

## **921 KAR 3:010. Definitions.**

RELATES TO: 7 C.F.R. 271.2, 273.1, 273.4, 273.5, 273.6, 273.7, 273.11, 273.16, 273.18, 274, 7 U.S.C. 2012u(t), 8 U.S.C. 1101, 38 U.S.C., 42 U.S.C. 301-306, 401-433, 601-679, 1201-1206, 1351-1355, 1381-1385, 1396, 45 U.S.C. 231(a) to (v), Pub.L. 110-234

STATUTORY AUTHORITY: KRS 194A.050(1), 7 C.F.R. 271.4

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to implement programs mandated by federal law or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. 7 C.F.R. 271.4 requires the cabinet to administer the Supplemental Nutrition Assistance Program (SNAP) within the state. This administrative regulation sets forth definitions of terms used in 921 KAR Chapter 3.

### **Section 1. Definitions.**

- (1) "Agency error" means an over issuance of SNAP benefits caused by an action or failure to take an action by the cabinet.
- (2) "Allotment" is defined by 7 C.F.R. 271.2.
- (3) "Application" means an "application form", as defined by 7 C.F.R. 271.2, that is used to apply for SNAP and that is completed by:
  - (a) A household member; or
  - (b) An authorized representative.
- (4) "Authorized representative" means an individual designated by a household member to act on behalf of the household in one (1) or all of the following capacities:
  - (a) Making application for the program;
  - (b) Obtaining the EBT card; or
  - (c) Using the EBT card.
- (5) "Benefits" means the value of SNAP provided to a household by means of an EBT access device.
- (6) "Boarder" means an individual to whom a household furnishes lodging and meals for reasonable compensation.
- (7) "Cabinet" means the Cabinet for Health and Family Services or its designee.
- (8) "Certification" means the action necessary to determine eligibility of a household including:
  - (a) Interview;
  - (b) Verification; and
  - (c) Decision.
- (9) "Disabled " means, in accordance with 7 C.F.R. 271.2:
  - (a) An individual who receives:
    1. Supplemental Security Income (SSI) or presumptive SSI under 42 U.S.C. 1381 to 1385;
    2. Disability or blindness payments under:
      - a. 42 U.S.C. 301 to 306;
      - b. 42 U.S.C. 401 to 433;
      - c. 42 U.S.C. 1201 to 1206;
      - d. 42 U.S.C. 1351 to 1355; or
      - e. 42 U.S.C. 1381 to 1385;
    3. Optional or mandatory state supplementation;
    4. Disability retirement benefits:
      - a. From a federal, state, or local government agency; and
      - b. Resulting from a disability considered permanent under 42 U.S.C. 421(i); or

5. Annuity payments under:
  - a. 45 U.S.C. 231(a) to (v);
  - b. Is determined to qualify for Medicare by the Railroad Retirement Board; and
  - c. Has a disability based upon the criteria used under 42 U.S.C. 1381 to 1385;
- (b) A veteran with a service connected or nonservice connected disability rated by the Veteran's Administration or paid as total (100 percent) by the Veteran's Administration under Title 38 of the United States Code;
- (c) A veteran considered by the Veteran's Administration to be in need of regular aid and attendance or permanently housebound under Title 38 of the United States Code;
- (d) A surviving spouse of a veteran and considered by the Veteran's Administration to be in need of regular aid and attendance or permanently housebound;
- (e) A surviving child of a veteran and considered by the Veteran's Administration to be permanently incapable of self-support under Title 38 of the United States Code;
- (f) A surviving spouse or surviving child of a veteran and considered by the Veteran's Administration to be entitled to:
  1. Compensation for a service-connected death;
  2. Pension benefits for a nonservice-connected death under Title 38 of the United States Code; and
  3. Has a disability considered permanent under 42 U.S.C. 421(i);
- (g) An individual in receipt of disability related medical assistance under 42 U.S.C. 1396;
- (h) An individual who is certified to receive, but not yet receiving SSI or Social Security disability payments; or
- (i) An individual who is currently having his entire SSI or Social Security disability benefit check recouped to recover a prior overpayment.
- (10) "Drug addiction or alcoholic treatment program" means "drug addiction or alcoholic treatment and rehabilitation program" as defined by 7 C.F.R. 271.2.
- (11) "Elderly" means, in accordance with 7 C.F.R. 271.2, an individual who is:
  - (a) Age sixty (60) or older; or
  - (b) Fifty-nine (59) years of age at the time of application, but shall turn age sixty (60) before the end of month of application.
- (12) "Electronic benefit transfer" or "EBT" means a computer-based electronic benefit transfer system or access device in which an eligible household's benefit authorization is received from a central computer through a point of sale terminal.
- (13) "Employment and Training Program" or "E&T":
  - (a) Is defined by 7 C.F.R. 271.2; and
  - (b) Means the program established in 921 KAR 3:042.
- (14) "Entitlement" means the amount of SNAP benefits that a household would receive if every disqualified household member participates.
- (15) "Excluded household member" means an individual residing with a household, but excluded when determining the household's size in accordance with the provisions of 921 KAR 3:035, Section 5(3) and (4).
- (16) "Expungement" means the removal of benefits from a household's EBT account if, pursuant to 921 KAR 3:045:
  - (a) The household has not accessed the account for nine (9) consecutive months; or
  - (b) The cabinet verifies that all household members are deceased.
- (17) "Federal fiscal year" means a period of twelve (12) calendar months beginning with each October 1 and ending with September 30 of the following calendar year.
- (18) "FNS" means the Food and Nutrition Service of the United States Department of Agriculture in accordance with 7 C.F.R. 271.2.
- (19) "Group living arrangement" is defined by 7 C.F.R. 271.2.

