

## TO BE RESCINDED

5101:4-1-13

**Food assistance: availability of information, program administration, office operations, and income eligibility verification system information.**

## (A) Availability of information

- (1) State agency handbooks shall be available for examination upon request at each local county agency as well as at the state agency and the United States department of agriculture- food and nutrition service (FNS) regional and national offices.
- (2) County agencies may make available printed materials such as pamphlets, fliers and posters that contain current basic information about the following items: eligibility requirements and program benefits; application procedures including how to obtain and file applications; the documentation required for completing applications; and applicants' rights to receive applications when they are requested, file applications the day they are received, and receive benefits (if determined to be eligible) within thirty days of filing applications; expedited service; fair hearings; out-of-office interview provisions; procedures for filing a complaint; the locations and hours of operation of the county agency. This material shall be in languages other than English as required in rule 5101:4-1-05 of the Administrative Code and shall include the food assistance program nondiscrimination statement. County agencies may provide a telephone number where information on filing complaints and the location and hours of service may be obtained in lieu of providing this information in printed form. The following posters are required in all county agencies:
  - (a) The "And Justice for All" poster (Form AD-475B) (rev. 12/99). This poster may be downloaded from the FNS web site at <http://www.fns.usda.gov/cr/justice.htm>.
  - (b) The JFS 07207 "Your Food Assistance Rights in Ohio" (rev. 10/09) poster.
  - (c) The JFS 08048 "Your Civil Rights" (rev. 02/2002) poster.
- (3) County agencies are responsible for setting their hours of operation. In doing so, county agencies must take into account the special needs of the populations they serve including assistance groups containing a working person.
- (4) County agencies must establish procedures that best serve the assistance groups

in the county, including assistance groups with special needs, such as, but not limited to:

- (a) Assistance groups with elderly or disabled members,
  - (b) Assistance groups in rural areas with low-income members,
  - (c) Homeless individuals,
  - (d) Assistance groups residing on reservations,
  - (e) Assistance groups with adult members who are not proficient in English, and
  - (f) Assistance groups with earned income.
- (5) The county agency must provide timely, accurate, and fair service to applicants for, and participants in, the food assistance program. The county agency cannot, as a condition of eligibility, impose additional application or application processing requirements. The county agency must have a procedure for informing persons who wish to apply for food assistance about the application process and their rights and responsibilities. The county agency must base food assistance eligibility solely on the criteria contained in the Food and Nutrition Act of 2008 and this certification handbook.
- (6) County agencies are encouraged to inform applicant and participant assistance groups about the importance of a nutritious diet and the relationship between diet and health. The Ohio state university research foundation contracts with the Ohio department of job and family services (ODJFS) to provide nutrition education in several counties throughout the state.
- (7) Use or disclosure of case file information to persons not part of the assistance group shall be restricted to the persons and conditions listed below:
- (a) The following persons are provided case file information without being required to make a written request:
    - (i) Persons directly connected with the administration or enforcement of the provisions of the Food and Nutrition Act or regulations, other federal assistance programs, or federally assisted state programs which provide assistance on a means-tested basis to low-income

individuals or local or state Ohio works first (OWF) assistance programs. Examples are medicaid, supplemental security income (SSI) and disability financial assistance (DFA) program personnel, persons directly connected with nutrition education and program information efforts, state and local personnel connected with the emergency food assistance program (TEFAP), local county prosecutors investigating possible food assistance fraud, officials from the office of inspector general, auditor of state's office, ODJFS bureau of external audits, and management evaluation (ME) and quality assurance (QA) reviewers.

- (ii) Employees of the comptroller general's office of the United States for audit examination authorized by any other provision of law.
  - (iii) Persons directly connected with the administration or enforcement of the programs that are required to participate in the income and eligibility verification system (IEVS), to the extent the food assistance information is useful in establishing or verifying eligibility or benefit amounts under those programs.
  - (iv) Persons directly connected with the administration of the child support program under part D, Title IV of the Social Security Act of 1935 in order to assist in the administration of that program, and employees of the secretary of health and human services as necessary to assist in establishing or verifying eligibility or benefits under Titles II and XVI of the Social Security Act.
  - (v) Persons directly connected with the verification of immigration status of aliens applying for food assistance benefits, through the systematic alien verification for entitlements (SAVE) program, to the extent the information is necessary to identify the individual for verification purposes.
- (b) Persons indirectly connected with the enforcement of the provisions of the Food and Nutrition Act or regulations, such as local, state or federal law enforcement officials, upon their written request for the purpose of investigating an alleged violation of the Food and Nutrition Act or regulations. The written request shall include the identity of the individual requesting the information and his authority to do so, the violation being investigated, and the identity of the person on whom the information is requested. Examples are officials of the federal bureau of investigation, the United States secret service, department of homeland security (DHS) (unless the county agency initiated contact with DHS in accordance with rule 5101:4-3-08 of the Administrative Code), or other

law enforcement agencies, if the investigation concerns an assistance group fraudulently obtaining benefits or otherwise violating the Food and Nutrition Act or regulations. These requests must be made in writing prior to the disclosure.

