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United States
Department of
Agriculture

SUBJECT: SNAP Applications and the Affordable Care Act

Food and
Nutrition
Service

TO: All Regional Directors
Supplemental Nutrition Assistance Program

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As States implement application and process changes for the Patient Protection and Affordable Care Act (ACA), States look to the Food and Nutrition Service (FNS) for technical assistance on the Supplemental Nutrition Assistance Program (SNAP) application issues and policy compatibility. This memorandum provides Regional Offices with guidance as they work with States to ensure that online and paper SNAP applications meet Federal requirements and are user-friendly, understandable and effective.

As part of the October 1, 2013, roll out of open enrollment under ACA, State agencies across the country are reviewing and updating applications to conform to ACA's Medicaid-related provisions. Many States have multi-benefit applications for both SNAP benefits and other health and human services programs like Medicaid. They are now facing the challenging task of implementing changes required by ACA while complying with existing SNAP requirements.

New ACA requirements are significant, but they do not affect existing laws and regulations governing SNAP and do not change SNAP application policies. Since updates to applications can have unintended impacts on SNAP content and functionality, strict adherence to SNAP regulations and guidance is imperative.

FNS encourages the use of multi-benefit applications as they provide inherent administrative, workload, and access advantages to State agencies and SNAP clients. At the same time, faced with limited resources and time constraints, some States are temporarily de-coupling integrated systems and applications in order to stand up new applications in time for the October 1, 2013, deadline. Federal-State collaboration will be a key tool to support continued integration.

While FNS does not approve State applications, all applications should be reviewed for compliance with SNAP requirements when modifications are made; this is particularly important as States implement wide-ranging changes associated with the ACA requirements for Medicaid. The timing of these reviews is up to each Regional Office working with their States, but all State applications should be examined by the end of Fiscal Year 2014. These reviews can be part of State-level Management Evaluation review or can be conducted independently.

States must notify FNS whenever existing applications are modified and new online application systems are launched so that FNS can help quickly address any areas that do not comply with SNAP policy. If States do not adhere to SNAP rules and guidelines, action must be taken to correct instances of non-compliance.

The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

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To ensure that all FNS offices are measuring compliance using standardized methods, FNS has developed an Online Application Checklist that is enclosed with this memorandum and included in the Program Access Review Guide released in January 2013. (http://www.fns.usda.gov/snap/government/PAR_Guide-1212.pdf). This checklist is also provided as an attachment to this memorandum.

In preparing to review States' paper applications, staff may find it useful to review the guidance and technical assistance materials available at SNAP's Program Improvement page at: <http://www.fns.usda.gov/snap/government/program-improvement.htm>. In addition, it may be helpful to consider the recent guidance provided to States regarding ACA and their Medicaid applications at: <http://www.medicaid.gov/Federal-Policy-Guidance/downloads/CIB-06-19-2013dcr.pdf>.

Please contact Jessica Dziengowski at Jessica.dziengowski@fns.usda.gov or Elizabeth Weber at elizabeth.weber@fns.usda.gov if you have any questions regarding this important aspect of SNAP policy and operations.

A handwritten signature in black ink, appearing to read "Lizbeth Silberman", with a long horizontal flourish extending to the right.

Lizbeth Silberman
Director
Program Development Division

Enclosure

Attachment

ONLINE APPLICATION CHECKLIST FOR SNAP

Requirement	Y/N	Comments
<p>Does the system mandate that applicants complete a pre-screening tool prior to beginning the application?</p> <p><i>Note: States may not require an applicant to complete mandatory pre-screening as a precursor to beginning the application.</i></p>		
<p>Is the online account registration process simple?</p> <p><i>Note: If registration is required, States must not have a complicated registration processes that would deter a potential applicant from proceeding. User name, password and hint question(s) are acceptable but requiring a social security number or e-mail address is unacceptable.</i></p>		
<p>Does the system notify the applicant that the only required application questions are name, address, and signature? (7 CFR 273.2(b)(1)(v))</p>		
<p>Is there a place on or near the front page of the application where the applicant can provide their name, address and signature? (7 CFR 273.2(b)(1)(iv))</p> <p><i>Please note that with online applications, if the client can hit an apply button and be brought directly to the electronic signature page, this is acceptable.</i></p>		
<p>Does the online application allow applicants to file with just name, address, and signature? (7 CFR 273.2(c)(1), 273.2(b)(1)(v))</p>		
<p>Does the system allow applicants to submit the application at any point in the process after providing their name, address and signature? (7 CFR 273.2(b)(1)(v))</p> <p><i>Note: Online applications must allow applicants to file with just name, address and signature at any point in completing the application.</i></p>		

