

**RULES  
OF  
TENNESSEE DEPARTMENT OF HUMAN SERVICES  
FAMILY ASSISTANCE DIVISION**

**CHAPTER 1240-1-31  
DRUG ADDICT AND ALCOHOLIC TREATMENT CENTERS AND  
GROUP LIVING ARRANGEMENTS - FOOD STAMPS ONLY**

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**1240-1-31-.01 DRUG ADDICT AND ALCOHOLIC TREATMENT CENTERS - FOOD STAMPS ONLY.**

- (1) Authorization Of Drug And Alcoholic Treatment Centers. Drug and alcoholic treatment centers must be authorized to receive and utilize food coupons on behalf of eligible recipients/residents, via an authorized representative employed by the treatment program. The program must meet the following criteria prior to the certification of residents by Family Assistance Certification personnel:
  - (a) The program must be certified by the Department of Mental Health as a bona fide treatment program.
  - (b) The program must be conducted by a private, non-profit organization or institution, or a publicly operated community health center. (The program must be authorized by FNS only if it wishes to redeem Food Stamps through wholesalers.)
- (2) Eligibility As Household Members.
  - (a) Non-Residents. Members of eligible households, including single person households, who are narcotic addicts or alcoholics and who regularly participate in a drug or alcoholic treatment and rehabilitation program on a non-resident basis may use coupons to purchase food prepared for them during the treatment program. This treatment program may be operated by a private non-profit organization or institution authorized by the Department of Mental Health as a bona fide treatment center.
  - (b) This treatment program may be operated by a non-profit organization or institution or a publicly operated community health center authorized by the Department of Mental Health as a bona fide treatment center.
- (3) Residents of treatment centers shall apply and be certified through the use of an authorized representative who is an employee of and designated by the private non-profit organization or institution or a publicly operated community health center that is administering the treatment and rehabilitation program.
- (4) Certification Policy.
  - (a) Reserved for future use.
  - (b) Expedited Service. For those residents of treatment centers and rehabilitation centers who are entitled to expedited service, the eligibility worker shall mail an ATP or have an ATP available

(Rule 1240-1-31-.01, continued)

to be picked up no later than seven working days following the filing date. If eligibility for the initial application is expedited, the eligibility worker shall complete verification and documentation requirements prior to the issuance of a second coupon allotment.

- (c) One Person Households. Residents of treatment centers have their eligibility determined as one-person households.
  - (d) Normal Processing Standards. When normal processing standards apply, the eligibility worker shall complete the verification and documentation requirements prior to making an eligibility determination for the initial application.
  - (e) Rights of Certified Residents. Resident households have the same rights to notices of adverse action, fair hearings, and entitlement to lost benefits, as do all other Food Stamp households. A resident of a center has a right to an application and has the right to same day filing. However, the interview, verification, and other certification procedures must be accomplished through the authorized representative.
  - (f) Exemption from Work Registration. As stated in Section 1240-1-3-.45(3)(e), regular participants in drug addiction or alcoholic treatment and rehabilitation programs, either in a resident or non-resident basis, are exempt from work registration requirements.
  - (g) Verification of Participation for Work Registration Exemption. The regular participation of an addict or alcoholic in a treatment program may be verified through the organization or institution operating the program before granting the exemption, if the information is questionable. To be considered questionable the information on the application must be inconsistent with statements made by the applicant or the authorized representative with other information on the application or previous application, or with information known to or received by the eligibility worker prior to certification.
  - (h) Certification Periods. Because of the substantial likelihood of frequent and significant changes and the inability to predict circumstances in the near future, residents of treatment centers are certified usually for 1 or 2 months. However, if a longer certification period is warranted a longer period must be assigned. Households certified after the 15th, whose circumstances warrant it, should have the certification period increased by one month. Residents provided expedited services are given certification periods in accordance with Section 1240-1-5.
- (5) Basis For Center Participation. Drug addiction or alcoholic treatment and rehabilitation program means any drug addiction or alcoholic treatment and rehabilitation program recognized as a tax exempt organization by the Internal Revenue Service. Such organization or institution must be certified by the Tennessee Department of Mental Health which is the agency designated by the Governor of Tennessee as responsible for state programs for alcoholics and drug addicts. Under Public Law 91-616, Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 and Public Law 92-255, Drug Abuse and Treatment Act of 1972, such agencies can be designated as providing treatment that can lead to the rehabilitation of drug addicts or alcoholics.
- (6) Center Responsibilities.
- (a) Monthly Reports. Each treatment and rehabilitation center shall be asked to provide the county with a certified list of currently participating residents signed by the center director. The county office shall require the listing on a monthly basis.