Local, state, or federal law enforcement officers, may present a request in writing for the address, social security number or photograph of any assistance group member who:

- (i) Is fleeing to avoid prosecution or custody for a crime, or an attempt to commit a crime, that would be classified as a felony (or in the state of New Jersey, a high misdemeanor); or
- (ii) Is violating a condition of probation or parole imposed under a federal or state law.

The written request shall include the identity of the individual requesting the information and his or her authority to do so. The written request shall also include the identity of the individual who is suspected of fleeing, including but not limited to, the full name, date of birth, and documentation indicating the person is fleeing to avoid prosecution or custody for a felony (i.e. factual details, copies of the police incident report and a copy of the felony warrant that was issued), or has violated a condition of probation or parole (i.e. a copy of the alleged infraction and arrest warrant issued).

The county agency shall provide the requested information regarding an assistance group member when a law enforcement officer is acting in his or her official capacity and presents a request in writing, where such member has information necessary for the apprehension or investigation of another member who is fleeing to avoid prosecution or custody for a felony, or has violated a condition of probation or parole. The county agency shall disclose only such information as is necessary to comply with a specific written request of a law enforcement agency.

If a law enforcement officer provides written documentation indicating an assistance group member is fleeing for any of the reasons listed above, the county agency shall terminate the participation of the member. If the county agency receives a request for information on an assistance group member, but it did not include the written documentation of how the assistance group member was considered fleeing under one of the categories above, the county agency shall not propose termination of the

individual's eligibility for food assistance.

If anyone makes a report other than a law enforcement officer, the county agency shall take the following actions:

- (a) Contact the appropriate law enforcement agency to give the law enforcement agency thirty days to determine if the individual is actually fleeing and to arrest or extradite the individual.
  - (b) If within the thirty days the law enforcement agency arrests or extradites the assistance group member, the county agency will take appropriate action to remove the individual from the case.
  - (c) If by the end of the thirty days the law enforcement agency has not been able to arrest or extradite the assistance group member, the county agency will take appropriate action to impose ineligibility under this paragraph for as long as the law enforcement agency continues to take appropriate action to arrest or extradite the individual.
  - (d) If within the thirty days the law enforcement agency indicates that it will not attempt to arrest or extradite the assistance group member or the assistance group member is not fleeing, the county agency will not impose ineligibility under this paragraph and the individual will not be considered fleeing.
- (c) In all other cases (including requests from law enforcement officials conducting non-food assistance related investigations), a waiver signed by the recipient on whom the information is requested must be secured by the county agency and retained in its files. The waiver shall be dated, include to whom the information is to be released, state what information is to be released (either itemizing or stating a general release of any information requested), and the period of time the release is intended to cover. The written request shall include the same information as specified in paragraph (A)(8)(b) of this rule.
- (8) Recipients of information released under paragraph (A)(8) of this rule must adequately protect the information against unauthorized disclosure to persons or for purposes not specified in paragraph (A)(8) of this rule. In addition, information received through IEVS must be protected from unauthorized

disclosure as required by regulations established by the information provider. Information released to the county agency pursuant to section 6103(1) of the Internal Revenue Code of 1954 as amended shall be subject to the safeguards established by the secretary of the treasury in section 6103(1) of the Internal Revenue Code and implemented by the internal revenue service in its publication, "Tax Information and Security Guidelines for Federal, State, and Local Agencies and Entities", Publication 1075 (rev. 10/07).

- (9) If there is a written request by a responsible member of the assistance group, its currently authorized representative, or a person acting on its behalf, to review materials and information contained in its case file, the material and information contained in the case file shall be made available for inspection during normal business hours. However, the county agency may withhold confidential information, such as the names of individuals who have disclosed information about the assistance group without the assistance group's knowledge, or the nature or status of pending criminal prosecutions.

(B) Income eligibility verification systems (IEVS) information

- (1) ODJFS has the authority to request benefits and wage information from the social security administration under provisions of section 6103(l)(7)(A) of the Internal Revenue Service (IRS) Code of 1954, state wage information collection agency, IRS pursuant to section 6103(1)(7)(B) of the IRS Code, and unemployment compensation benefits subject to the provision and limitations of section 303(d) of the Social Security Act and sections 272.8(a) to 272.8(e) of Title 7 of the Code of Federal Regulations (CFR) (11/2000).
- (2) The county agency shall use information obtained through IEVS in verifying eligibility for and the amount of food assistance benefits due to eligible assistance groups in accordance with rule 5101:4-7-09 of the Administrative Code.
- (3) If not otherwise documented, the county agencies must obtain written agreements from these information provider agencies affirming that they must not record any information about individual food assistance assistance groups and that staff in those agencies are subject to the disclosure restrictions of the information provider agencies and section 272.1(c) of Title 7 of the CFR.

Effective:

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Certification

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Date

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