

RHODE ISLAND DEPARTMENT OF HUMAN SERVICES

DATE: APRIL 30, 2009

NOTICE OF

PROPOSED ADOPTION OF RULES, REGULATIONS,
POLICIES, PROCEDURES, AND OTHER MATERIALS
RELATING TO THE ADMINISTRATION OF THE FOLLOWING PROGRAM(S):

In accordance with Title 42, Chapter 35, of the General Laws of the State of Rhode Island, notice is hereby given that the Department of Human Services (DHS) proposes to adopt rules, regulations, policies, procedures, and other materials relating to the following programs(s):

FAMILY INDEPENDENCE PROGRAM (FIP) REPEAL

The Family Independence Act (RIGL 40-5.1) was repealed effective July 1, 2008, and was replaced by The Rhode Island Works (RIW) Program (RIGL 40-5.2). Effective July 1, 2009, The Family Independence Program policies in Section 0800, et al, are repealed and replaced by the Rhode Island Works Program policies in Sections 1400, et al.

For all assistance units that were receiving cash assistance on October 1, 2008, without any break in eligibility through June 30, 2009, the RI Works time limits will take effect on July 1, 2009.

A Fiscal Note is available upon request. In the development of the rules and regulations, consideration was given to the following: (1) alternative approaches; and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information. (Complies with 42-35-3(3).) The health, safety, and welfare of the public preclude any economic impact that may be incurred as a result of these regulations.

Interested persons may inspect said proposed rules, regulations, policies, procedures, summary of policies, and other related materials on the R.I. Secretary of State's website at www.sec.state.ri.us/ProposedRules/ or on the Department of Human Services website at www.dhs.ri.gov, or in the Office of Policy Development, Department of Human Services, Louis Pasteur Building, Bldg. 57, Howard Avenue, Cranston, Rhode Island 02920, between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday.

Interested persons may submit data, views, or written arguments to the Office of Legal Counsel, Department of Human Services, Louis Pasteur Building, Bldg. 57, 600 New London Avenue, Cranston, Rhode Island 02920, within thirty (30) days of the date of this notice.

In accordance with the Rhode Island General Laws 42-35-3, an oral hearing will be granted on these rules if requested by twenty-five (25) persons, or an agency, or by an

association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

SCOPE OF CHANGE

The Family Independence Act (RIGL 40-5.1) was repealed effective July 1, 2008, and was replaced by The Rhode Island Works (RIW) Program (RIGL 40-5.2). Effective July 1, 2009, The Family Independence Program policies in Section 0800, et al, are repealed and replaced by the Rhode Island Works Program policies in Sections 1400, et al.

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SUMMARY OF CHANGE

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~~0827~~ ~~ELECTRONIC BENEFIT TRANSFER (EBT)~~ ~~SYSTEM~~

~~0827.05~~ ~~PAYMENT OF EBT CASH ASSISTANCE~~

~~REV:06/1998~~

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~~Payment of Family Independence Program (FIP) cash benefits through an electronic benefit transfer (EBT) system is authorized by R.I.C.L. 40-5.1-39. Cash benefits are credited to an EBT account in the recipient's name by 5:00 a.m. on the first and sixteenth of the month including weekends and holidays. Monthly reporting cases are issued benefits once a month within five (5) business days after the Department receives a completed monthly report form. (See Section 0826.20 et seq.)~~

~~0827.05.05~~ ~~Accessing EBT Cash Benefits~~

~~REV:06/1998~~

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~~Recipients and authorized payees access EBT cash benefits by using a plastic Rhode Island EBT card and their personal identification number (PIN). The RI EBT system provides access to cash benefits at bank, credit union, and retail store automated teller machines (ATMs) which display the NYCE logo.~~

~~Some retail establishments also provide access to cash accounts at point of sale (POS) terminals which display the QUEST logo.~~

~~This service is called a cash back transaction and policies on its availability and limits on the amount of cash dispensed are set by the individual store.~~

~~Each month, recipients can make a total of four(4) free cash withdrawals from ATMs. For each additional ATM cash withdrawal in the month, a fee of 85 cents is charged. The fee is automatically deducted from the recipient's cash benefit account.~~

~~No fee is charged when cash benefits are accessed at POS terminals.~~

~~The amount of Family Independence Program (FIP) cash benefits for which a family is eligible is calculated pursuant to policies set forth in DHS Manual Sections 0800 through 0836. Disputes regarding the amount of cash benefits for which a family is eligible are handled pursuant to policies in DHS Manual Section 0110.~~