(Rule 1240-1-31-.01, continued)

- (b) When the Participant Leaves the Center. The treatment center shall at each certification:
1. Provide resident households with their ID card and any untransacted ATP cards issued for the household when the household leaves the treatment center. The departing household shall also receive its full allotment if issued by direct mail and if no coupons have been spent on behalf of that individual household. These procedures are applicable any time during the month. However, if the coupons have already been issued and any portion spent on behalf of the individual and the household leaves the treatment and rehabilitation program prior to the 16th day of the month, the treatment center shall provide the household with one-half of its monthly coupon allotment. If the household leaves after the 16th day of the month and the coupons have already been issued and used, the household does not receive any coupons.
  2. That once the household leaves the treatment center, the center is no longer allowed to act as that household's authorized representative and that the treatment center shall return any ATPs or coupons received on behalf of households which are no longer residents of the center.
  3. That the treatment center shall provide the household, if possible, with a change report form and to instruct the household to use the form to report their new address and other circumstances after leaving the center. The center must advise the household to return the form to the appropriate office of the eligibility worker within 10 days.
- (c) For Reporting Changes. The treatment center shall notify the county office of changes in the household's income or other household changes in circumstances. The treatment center must also notify the eligibility worker when the addict or alcoholic leaves the treatment center. Changes in the household's circumstances shall be processed by using the same standards that apply to all other Food Stamp households.
- (d) Returning ATP or Coupons. The treatment center shall return the household's ATP or coupons and the ID card to the Food Stamp office if received after the individual has left the center.
- (e) Center Liability. The organization or institution is responsible for any misrepresentation or fraud which it knowingly commits in the certification of center residents. As an authorized representative, the organization or institution must be knowledgeable about the household's circumstances and should carefully review those circumstances with residents prior to applying on their behalf. The organization or institution is strictly liable for all losses or misuse of food coupons held on behalf of residents and for all overissuances which occur while the households are residents of the treatment center.
- (f) Center Penalties and Disqualifications. The organization or institution may be penalized or disqualified by FNS if it is determined either administratively or judicially that coupons were misappropriated or used for purchases that did not contribute to a certified household's meals. The county office shall promptly notify the local FNS office when it has reason to believe that an organization or institution is misusing coupons in its possession. The county office shall not take any action against the organization or institution prior to the FNS action.
- (g) Claims for Overissuance. The county office shall establish a claim against the treatment center for overissuances of food coupons held on behalf of resident claims if any overissuances are discovered during an investigation or hearing procedure for redemption violations.

(Rule 1240-1-31-.01, continued)

- (h) Disqualified Treatment Center. County offices will receive notification if FNS disqualifies an organization or institution as an authorized retail food store and the county office shall suspend the authorized representative status of that organization or institution for the same period.
- (7) Residents of drug addict and alcoholic treatment centers that lose their FNS authorization to accept and redeem coupons or lose their certification through the Department of Mental Health shall not be eligible to participate. The residents are not entitled to a Notice of Adverse Action (Form HS-0751, Notice of Disposition), but shall receive a written notice explaining the termination and when it will become effective.

**Authority:** TCA §§14-27-104; 7 CFR 273.1 and 273.11; PL 99-198. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed April 15, 1986; effective July 14, 1986.

