rubin</u>	OFFICIAL TITLE, DULY AUTHORIZED ASSOC. ATTY. GENERAL

Proposed regulations are **DEEMED APPROVED** by the Attorney General in accordance with CGS Section 4-169, as amended, if the attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.
(For Regulation Review Committee Use ONLY)

- Approved Rejected without prejudice
- Approved with technical corrections Disapproved in part, (Indicate Section Numbers disapproved only)
- Deemed approved pursuant to CGS Section 4-170(c)

By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE	SIGNED (Administrator, Legislative Regulation Review Committee)
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Two certified copies received and filed and one such copy forwarded to the Commission on Official Legal Publications in accordance with CGS Section 4-172, as amended.

DATE	SIGNED (Secretary of the State)	BY
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(For Secretary of the State Use ONLY)

GENERAL INSTRUCTIONS

1. All regulations proposed for adoption, amendment or repeal, *except* emergency regulations, must be presented to the Attorney General for his/her determination of legal sufficiency. (See CGS Section 4-169.)
2. After approval by the Attorney General, the original and one electronic copy (in Word format) of all regulations proposed for adoption, amendment or repeal must be presented to the Legislative Regulation Review Committee for its action. (See CGS Sections 4-168 and 4-170 as amended by Public Act 11-150, Sections 18 and 19.)
3. Each proposed regulation section must include the appropriate regulation section number and a section heading. (See CGS Section 4-172.)
4. New language added to an existing regulation must be in underlining or CAPITAL LETTERS, as determined by the Regulation Review Committee. (See CGS 4-170(b).)
5. Existing language to be deleted must be enclosed in brackets []. (See CGS 4-170(b).)
6. A completely new regulation or a new section of an existing regulation must be preceded by the word "(NEW)" in capital letters. (See CGS Section 4-170(b).)
7. The proposed regulation must have a statement of its purpose following the final section of the regulation. (See CGS Section 4-170(b).)
8. The Certification Statement portion of the form must be completed, including all applicable information regarding *Connecticut Law Journal* notice publication date(s) and public hearing(s). (See more specific instructions below.)
9. Additional information regarding rules and procedures of the Legislative Regulation Review Committee can be found on the Committee's web site: <http://www.cga.ct.gov/rr/>.
10. A copy of the Legislative Commissioners' Regulations Drafting Manual is located on the LCO website at http://www.cga.ct.gov/lco/pdfs/Regulations_Drafting_Manual.pdf.

CERTIFICATION STATEMENT INSTRUCTIONS

(Numbers below correspond to the numbered sections of the statement)

1. Indicate whether the regulation is a regular or an emergency regulation adopted under the provisions of CGS Section 4-168(f).
2.
 - a) Indicate whether the regulations contains newly adopted sections, amendments to existing sections, and/or repeals existing sections. Check all cases that apply.
 - b) Indicate the specific legal authority that authorizes or requires adoption, amendment or repeal of the regulation. If the relevant public act has been codified in the most current biennial edition of the *Connecticut General Statutes*, indicate the relevant statute number(s) instead of the public act number. If the public act has not yet been codified, indicate the relevant public act number.
3. Except for emergency regulations adopted under CGS 4-168(f), and technical amendments to an existing regulation adopted under CGS 4-168(g), an agency must publish notice of its intent to adopt a regulation in the *Connecticut Law Journal*. Enter the date of notice publication.
4. CGS Section 4-168(a)(7) prescribes requirements for the holding of an agency public hearing regarding proposed regulations. Enter the date(s) of the hearing(s) held under that section, if any; also enter the date(s) of any hearing(s) the agency was required to hold under the provisions of any other law.
5. As applicable, enter the effective date of the regulation here, or indicate that it is effective upon filing with the Secretary of the State. Please note the information below.

Regulations are effective upon filing with the Secretary of the State or at a later specified date. See CGS Section 4-172(b) which provides that each regulation is effective upon filing, or, if a later date is required by statute or specified in the regulation, the later date is the effective date. An effective date may not precede the effective date of the public act requiring or permitting the regulation. Emergency regulations are effective immediately upon filing with the Secretary of the State, or at a stated date less than twenty days thereafter.