

**STATE OF RHODE ISLAND  
DEPARTMENT OF HUMAN SERVICES**

**TO: Interested Parties**

**FROM: DHS Office of Policy Development**

**DATE: November 5, 2015**

**SUBJECT: Proposed DHS Rule-Making**

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In accordance with the Administrative Procedures Act, the Department of Human Services is advertising for promulgation the following proposed and amended DHS rules. These rules are being amended in compliance with state and federal law and good practice. The proposed rules are as follows:

**Rhode Island Works Program Rules and Regulations  
Section 1400 - 1436**

The proposed regulation changes effect three significant aspects of the rule:

1. This change amends the rule regarding access to the Electronic Benefit Transfer (EBT) system cash benefits for the Rhode Island Works program. As stated in section 1427.05.05, ". . . recipients and authorized payees access EBT cash benefits by using a plastic Rhode Island EBT card. . . ." Access to cash benefits is available to recipients via automated teller machines (ATM's) at banks, credit unions, and retail stores. Recipients of cash assistance are able to make a total of two (2) free cash withdrawals per month from ATM's. This is a change from the previously contracted four (4) free cash withdrawals per month from ATM's. Each additional ATM withdrawal within that month incurs a fee. This fee has decreased from of eighty-five (85¢) cents to forty-five (45¢) cents.
2. A significant change to the Rhode Island Works Program work participation requirements is being proposed to replace the six (6) month time limit on adult education with an "unlimited" time limit on adult education as a stand-alone and full-time activity in the context of an intensive work readiness program.
3. The Department received approval to combine the work hours of both parents in a two parent household to provide a more accurate view of the work participation rate for these families. This change to the Rhode Island Works Program was filed as "emergency" to set forth these provisions in a timely manner in order to prevent wrongful denial, discontinuance, or interruption of benefits for applicants and beneficiaries.

Additional clarification and technical revisions to the Rhode Island Works Program Rules have been added and are as follows:

1. The definition of an Adult-Oriented Entertainment venue has been added to the Rhode Island Works Program section prohibiting the use of EBT cash benefits in restricted establishments, pursuant to Section 4004 of Public Law 112-96. Further clarification has also been added to introduce the ability to block EBT cash usage at these restricted establishments.

2. Clarification has been added to the Rhode Island Works Program Rule to distinguish between withdrawal and inquiry specific to state EBT cash accounts. Cash benefits which have not been accessed for a period of ninety (90) days or more are purged from the EBT account. An inquiry against an outstanding cash benefit is not considered as accessing an account.
3. The current procedure in gathering information on the non-custodial father has been added to enhance the effort of the Office of Child Support Services in establishing paternity for children whose birth certificates indicate "husband's name unknown" for those children born within a marriage.
4. Additional technical changes are being made through out the Rhode Island Works Program Rule as follows:
  - a. replace Food Stamp (FS) with Supplemental Nutrition Assistance Program (SNAP),
  - b. remove "Deluxe Customer Service" and retain "Customer Service" regarding contact with EBT service representatives,
  - c. remove "CLOG" (Case Log), "Case Chronology", "Case Narrative " (CNAR), and "Case Log" and replace with "Electronic Case Record".

In the development of these rules, consideration was given to the following: (1) alternative approaches; and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information. This proposed rule is accessible on the R.I. Secretary of State website (<http://www.sec.state.ri.us/ProposedRules/>) and the DHS website ([www.dhs.ri.gov](http://www.dhs.ri.gov)) or available in hard copy upon request (401 462-2018 or RI Relay, dial 711).

**A public hearing will be held to consider the proposed amendments on  
December 7<sup>th</sup>, 2015 at 1:30 pm  
Louis Pasteur Building  
57 Howard Avenue, Cranston, RI 02920  
\*\* West Wing Conference room.**

The Hearing will begin at 1:30 pm and will conclude when the last speaker finishes testimony or at 3:30 pm, whichever occurs first. Persons wishing to testify may do so by signing up at the Hearing or by submitting written testimony between the date of this notice and Monday, December 7<sup>th</sup>, 2015, to Bethany Caputo, Office of Policy Development, RI Department of Human Services, Louis Pasteur Building, 57 Howard Avenue, Cranston, RI 02920.

The seating capacity of the West Wing Conference Room will be enforced and therefore the number of persons participating in the Hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

The Louis Pasteur Building is accessible to the handicapped. Individuals with hearing impairments may request an interpreter's presence by calling 711 or Relay RI 1-800-745-6575 (Voice) and 1-800-745-555 (TDD). Requests for this service must be made at least 72 hours in advance of the Hearing date.

The Department of Human Services does not discriminate against individuals based on race, color, national origin, sex, gender identity or expression, sexual orientation, religious belief, political belief or handicap in acceptance for or provision of services or employment in its programs or activities.