**1240-1-31-.02 GROUP LIVING ARRANGEMENTS.**

- (1) Resident Of Group Living Arrangements. Disabled or blind residents of a group living arrangement who receive benefits under Title II of Title XVI of the Social Security Act may voluntarily apply for the Food Stamp Program. The county shall certify these residents using the same provisions that apply to all other households. Prior to certifying any residents, the county shall verify that the group living arrangement is authorized by FNS or the Department of Mental Health and Retardation. Once the county verifies that the institution is authorized by the Department of Mental Health and Retardation, it must also verify that it is a non-profit residence.
- (2) Application Process.
  - (a) Residents of group living arrangements shall either apply and be certified:
    - 1. Through use of an authorized representative employee and designated by the group living arrangement;
    - 2. Apply and be certified on their own behalf; or
    - 3. Through an authorized representative of their own choice.
  - (b) The group living arrangement shall determine if any resident may apply for Food Stamps on his or her own behalf; the determination should be based on the resident's physical and mental ability to handle his or her own affairs. The group living arrangement is encouraged to consult with any other agencies providing services to individual residents prior to a determination.
  - (c) All of the residents of the group living arrangement do not have to be certified either through an authorized representative or individually in order for one or the other method to be used. Applications shall be accepted for any individual applying as a one person household or for any grouping of residents applying as a household as defined in 1240-1-2-.02.
  - (d) If the resident applies using the facility as an authorized representative, the group living arrangement may either receive and spend the coupon allotment for food prepared by and/or served to the eligible resident or allow the eligible resident to use all or any portion of the allotment on his or her own behalf. The same provisions applicable in 1240-1-31-.01(4)(b), (d), (e) and (6)(c) to residents of treatment centers also apply to blind or disabled residents of group living arrangements when the facility acts as the resident's authorized representative.
  - (e) If the residents are certified on their own behalf, the coupon allotment may either be:

(Rule 1240-1-31-.02, continued)

1. Returned to the facility to be used to purchase meals served either communally or individually to eligible residents;
  2. Used by eligible residents to purchase and prepare food for their own consumption; and/or
  3. Used to purchase meals prepared and served by the group living arrangement.
- (f) If the group living arrangement has its status as an authorized representative suspended by FNS as discussed in 1240-1-31-.01(6)(h), residents applying on their own behalf shall still be able to participate if otherwise eligible.
- (3) Reporting Changes.
- (a) If the resident has made application on his or her own behalf, the household is responsible for reporting changes to the county office in accordance with the provisions that apply to all other Food Stamp households as stated in 1240-1-19-.04.
  - (b) If the group living arrangement is acting in the capacity of an authorized representative, the group living arrangement shall notify the county office of changes in the household's income or other household circumstances in accordance with the provisions that apply to all other Food Stamp households. The group home shall also notify the county office when the individual leaves the group living arrangement. (See Section 1240-1-19-.04) The group living arrangement shall return any household's ATP card or coupons to the county office if they are received after the household has left the group living arrangement.
- (4) Household Leaves The Group Living Arrangement.
- (a) Facility Has Use of Coupons.
    1. When the household leaves the facility, the group living arrangement, either acting as an authorized representative or retaining use of the coupons on behalf of the residents (regardless of the method of application) shall provide residents with their ID card (if applicable) and any untransacted ATP cards. Also, the departing household shall receive its full allotment if the monthly allotment has been issued and no coupons have been sent on behalf of that individual household. These procedures are applicable any time during the month.
    2. When an individual leaves the group living arrangement prior to the 16th day of the month and coupons have already been issued and any portion spent on behalf of the individual, the facility shall provide the household with its ID card (if applicable) and one-half of its monthly coupon allotment. If the household leaves after the 16th of the month and the coupons have already been issued and used, the household does not receive any coupons.
    3. When a group of residents has been certified as one household and has returned the coupons to the facility to use, the departing residents shall be given a pro rata share of one-half of the household's monthly coupon allotment if leaving prior to the 16th day of the month.

EXAMPLE

(Rule 1240-1-31-.02, continued)

Three residents have been certified as one household within the group living arrangement facility. Their monthly coupon allotment would be \$165.00; one-half of this amount is \$83.00. Therefore, each person's pro rata share would be one-third of \$83.00 or \$28.00.

4. Once the resident leaves, the group living arrangement no longer acts as his or her authorized representative.
  5. The group living arrangement shall, if possible, provide the household with a Change Report Form to report to the county office the individual's new address and other circumstances after leaving the group living arrangement and shall advise the household to return the form to the appropriate office in the county within 10 days.
- (b) Household Retains Use of Coupons.
1. If a resident or a group of residents apply on their own behalf and if they retain use of their own coupons, these individuals are entitled to keep the coupons when they leave the group living arrangement. If a group of residents has applied as one household, a pro rata share of the remaining coupons shall be provided to any departing household member.