~~Disputes regarding recipients' EBT cash account balances are handled by the Deluxe Customer Service Help Line at 1-888-979-9939. The help line is open 24 hours a day, 7 days a week.~~

0827.05.10 — Replacement of EBT Cash Benefits

REV:06/1998

~~EBT cash benefits which are accessed through the use of an RI EBT card and personal identification number (PIN) are not replaced.~~

~~It is the responsibility of the recipient or authorized payee to keep the RI EBT card and PIN safe from unauthorized use and to immediately report lost or stolen cards to the Deluxe Customer Service Help Line at 1-888-979-9939. Their customer service representative changes the status of the card from "valid" to "lost" or "stolen" thereby protecting any unused benefits. (See Section 0827.10.05, Lost, Stolen, or Damaged EBT Cards.)~~

0827.10 — ELECTRONIC BENEFIT TRANSFER (EBT) CARDS

REV:06/1998

~~Eligible Family Independence Program (FIP) families access their EBT cash benefits by using a plastic RI EBT card along with a personal identification number (PIN). Recipients who receive both cash benefits and Food Stamp benefits receive one (1) RI EBT card to access both benefits. However, the benefits are maintained in separate EBT accounts.~~

~~An EBT card is issued to the applicant in the FIP/Food Stamp case. In two-parent families, a card is issued to one parent and another card may be issued to the other parent as an authorized payee. (See Section 0827.10.10, EBT Cards for Authorized Payees.)~~

~~RI EBT cards are issued in all FIP district offices and Food Stamp offices using special card embossing and PIN selection machines. The EBT-10 form, Request for RI EBT Card, is used for card and PIN issuance. No separate identification card is issued.~~

~~0827.10.05 — Lost, Stolen, or Damaged EBT Cards~~

~~REV:06/1998~~

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~~Cardholders must report lost, stolen, or damaged RI EBT cards to the Deluxe Customer Service Help Line at 1-888-979-9939. A Customer Service Representative invalidates the card thereby protecting the unused benefit amounts. If someone uses the card before its status has been changed, the benefits can not be replaced.~~

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~~Replacement RI EBT cards are issued in all FIP district offices and Food Stamp offices. Cards are replaced immediately (there is no waiting period for card replacement). No fee is charged for the replacement of any lost, stolen, or damaged RI EBT card.~~

~~0827.10.10 — EBT Cards for Authorized Payees~~

~~REV:06/1998~~

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~~An authorized payee is a person given permission by the recipient to act on his/her behalf in withdrawing or debiting FIP cash benefits from the EBT cash account. In cases with an authorized payee, the recipient receives an EBT card and the authorized payee is issued a separate EBT card and personal identification number (PIN). A request for an RI EBT card for an authorized payee is made on form EBT-12, Request for Authorized Representative Authorized Payee, and is signed by both the FIP recipient and the authorized payee. Form EBT-10, Request for RI EBT Card, is used to issue the card. If the same individual is acting as both an authorized payee for the family's FIP cash benefits and as an authorized representative for the household's Food Stamp benefits, only one(1) EBT card is issued.~~

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~~Recipients may cancel their authorized payee/authorized representative at any time by calling the Deluxe Customer Service Help Line at 1-888-979-9939. Customer Service immediately cancels the authorized payee's/authorized representative's access to the family's benefits. However, recipients retain uninterrupted access to their benefits.~~

~~0827.15 — PERSONAL IDENTIFICATION NUMBER (PIN)~~

~~REV:06/1998~~

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~~In order to use an RI EBT card, the cardholder must also use a secret four(4) digit number known as a personal identification number or PIN. The cardholder selects a PIN in the local office via special PIN encoding machines. For replacement RI EBT cards, the recipient may use the same PIN or select a new number.~~

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~~Authorized payees must have their own RI EBT card and their own PIN. (See Section 0827.10.10, EBT Cards for Authorized Payees.)~~

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~~When using an RI EBT card, the cardholder is allowed four(4) attempts to enter the correct PIN. On the fifth try, the cardholder is locked out of the EBT system until the next day.~~

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~~However, the card is not confiscated by the ATM. Cardholders must call the Deluxe Customer Service Help Line at 1-888-979-9939 for assistance.~~

~~0827.20~~ ~~STALE EBT CASH ACCOUNTS~~

~~REV:01/1999~~

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~~Cash benefits which have not been accessed for a period of ninety (90) days or more will be purged from the EBT account. Access to the account includes withdrawal activity as well as balance inquiries made at a point of sale device. Telephone inquiries do not constitute access to the account.~~

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~~Written notification of an intended action to purge cash benefits from a family's EBT account must be provided at least ten (10) days prior to the date of the action.~~