- (20) "Head of household" means the person in whose name the application for participation is made as:
- (a) Having primary financial responsibility for the household;
  - (b) Being an adult parent of a child of any age and living in the household; or
  - (c) Being an adult having parental control over a child under the age of eighteen (18) and living in the household.
- (21) "Homeless" means "homeless individual" as defined by 7 C.F.R. 271.2.
- (22) "Household" means:
- (a) An individual who:
    - 1. Lives alone; or
    - 2. While living with others, customarily purchases and prepares meals for home consumption separate from others; or
  - (b) A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.
- (23) "Inadvertent household error" means an overissuance resulting from a misunderstanding or unintended error on the part of the household.
- (24) "Institution of higher education" means any institution providing post high school education, which normally requires a high school diploma or equivalency certificate for a student to enroll, such as a:
- (a) College;
  - (b) University; and
  - (c) Vocational or technical school.
- (25) "Intentional program violation" or "IPV" is defined by 7 C.F.R. 273.16(c).
- (26) "Kentucky Transitional Assistance Program" or "KTAP", means the program established in 921 KAR 2:006.
- (27) "Medicaid" means medical assistance under 42 U.S.C. 1396 in accordance with 7 C.F.R. 271.2.
- (28) "Nonhousehold member" means an individual residing with a household, but not considered a household member in determining the household's eligibility or allotment.
- (29) "Overissuance" is defined by 7 U.S.C. 271.2.
- (30) "Public assistance" or "PA" means any of the programs authorized under 42 U.S.C. 601 to 679 in accordance with 7 C.F.R. 271.2, including:
- (a) Old age assistance;
  - (b) KTAP;
  - (c) Aid to the blind;
  - (d) Aid to the persons who have a permanent and total disability; and
  - (e) Aid to aged, blind, or persons with a disability.
- (31) "Quality control review" is defined by 7 C.F.R. 271.2.
- (32) "Recipient claim" means an amount owed to the cabinet because a household:
- (a) Received an overissuance; or
  - (b) Trafficked SNAP benefits.
- (33) "Restoration of benefits" means the provision of SNAP benefits that are owed to a household that received less SNAP benefits than it was entitled to receive during the month pursuant to 921 KAR 3:050, Section 10.
- (34) "Self-employment income" means income from a business enterprise from which no taxes are withheld prior to receipt of the income by the individual.
- (35) "Shelter for battered women and children" is defined by 7 C.F.R. 271.2.
- (36) "Sponsor" means a person who executed an affidavit of support or similar agreement on behalf of an immigrant as a condition of the immigrant's entry or admission into the United States as a permanent resident.
- (37) "Sponsored immigrant" means an immigrant lawfully admitted for permanent residence as an immigrant as defined under 8 U.S.C. 1101.

- (38) "Spouse" means either of two (2) individuals who:
    - (a) Would be defined as married to each other under applicable state law; or
    - (b) Are living together and are holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or trades people.
  - (39) "Striker" means anyone involved in a strike or other concerted stoppage of work by employees.
  - (40) "Supplemental Nutrition Assistance Program" or "SNAP":
    - (a) Is defined by 7 U.S.C. 2012(t); and
    - (b) Means the program formerly known as the Food Stamp Program in accordance with Pub.L. 110-234, Section 4001.
  - (41) "Supplemental Security Income" or "SSI" is defined by 7 C.F.R. 271.2.
  - (42) "Thrifty food plan" is defined by 7 C.F.R. 271.2.
  - (43) "Trafficking" is defined by 7 C.F.R. 271.2.
- (Recodified from 904 KAR 3:010, 10-30-98; Am. 25 Ky.R. 2212; eff. 5-19-99; 27 Ky.R. 2914; 28 Ky.R. 96; eff. 7-16-2001; TAm eff. 10-27-2004; TAm eff. 1-27-2006; 37 Ky.R. 1912; 2212; eff. 4-1-2011; Crt eff. 11-26-2019; 47 Ky.R. 1497; eff. 6-16-2021.)