Requirement	Y/N	Comments
<p>Does the application list SNAP expedited service provisions on or near the first page? (7 CFR 273.2(b)(10)(vi))</p> <p><i>Note: The application must notify applications that the following households (HHs) are entitled to expedited service -</i></p> <ul style="list-style-type: none"> • <i>HHs with less than \$150 in monthly gross income and no more than \$100 in liquid resources;</i> • <i>migrant or seasonal farm worker HHs who are destitute, provided their liquid resources do not exceed \$100;</i> • <i>HHs with combined monthly gross income and liquid resources less than the HH's monthly rent or mortgage and utilities.</i> 		
<p>Does the online application provide a complete Privacy Act statement before or in immediate proximity to where the Social Security Number (SSN) is requested? (7 CFR 273.2(b)(4))</p> <p><i>Note: the Privacy Act statement must notify the applicant of the following -</i></p> <ul style="list-style-type: none"> • <i>collection of the SSN is authorized under the Food and Nutrition Act</i> • <i>information on the form will be verified through computer matching programs and may be shared with Federal and State agencies or private claims collection agencies</i> • <i>providing an SSN is optional all HH members who do not provide an SSN will be denied benefits.</i> 		
<p>Does the application allow an applicant to submit the application without providing an SSN?</p>		
<p>Does the online application describe the opt-out process as described in the Tri-Agency Guidance?</p> <p><i>Note: the Tri-Agency Guidance opt-out process includes -</i></p> <ul style="list-style-type: none"> • <i>HH members may choose not to seek benefits and will not be required to answer questions about SSNs, or provide citizenship/immigration information.</i> • <i>HH members who are seeking benefits must supply information about SSNs and citizenship or immigration status.</i> • <i>The amount of benefits will depend on the number of people requesting benefits, but eligible HH members who apply will be able to get benefits even though some people in the HH are not seeking benefits.</i> • <i>HH members who are not seeking benefits will be required</i> 		

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<p><i>to provide their financial information if it is needed to determine eligibility and benefit amount for persons who are applying.</i></p> <p><i>Guidance on conforming to the tri-agency guidance in online applications is available at: http://www.fns.usda.gov/snap/rules/Memo/pdfs/Tri-Agency_Guidance_Memo-021811.pdf</i></p>		
<p>Are applicants able to submit an application without providing information about their citizenship or immigration status?</p> <p><i>Note: While applicant household members must provide information about their citizenship or immigration status before being approved for program benefits, the applicant must be able to submit an application that includes only the minimal information required by the law and SNAP regulations (name, address and signature).</i></p>		
<p>If the online application is for multiple programs, are applicants notified that they must only answer questions relevant to the program(s) for which they are applying? (7 CFR 273.2(b)(1)(ix))</p> <p><i>Note: Multi-program applications must clearly afford applicants the option of answering only those questions relevant to the program or programs for which they are applying.</i></p>		
<p>Are applicants able to review a summary of information entered prior to signing or submitting the final application?</p>		
<p>Does the application include the required non-discrimination statement? (7 CFR 273.2(b)(1)(viii))</p> <p>NOTE: States must use one of the two following non-discrimination statements:</p> <p>1. SNAP requires the following non-discrimination statement for SNAP-only applications:</p> <p><i>The U.S. Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the basis of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental</i></p>		

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<p><i>status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)</i></p> <p><i>If you wish to file a Civil Rights program complaint of discrimination, complete the <u>USDA Program Discrimination Complaint Form</u>, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.</i></p> <p><i>Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).</i></p> <p><i>For any other information dealing with Supplemental Nutrition Assistance Program (SNAP) issues, persons should either contact the USDA SNAP Hotline Number at (800) 221-5689, which is also in Spanish or call the <u>State Information/Hotline Numbers</u> (click the link for a listing of hotline numbers by State); found online at http://www.fns.usda.gov/snap/contact_info/hotlines.htm.</i></p> <p><i>USDA is an equal opportunity provider and employer.</i></p> <p><i>2. Or, guidance from the USDA Office of Civil Rights allows States to use the following non-discrimination statement on multi-program applications:</i></p> <p><i>This institution is prohibited from discriminating on the basis of race, color, national origin, disability, age, sex, and in some cases religion and political beliefs.</i></p> <p><i>The U.S. Department of Agriculture also prohibits discrimination against its customers, employees, and applicants for employment on the basis of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial</i></p>		

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<p><i>or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or activities.)</i></p> <p><i>If you wish to file a Civil Rights program complaint of discrimination with USDA, complete the <u>USDA Program Discrimination Complaint Form</u>, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.</i></p> <p><i>Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).</i></p> <p><i>For any other information dealing with Supplemental Nutrition Assistance Program (SNAP) issues, persons should either contact the USDA SNAP Hotline Number at (800) 221-5689, which is also in Spanish or call the <u>State Information/Hotline Numbers</u> (click the link for a listing of hotline numbers by State); found online at http://www.fns.usda.gov/snap/contact_info/hotlines.htm.</i></p> <p><i>To file a complaint of discrimination regarding a program receiving Federal financial assistance through the U.S. Department of Health and Human Services (HHS), write: HHS Director, Office for Civil Rights, Room 515-F, 200 Independence Avenue, S.W., Washington, D.C. 20201 or call (202) 619-0403 (voice) or (800) 537-7697 (TTY).</i></p> <p><i>USDA and HHS are equal opportunity providers and employers.</i></p>		

Requirement	Y/N	Comments
<p>Does the online application include a perjury statement in immediate proximity to where the applicant signs the application? (7 CFR 273.2(b)(1)(i) through (iii))</p> <p><i>Note: The applicant must certify, under penalty of perjury, the truthfulness of the information included on the application form. The applicant must also be clearly notified that the information on the form is subject to verification and that providing false information may result in denial of the application and criminal and civil penalties.</i></p>		