

WISCONSIN DEPARTMENT OF HEALTH SERVICES
Division of Medicaid Services
1 W. Wilson St.
Madison WI 53703

To: FoodShare Handbook Users

From: Rebecca McAtee, Bureau Director
Bureau of Eligibility and Enrollment Policy

Re: **FoodShare Release 21-02**

Release Date: 01/19/2021

Effective Date: 01/19/2021

EFFECTIVE DATE	The following policy additions or changes are effective 01/19/2021 unless otherwise noted. Underlined text denotes new text. Text with a strike through it denotes deleted text.
POLICY UPDATES	
3.2.1.2 Temporary Absence	Added note on residential drug and alcohol treatment being considered temporarily absent.
3.2.1.5.3 Drug and Alcohol Treatment Centers	Section rewritten to clarify definition of residential alcohol and drug treatment facilities and explain the rules for facility residents receiving FoodShare benefits.

3.2.1 RESIDENCE

3.2.1.2 TEMPORARY ABSENCE

Include in the food unit an individual temporarily absent from the food unit when the expected absence is less than two full consecutive calendar months past the month of departure. Some examples are absence due to illness or hospitalization, employment, and visits.

To be considered temporarily absent, one must meet ALL of the following conditions:

1. The individual must have lived with the food unit immediately before the absence,
2. The individual intends to return to the home, and the food unit must maintain the home for him or her,
3. If the absent person is a child, the caregiver of the absent child is responsible for the child's care and control when the child returns to the home, and
4. If the absent person is an adult caring for a child, the adult must still be responsible for care and control of the child during their absence.

EXCEPTION: When a food unit member is in residential drug and alcohol treatment, the member is considered temporarily absent for the duration of the treatment unless they want to use FoodShare benefits at the treatment facility.

Attending school - Persons temporarily absent due to attending school are no longer included in the food unit.

Hospitalized newborn - Infants who remain hospitalized for an extended period of time should be added to the food unit, even if the absence is greater than two consecutive months.

Nesting agreement - Parents temporarily absent due to a nesting agreement should be included in the food unit.

Example 6: Karley resides with and receives FoodShare with her mother. On June 6, it is reported that on June 1st Karley went to stay with her father in Madison for the summer. She will be returning to her mother's home on August 15.

The month of departure is June. Since she is only absent for one full calendar month (July), she is not considered temporarily absent from her mother's household. She will not be out of the mother's home two full consecutive calendar months past the month of departure.

Example 7: Karley's mother reports Karley will be leaving on May 24 to spend the summer with her father. Karley is expected to return to her mother's residence on August 1.

Because Karley will be absent from her mother's home for two full consecutive calendar months (June and July), she would be considered absent from the home. Karley should be removed from her mother's food unit the next possible benefit month July 1, and added back to the food unit when she returns. Karley will be eligible for benefits the first full benefit month after she has been reported back in the home.

3.2.1.5.3 Drug and Alcohol Treatment Centers

7 CFR 271.2

7 CFR 273.11(e) and (f)(6)

~~Private, nonprofit centers providing~~ DHS 75.03 General requirements

~~Residential alcohol and drug treatment for drug and alcohol addiction are not institutions.~~

~~facilities are defined as: private facilities, nonprofit organizations or institutions, community-based residential facilities, hospitals, or publicly operated community mental health centers certified as drug and alcohol addiction treatment and rehabilitation programs~~ facilities. These facilities are not institutions.

~~The Department of Health Services, Division of Quality Assurance, Bureau of Health Services~~ certifies these facilities according to DHS 75.03 General requirements. State certification of these ~~centers~~ facilities should not be confused with state licensing of drug and alcohol treatment ~~centers~~ facilities. Such licensing is not required for FoodShare eligibility.

~~For residents~~ an individual of a ~~drug and alcohol residential~~ residential treatment ~~center~~ facility to be certified to receive and use their FoodShare benefits to purchase meals, the ~~center~~ facility must either be:

1. Tax exempt and certified by the State as ~~either receiving or,~~ eligible to receive, or operating to further the purposes of Part B of Title XIX (Medicaid). This may include faith-based treatment ~~centers;~~ facilities; or
2. Authorized as a retailer by FNS.

~~To determine which substance abuse and mental health centers are listed as~~ Title XIX; ~~see the~~ list of facilities for substance abuse and for mental health.

If an individual residing in a treatment facility will be using FoodShare to purchase meals, the facility or an employee of the facility must be designated as an authorized representative with the F-10126B Auth Rep Organization form. The authorized representative must apply for these residents FoodShare on the individual's behalf (see 2.1.3.3 Use of an Authorized Representative).

The center employs and appoints the authorized representative. The center may choose a

If the individual is the primary person on an existing case, the facility or employee will need to be added as an authorized representative ~~to be the FoodShare payee or an authorized buyer. He or she will.~~ All other household members will need to re-apply on their own to continue to receive a Wisconsin QUEST card to access FoodShare benefits on behalf of.

The resident. ~~The center may also choose the resident to be the sole~~ is the QUEST cardholder ~~as the primary person of~~ and the primary person on the case. The QUEST cardholder or the authorized representative, if granted permission by the resident, may purchase ~~food for meals, or~~ meals prepared ~~or~~ and served by the center facility, food purchased from another authorized retailer, or both.

Determine the eligibility of an individual residing in a ~~resident of a drug and alcohol addiction~~ treatment center facility as a one-person FoodShare ~~assistance group~~ food unit, unless the resident is a parent whose child(ren) resides with them at the center facility. Include any child(ren) residing with their parent(s) at the center facility, whether or not the center facility provides the majority of the child(ren)'s meals, when determining eligibility.

Note: Faith-based treatment and rehabilitation facilities are not required (by law or FNS regulation) to allow residents to opt-out of religious programming or activities in order to participate in the FoodShare program.

If a member from an existing FoodShare case is residing in a drug or alcohol treatment facility and is not using FoodShare benefits to purchase food and meals, the member is considered temporarily absent from the home.