#### EXAMPLE

A group of four residents apply as one household. Their monthly coupon allotment is \$209.00. One of the four residents leaves the facility on the 18th of the month. The group has \$100.00 of coupons remaining. The individual leaving would receive one-fourth of the \$100.00 coupons or \$25.00 in coupons.

2. Although the household is responsible for reporting changes in household circumstances, the group living arrangement shall, if possible, provide the household with a Change Report Form to report to the county office the individual's new address and other circumstances after leaving the group living arrangement. The facility should also advise the household to return the form to the appropriate office in the county within 10 days.
- (5) Liabilities. The same provisions regarding misrepresentation and fraud applicable to drug and alcoholic treatment centers also apply to group living arrangements when the facility is acting as an authorized representative [see 1240-1-31-.01(6)(e) and (f)]. These provisions are not applicable if a resident has applied on his or her own behalf. The resident applying on his or her own behalf shall be responsible for overissuances as would any other Food Stamp household (see 1240-1-20).
- (6) Use Of Coupons By Residents.
- (a) Group living arrangements may purchase and prepare food to be consumed by eligible residents on a group basis if residents normally obtain their meals at a center location as part of the group living arrangement services or if meals are prepared at a central location for delivery to the individual residents.
  - (b) If residents purchase and/or prepare food for "home consumption" as opposed to communal dining, the group living arrangement shall ensure that each resident's Food Stamps are used for meals intended for that resident.

(Rule 1240-1-31-.02, continued)

- (c) If the resident retains use of his or her own coupon allotment, he or she may either use the coupons to purchase meals prepared for them by the facility or to purchase food to prepare meals for their own consumption.

**Authority:** TCA §14-27-104; 7 CFR 273.11. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

**1240-1-31-.03 SHELTERS FOR BATTERED WOMEN AND CHILDREN - FOOD STAMPS ONLY.**

- (1) Shelters For Battered Women And Children - Definition. Shelter for battered women and their children means a public or private non-profit facility that serves battered women and their children. If the facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered women and children to meet the criteria for eligibility in a shelter for battered women and children.
- (2) Application Process. Prior to certifying residents of a shelter for battered women and their children, the worker must determine whether the shelter meets the definition in (1) above of this section. The worker must apply the criteria established in the Program's definition of a shelter for battered women and their children in order to arrive at a determination, and document the relevant facts for future reference. However, if the facility has FNS Authorization to redeem coupons at wholesalers, the worker is not required to make a determination as to whether the facility meets the program definition. The fact that the facility is authorized by FNS should be documented in the case record.
  - (a) Residents of shelters for battered women and children shall apply as separate households:
    1. Through use of an authorized representative employed and designated by the shelter;
    2. On their own behalf; or
    3. Through an authorized representative of their own choice.
  - (b) Residents of shelters are exempted from the prohibition against participating in more than one county in any month. This provision is limited to women and children leaving the household containing the person who subjected them to abuse.
    1. Their former household may be certified for participation in the program and its certification may be based on the household size that includes the women and children who have just left. Shelter residents who are included in such certified households may apply for and (if otherwise eligible) participate in the program as separate households if the certified household which includes them contains the person who subjected them to abuse. In this instance, shelter residents who are included in such certified households may receive an additional allotment as a separate household in a given month. Such residents can receive the additional allotment only once a month regardless of the number of times the battered women and their children return to the former household and are forced to take refuge in a shelter more than once in a given month.
    2. Shelter residents whose former household was not certified for program participation prior to the member(s) entering the shelter may be certified for program benefits as separate households, if otherwise eligible. Such residents can only receive one allotment per month, regardless of the number of times they return to the former household and are forced to return to the shelter.
  - (c) Income and Resources. Residents of shelters for battered women and children who apply as separate households shall be certified solely on the basis of their income and resources. The only expenses that should be taken into consideration are the expenses for which they are responsible in determining deductions for the household. These households shall be certified without regard to the income, resources, and expenses of their former household. Jointly held resources with members of the former household shall be considered as inaccessible resources in accordance with 1240-1-4-.09.



