

921 KAR 3:045. Issuance procedures.

RELATES TO: 7 C.F.R. 274.2, 274.4, 274.5, 274.6

STATUTORY AUTHORITY: KRS 194A.050(1), 7 C.F.R. 271.4, 274.1

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 delegates the authority to Kentucky and requires the state agency to be responsible for the administration of the Supplemental Nutrition Assistance Program (SNAP) within the state. The cabinet shall follow procedures established in 7 C.F.R. 274.1 in the operation of an electronic benefit transfer or "EBT" system. This administrative regulation establishes issuance procedures used by the cabinet in the administration of SNAP.

Section 1. Basic Issuance Requirements.

- (1) The cabinet shall be responsible for the timely and accurate issuance of benefits to eligible households.
- (2) In issuing benefits, the cabinet shall ensure that:
 - (a) Only certified households receive benefits;
 - (b) Program benefits shall be distributed in the correct amounts; and
 - (c) Benefit issuance and reconciliation activities shall be properly conducted and accurately reported to the Food and Nutrition Service (FNS).
- (3) The cabinet shall advise the recipient at time of application that:
 - (a) Unused benefits shall be expunged in accordance with Section 6 of this administrative regulation; and
 - (b) Expunged benefits shall be:
 1. Applied for benefit overpayments in accordance with 921 KAR 3:050; or
 2. Returned to the FNS of the U.S. Department of Agriculture.
- (4) The cabinet shall maintain issuance records for a period of three (3) years from the month of origin.

Section 2. Benefit Delivery.

- (1) Benefits shall be provided to an eligible household through an EBT system.
- (2) An EBT card and instructions for use shall be mailed:
 - (a) Directly to each eligible household; or
 - (b) To the local office for pick up, if requested by the household.

Section 3. Benefit Availability.

- (1) Benefits shall be available to a household the day after an approval is processed, if the case is a:
 - (a) New application;
 - (b) Reapplication; or
 - (c) Recertification that is:
 1. Initiated after the 15th day of the month; and
 2. Approved during the benefit month.
- (2) An ongoing case shall have benefits credited to the EBT account and available to the household within the first nineteen (19) days of the benefit month.

Section 4. EBT Card Replacement.

- (1) The cabinet shall provide a replacement EBT card to a household within five (5) days, if the EBT card is reported:
 - (a) Lost;
 - (b) Stolen; or

(c) Damaged.

(2) An EBT card shall be deactivated if a household reports the need for card replacement.

Section 5. Benefit Replacement.

(1) After the household receives an EBT card, if the EBT card is lost or stolen and the EBT account is reduced, the cabinet shall not provide replacement benefits.

(2) If food purchased with SNAP benefits is destroyed in a household misfortune, the cabinet shall provide replacement benefits if:

(a) The loss is reported:

1. Orally or in writing; and
2. Within ten (10) days of the household misfortune; and

(b) A household member or authorized representative signs a statement attesting to the loss.

(3) If the household is eligible for replacement benefits, the replacement shall equal:

- (a) The amount of the loss to the household, not to exceed the maximum of one (1) month's benefits for the household requesting replacement; or
- (b) Up to the full value of the benefits, if the replacement includes restored benefits.

(4) The cabinet shall not provide a replacement due to a household misfortune if:

- (a) A disaster declaration has been issued by FNS; and
- (b) The household is eligible for disaster SNAP benefits.

(5) There shall not be a limit on the number of benefit replacements for food:

- (a) Purchased with SNAP benefits; and
- (b) Destroyed in a household misfortune.

(6) If available documentation indicates that a household's request for benefit replacement appears fraudulent, the cabinet shall:

(a)

1. Deny the replacement; or
2. Delay the replacement; and

(b) Inform the household:

1. Of its right to a fair hearing to contest the denial or delay of a replacement; and
2. That a replacement shall not be made while the denial or delay is being appealed.

Section 6. Account Inactivity.

(1) If an EBT account has not been debited in nine (9) consecutive months, the cabinet shall:

(a) Expunge a monthly benefit on a monthly basis as each individual benefit month reaches a date that is nine (9) months in the past; and

(b) Notify the household in writing at least thirty (30) days in advance of the expungement:

1. That the household's EBT account has not been debited in the last nine (9) months; and
2. Of the amount of SNAP benefits that will be expunged.

(2) If a recipient debits the EBT account, the expungement process shall cease.

(3) When the cabinet receives an official death notice or confirms a death match from an official source for all household members, the cabinet shall expunge the remaining benefit amount in accordance with 7 C.F.R. 274.2(i)(4).

(4) Expunged benefits shall not be retrieved.

(Recodified from 904 KAR 3:045, 10-30-1998; Am. 25 Ky.R. 2219; eff. 5-19-1999; 30 Ky.R. 494; 899; eff. 10-15-2003; TAm eff. 10-27-2004; TAm eff. 1-27-2006; 35 Ky.R. 1817; eff. 2-6-2009; 41 Ky.R. 2177; eff. 7-15-2015; 44 Ky.R. 1152, 1532; eff. 1-18-2018; 47 Ky.R. 1499; eff. 6-16-2021.)