 Office of Mental Health	Official Policy Manual DIRECTIVE		SECTION Patient Care	SECTION # PC-800
	PREPARED BY Julie A. Rodak, Associate Counsel	T.L. 16-08	TITLE Electronic Benefit Transfer (EBT) Card Oversight in Residential Programs	
COMMISSIONER'S APPROVAL Ann Marie T. Sullivan, M.D.		DATE ISSUED 10/3/2016	SUPERSEDES New	PAGE 1 of 6

A. POLICY STATEMENT

Benefits available through New York State's Supplemental Nutrition Assistance Program (SNAP) or cash benefits (Temporary Assistance) are obtained by use of an Electronic Benefit Transfer (EBT) system. Under this system, eligible individuals receive an EBT card, also known as a Common Benefit Identification Card (CBIC), which can be used to electronically transfer government benefits.

It is the expectation that residents of State-Operated Community Residences (SOCR) will manage their own funds and benefits, including EBT cards, with minimal guidance from residence staff. However, there are some situations where a resident needs staff assistance in order to appropriately and safely utilize his or her benefit card. In such situations, there must be safeguards in place to protect both the staff and the resident.

B. APPLICABILITY

This directive applies to all State Operated Community Residences.


C. RELEVANT STATUTES AND STANDARDS

Mental Hygiene Law, Article 7
 Social Services Law Sections 147, 488
 14 NYCRR Part 524
 OMH Official Policy Directive PC-527

D. BODY OF THE DIRECTIVE

1. General principles.


- (a) It is presumed that all Residents are able to manage their money and benefits unless otherwise determined by the Treatment Team. For purposes of this policy directive, the fact that a Resident has a representative payee, without a corresponding Treatment Team assessment, does not constitute a determination that he or she is not capable of managing money and benefits.
- (b) In cases where an assessment by the Treatment Team indicates a Resident is unable to reliably manage money or benefits, the Resident's Service Plan shall include an objective and method to improve money management skills. These skills shall include key components of budgeting, such as creating a spending plan, being able to distinguish needs from wants, knowing how to save, and reducing financial exploitation by learning how to obtain trustworthy financial advice, recognize it, and avoid financial scams.

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- (c) All State Operated Residences shall ensure that information about the EBT program and use of EBT cards prepared by the NYS Office of Temporary and Disability Assistance is readily available to residents (<http://otda.ny.gov/workingfamilies/ebt.asp>).
- (d) The Residential Program Manager shall ensure that all staff assigned to work at the residence are aware that the use, appropriation, or misappropriation of a resident's resources with the intent of depriving the resident of those resources (even temporarily) constitutes financial exploitation, a significant incident which must be reported to the Justice Center.

2. Procedures for Resident-Managed EBT Cards


- (a) Any document of value (e.g., Social Security Card, Birth Certificate, EBT Card, Driver's License), will be retained by the Resident. However, such documents must be securely stored when not in use. Secure storage may include use of a lock box, a centralized combination safe, locked cabinet, or other mechanism that prevents unauthorized persons from accessing the documents.
- (b) Each Resident must have the ability to access securely stored documents at will. The mechanism for accessing the securely stored documents (e.g., lockbox keys, lock combinations, etc.) are to be used only by the Resident or staff with authority to access the documents pursuant to this policy directive.
- (c) Residents shall be encouraged to maintain an EBT spending ledger.
- (d) Staff shall not have the ability to access a Resident's securely stored documents except as follows:
 - (i) The Residential Program Manager and Residential Program Specialist shall have the ability to access the secured documents at any time. The Residential Program Manager may designate a specific staffperson who is authorized to assist Residents in accessing their documents on days and times when both the Residential Program Manager and Residential Program Specialist are not on duty.
 - (ii) The Residential Program Manager may authorize a specifically identified staffperson to assist a Resident who is clinically capable of managing his or her own benefits in accessing or using his or her EBT card, but who nonetheless requests assistance from staff provided that both the Resident's Treatment Team and staffperson's supervisor are given prior notice and do not object. Such authorization is not transferable and must:

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- A. be in writing, including the justification for the authorization;
 - B. be of limited duration, not to exceed 60 days;
 - C. be conditioned on a commitment by both the Resident and staffperson to work with the Treatment Team to achieve the goal of independent management of the EBT card.
- (e) In every case where someone other than a Resident accesses an EBT card from secure storage, a log shall be maintained that documents the time and date that the card was removed from secure storage, the name of the person accessing the card, the justification for access, and the time and date when such card was returned.

3. Procedures for Staff-Assisted Management of EBT Cards

- (a) For those Residents who are determined by the Treatment Team to require assistance in managing their money and benefits, access to securely stored EBT cards shall be limited to the Residential Program Specialist and the Residential Program Manager. Access to the EBT Card must be documented in the Shift Report.
 - (i) Every time the EBT card is removed from its secure location, the Residential Program Specialist or the Residential Program Manager removing the card will document on the EBT ledger the date and time the card was removed, to whom the card was given, the destination of the shopping trip, and when the card was returned. Both the Resident and the staff will initial the form upon return of the card. The receipt for the corresponding shopping, when available, must be stapled to the EBT Ledger.
 - (ii) Staff will include a Progress Note in the Resident's record whenever the card is used and include the information in the Shift Report.
 - (iii) All Shift Reports for all sites will include who worked at the site including relief staff.
 - (iv) The Residential Program Manager will review the EBT Ledger and Card Count forms weekly and document with their signature.
 - (v) The Personal Identification Number (PIN) associated with an EBT card shall not be written on the card or the card sleeve, either by staff or the Resident, or kept where it can be seen by unauthorized users.

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- (vi) If an EBT card ever needs to be replaced, only the Residential Program Manager is authorized to do so. All requests for replacement cards must be made by the Residential Program Manager through the Patient Resource Office.
- (vii) Documentation of these procedures will be audited every six (6) months at each of the Residences. The audit will be conducted and documented on the six month EBT audit form by a Residential Manager of a program other than the subject of the audit.
- (viii) EBT logs that are discontinued because the resident has been discharged or he or she no longer requires benefit management assistance will be placed at the back of that person's residential chart.

