

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Delaware Code, Section 512 (31 Del.C. §512)
16 DE Admin. Code 2022.1 and 9072

FINAL

ORDER

2022.1 General Information
9072 RESERVED

NATURE OF THE PROCEEDINGS

Delaware Health and Social Services ("Department") / Division of Social Services initiated proceedings to amend the Division of Social Services Manual (DSSM) regarding the Food Supplement Program, specifically, General Information and Identification Cards. The Department's proceedings to amend its regulations were initiated pursuant to 29 **Delaware Code** Section 10114 and its authority as prescribed by 31 **Delaware Code** Section 512.

The Department published its notice of proposed regulation changes pursuant to 29 **Delaware Code** Section 10115 in the December 2012 Delaware *Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by December 31, 2012 at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

SUMMARY OF PROPOSAL

The proposal described below amends policies in the Division of Social Services Manual (DSSM) regarding the Food Supplement Program, specifically, General Information and Identification Cards. The Division of Social Services (DSS) is amending and removing regulations requiring the issuance of identification cards to each certified food benefit household that are no longer applicable. Food and Nutrition Service removed this requirement from the Code of Federal Regulations (CFR).

Statutory Authority

7 CFR Part 274, Issuance and Use of Program Benefits

Background

Electronic Benefits Transfer (EBT) is an electronic system that allows a recipient to authorize transfer of their government benefits from a Federal account to a retailer account to pay for products received. EBT is used in all 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam. EBT has been implemented in all States since June of 2004.

Each food benefit unit certified as eligible to participate in the program is issued an EBT card. This card is the required proof of eligibility issued to households to use food benefits.

Food benefits are electronically deposited into a household's EBT account on a monthly basis. Therefore, identification cards are no longer needed as proof of program eligibility to pick up benefits.

Summary of Proposed Changes

DSSM 2022.1, General Information and DSSM 9072, Identification Cards RESERVED: With the implementation of the Electronic Benefit Transfer (EBT) Card, it is no longer necessary for food benefit clients to be issued a Division of Social Services (DSS) identification card.

SUMMARY OF COMMENTS RECEIVED WITH AGENCY RESPONSE

The Governor's Advisory Council for Exceptional Citizens (GACEC) and the State Council for Persons with Disabilities (SCPD) offered the following observations summarized below. The Division of Social Services (DSS) has considered each comment and responds as follows.

As background, the current regulation requires DSS to "issue a serially numbered photo-ID card to each certified Food Stamp household". With implementation of the Electronic Benefit Transfer (EBT) Card, DSS notes that it is no longer necessary for program participants to be issued a DSS identification card. Moreover, DSS observes that CMS has deleted the requirement from the federal regulations. Therefore, DSS proposes deletion of the requirement of issuance of the identification card.

The percentage of the population that is on food stamps is much higher than other assistance programs. In addition, the DSS issued identification card is the only form of identification for many people. Therefore, GACEC and SCPD have reservations regarding the proposal to no longer issue such identification cards since there is a downside to this approach.

Agency Response: DSS considered your comment and understands your perspective. However, we retain the policy changes as proposed. The state issued ID card was never intended to be used as verification of identity. The purpose of the ID card was only to verify program eligibility when presented to merchants along with food stamp coupons. The Electronic Benefit Transfer (EBT) card and the Personal Identification Number are all that is needed for program recipients to access their benefits.

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the December 2012 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend the Division of Social Services Manual (DSSM) regarding the Food Supplement Program (FSP), specifically, General Information and Identification Cards, is adopted and shall be final effective February 10, 2013.

Rita M. Landgraf, Secretary, DHSS

DSS FINAL ORDER REGULATIONS #13-03

REVISIONS:

2022.1 General Information

Issue a serially numbered photo-ID card to each ~~certified Food Stamp household and/or each~~ approved Cash Assistance payee as proof of program eligibility.

Issue the ID card in the name of the household/assistance unit member to whom the ~~food stamps/~~check is issued. The participant/recipient and any authorized representative will sign the card in ink and it will be laminated in the DSS office.

For Voluntary Protective payees in TANF, GA, or RCA, issue the protective payee an ID card with his/her picture on the front of the ID card. The DCIS number of the case for whom he/she is the protective payee, will also be on the front of the ID card.

Limit issuance of ID cards to the time of initial certification with replacement made only in instances of loss, mutilation, destruction, changes in authorized representative, or when DSS determines that new ID cards are needed. Whenever possible, collect the ID card that is being replaced, and any other old ID cards that are in the client's possession.

Do not issue cards having typographical errors or other defects. Banks will not honor ID cards with characters whited out or strikeovers, and will confiscate these cards.

Use cameras for official purposes only. Destroy any pictures taken to test a camera.

Store cameras in a location which ensures that no unauthorized person can have access to them.

At no time may an ID photo be taken when an individual is wearing sunglasses.

Issue temporary (non-photo, unlaminated) ID cards when camera equipment/supplies are unavailable or inoperable. Using the usual ID card, limit use by indicating:

"valid for _____ only."
(current month/year)

Do not use letters of identification as they are not serially numbered and compromise the bank's mandated record keeping processes.

(Break in Continuity of Sections)

9072 Identification Cards RESERVED

[274.10]

~~Issue a serially numbered photo ID card to each certified Food Stamp household as proof of program eligibility. Do not deny or delay Food Stamp benefits because of a household member's inability or refusal to be photographed.~~

~~Refer to 2022.1 for general information on issuing the ID cards for all programs.~~

16 DE Reg. 874 (02/01/13) (Final)