

+-----+  
| LOCAL COMMISSIONERS MEMORANDUM |  
+-----+

Transmittal No: 91 LCM-25

Date: February 21, 1991

Division: Commissioner's  
Office

TO: Local District Commissioners

SUBJECT: Filed Regulation PART 387

ATTACHMENTS: Attachment listed below  
(Attachment available on-line)

The following changes to the Official Regulations of the State Department of Social Services have been filed for adoption with the Secretary of State.

18 NYCRR Part 387 relating to the alternate food stamp issuance system.

Filed as an emergency rule - 11/13/90 - effective 11/13/90.

Refiled as an emergency rule - 2/11/91 - effective 2/11/91.

The final rule - Filed: 2/11/91 - Effective: 2/27/91.

---

Michael J. McNaughton  
Director, Local District  
Policy Communications

STATE DEPARTMENT OF SOCIAL SERVICES

ALBANY, NEW YORK

Pursuant to the provisions of Sections 20(3)(d), 34(3)(f), and 95 of the Social Services Law, I, Cesar A. Perales, Commissioner of Social Services do hereby amend Sections 387.2(m) and 387.4(a) and add new Sections 387.2(x), 387.4(o), 387.5(h) and 387.16(q) and (r) of the Official Regulations of the State Department of Social Services, being Chapter II of Title 18 NYCRR, effective upon publication of the Notice of Adoption in the State Register.

Dated: February 11, 1991

Signed: \_\_\_\_\_

Commissioner

This is to certify that this is the original of an order of the State Department of Social Services, made on February 11, 1991

amending Sections 387.2(m) and 387.4(a) and adding new Sections 387.2(x), 387.4(o), 387.5(h) and 387.16(q) and (r) of the Official Regulations of the State Department of Social Services, being Title 18 NYCRR, the express terms of which were published in the New York State Register on November 28, 1990.

Dated: February 11, 1991

Signed: \_\_\_\_\_

Commissioner

Subdivision (m) of section 387.2 is amended to read as follows:

(m) establish an organizational structure which divides the responsibility for eligibility determination, [coupon/authorization] food stamp benefit registration/authorization to [purchase] participate (ATP) issuance, registration for a Personal Identification Number (PIN) and registration of a Common Benefit Identification Card (CBIC) among the certification unit, data management unit, data entry unit and issuance monitoring [units] unit so as to prevent the unauthorized creation or modification of case records. The registration of a CBIC and a PIN for the same case cannot be performed by the same individual;

A new subdivision (x) is added to section 387.2 to read as follows:

- (x) provide eligible households with:
- (1) a food stamp identification card and all authorizing materials necessary to obtain food stamp benefits;
  - (2) a Personal Identification Number (PIN) when it is necessary to have such a code to access benefits;
  - (3) information regarding benefit issuance locations;
  - (4) information, which must include, but is not limited to, materials specifically designated by the department explaining how to use the social services district's benefit issuance system;

(5) client education and training that instructs participant households how to obtain benefits through the social services district's benefit issuance system; and

(6) information about the time period during which the household's benefits will be available on the benefit issuance system and the consequences of failing to access the benefit within that timeframe.

Subdivision (a) of section 387.4 is amended to read as follows:

(a) Any unauthorized issuance, use or alteration of an authorization to participate card (ATP), food stamp identification card (DSS-104 or State-approved local equivalent), or the State-approved [local department] social services district notice of change form is a [Federal] federal crime. [Local departments shall] Social services districts must take all precautions necessary to avoid unauthorized use of ATP cards, food stamp identification cards or notice of change forms and [shall] must safeguard these documents from theft, embezzlement, loss, damage or destruction. For purposes of this section, the term food stamp identification card also includes the Common Benefit Identification Card (CBIC) used to obtain food stamps in all social services districts except New York City and the corresponding Personal Identification Number (PIN) selection form used to register the access code with such identification card.

A new subdivision (o) is added to section 387.4 to read as follows:

(o) When a recipient who accesses food stamp benefits by use of a CBIC reports the loss or theft of that CBIC,

the social services district must immediately initiate procedures to prevent unauthorized access to the recipients' food stamp benefits.

A new subdivision (h) is added to section 387.5 to read as follows:

(h)(1) Social services districts may request the applicant to complete a Personal Identification Number (PIN) selection form prior to determining the applicant's eligibility for food stamps. However, the completion of the PIN selection form is not required in order for the social services district to determine the applicant's eligibility for food stamps. Social services districts must not withhold or delay the determination of an applicant's eligibility because the PIN selection form has not been completed.

(2) After a PIN code has been registered, the social services district must dispose of the PIN selection form in accordance with department procedures. The social services district must not record the PIN code in the case record. Social services districts must not maintain a separate file of PIN codes unless directed to do so by the department.

New subdivisions (q) and (r) are added to section 387.16 to read as follows:

(q) Food stamp benefits reported as not received by a member of the household must not be replaced if the computer issuance record indicates that an issuance of benefits has occurred. If a household member reports to the social services

district that food stamp benefits have not been received and the computer issuance record indicates that a valid issuance transaction has occurred, the social services district must take appropriate action to verify the validity of the computer issuance record in accordance with department procedures. If information obtained by the social services district does not verify the validity of the issuance, benefits which are confirmed to have not been issued must be restored in accordance with section 387.18 of this Part.

(r) Social services districts must replace lost, stolen, destroyed or mutilated Common Benefit Identification Cards (CBIC) which are needed to obtain food stamp benefits and issue a new Personal Identification Number (PIN) code upon request by the recipient. PIN codes may be issued by mail to persons exempt from face-to-face interviews in accordance with section 387.7 of this Part.