(Rule 1240-1-31-.03, continued)

- (d) Processing Standards. Residents eligible for expedited service shall be handled in accordance with 1240-1-5. Other residents who make application and are not eligible for expedited service shall be handled under normal procedures in 1240-1-14.
  - (e) Verification. Information for verification of the residents' circumstances may be obtained from documents possessed by the household, information obtained from the facility, or collateral contacts.
  - (f) Certification Period. Households shall be assigned a one month certification period in accordance with 1240-1-7 due to the frequent short stay in such facilities.
  - (g) Use of Coupons. Residents may use the coupons to purchase meals prepared for them at a shelter which is authorized by FNS to redeem at wholesalers, or which redeem at retailers as the authorized representative of the participating household.
- (3) Reducing The Former Household's Benefits. The worker must take prompt action to ensure that the former household's eligibility and/or allotment reflects the changes in the former household composition. This is considered as a reported change and should be acted on in accordance with the procedures in 1240-1-19.
- (4) Reporting Changes.
  - (a) If the resident has made application on his/her own behalf, the household is responsible for reporting changes to the county office in accordance with the provisions that apply to all other Food Stamp households in accordance with 1240-1-19-.04.
  - (b) If the shelter is acting as authorized representative, it shall notify the county office of changes in the household's circumstances, etc. in accordance with the provisions that apply to all other Food Stamp households.
- (5) Household Leaves The Shelter For Battered Women And Children.
  - (a) Facility Has Use of Coupons. When the household leaves the shelter for battered women and children, the shelter, either acting as authorized representative or retaining use of the coupons on behalf of the residents, shall provide residents with their ID card (if applicable) and any untransacted ATP cards. Also, the departing household shall receive its full allotment if the monthly allotment has been issued and no coupons have been spent on behalf of that individual household. Once the resident leaves, the shelter no longer acts as authorized representative for the household. The shelter shall return any household's ATP card or coupons to the county office if they are received after the household has left the shelter.
  - (b) Household Retains Use of Coupons. Households which retain use of their own coupons are entitled to keep the coupons when they leave the shelter.
- (6) Shelter For Battered Women And Children Responsibilities. The reporting responsibilities and reviews for drug and alcohol treatment centers and group living arrangements also apply to shelters for battered women and children.
- (7) Eligibility Of Residents Residing In Shelters For Battered Women And Children Which Do Not Provide Meals. Residents of shelters which do not provide meals may participate in the program, if otherwise eligible, as any other household. Such residents are not considered as residing in an

(Rule 1240-1-31-.03, continued)

institution; therefore, the special provisions in this section do not apply, i.e., receiving more than one allotment in a given month.

**Authority:** TCA §14-27-104; 7 CFR 273.11. **Administrative History:** Original rule filed April 2, 1982; effective May 17, 1982.

**1240-1-31-.04 SHELTERS FOR THE HOMELESS.**

- (1) *Definition.* A shelter for the homeless is a public or private non-profit facility that provides temporary shelter and meals to the homeless.
- (2) *Verification.* Before any resident of a shelter for the homeless may be determined eligible, there must be verification that the shelter meets the definition as stated in paragraph (1) of this rule.
- (3) *Certification Periods.* A resident of a shelter for the homeless who is determined eligible will be assigned a one or two month certification period.
- (4) *Mailing The ATP Card Or Coupons.* Food Stamp benefits will be mailed to the local county DHS office for pick up by the recipient. They will not be mailed to the shelter where the recipient resides.
- (5) An employee of a shelter for the homeless may not act as the authorized representative for a resident of that shelter.
- (6) An eligible resident may use his/her Food Stamp coupons to purchase food for self-preparation and/or to purchase prepared meals served by the shelter if the shelter is approved by the Food and Nutrition Service (FNS) to accept Food Stamp coupons.

**1240-1-31-.05 CERTIFICATION OF HOMELESS MEAL PROVIDERS.** The Department is required by the Food and Nutrition Service (FNS) to assure that adequate evidence exists for it to certify homeless meal providers as eligible to receive Food Stamp coupons. The Department will develop procedures to gather and verify such evidence.

**Authority:** TCA §14-27-104; PL 99-570. **Administrative History:** Original rule filed July 23, 1987; effective October 28, 1987.