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Department of Human Services, Self-Sufficiency Programs 461

Agency and Division

Administrative Rules Chapter Number

Kris Skaro

(503) 945-6067

Rules Coordinator

Telephone

500 Summer St. NE, E-48, Salem, OR 97301

Address

To become effective 07/23/2015 through 01/18/2016.

RULE CAPTION

Amending rules relating to start date of benefits in the TANF and REF programs

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND:

461-115-0030, 461-115-0040, 461-180-0070

SUSPEND:

Statutory Authority:

409.050, 411.060, 411.070, 412.006, 412.049

Other Authority:

None.

Statutes Implemented:

409.010, 409.050, 411.060, 411.070, 411.081, 412.006, 412.009, 412.049, 412.064

RULE SUMMARY

OAR 461-115-0030 about the date of request, OAR 461-115-0040 about the filing date, and OAR 461-180-0070 about the effective date of benefits are being amended to correct a recent filing. On June 30, 2015, the Department filed amendments to these rules to change policy in the REF and TANF programs regarding the start date of benefits. Those amendments stated that the benefits start on the filing date, which is the date a signed application is received by the Department as long as all eligibility requirements are met by the 45th day after the filing date. However, the intention was to require that eligibility requirements be met by the 45th day after the date of request, which is the date a client originally requests benefits orally or in writing. The amendments correctly state that benefits begin on the filing date as long as all eligibility requirements are met by the 45th day after the date of request.

Kris Skaro

kris.a.skaro@state.or.us

Rules Coordinator Name

Email Address

Secretary of State
STATEMENT OF NEED AND JUSTIFICATION
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Department of Human Services, Self-Sufficiency Programs
Agency and Division

461
Administrative Rules Chapter Number

Amending rules relating to start date of benefits in the TANF and REF programs

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Amending OAR 461-115-0030, 461-115-0040, 461-180-0070

Statutory Authority:

409.050, 411.060, 411.070, 412.006, 412.049

Other Authority:

None.

Statutes Implemented:

409.010, 409.050, 411.060, 411.070, 411.081, 412.006, 412.009, 412.049, 412.064

Need for the Temporary Rule(s):

OAR 461-115-0030, 461-115-0040, and 461-180-0070 need to be amended because the current rules are not consistent with Department policy regarding the effective date of benefits in the REF and TANF programs. There are two components to the policy. First, an individual establishes a "date of request" on the date the individual, orally or in writing, requests benefits. Second, an individual establishes a "filing date" on the date the individual submits a signed and dated application to the Department. Using these dates, benefits start on the "filing date", as long as all eligibility requirements have been met by the 45th day after the "date of request". (If requirements have not been met, an individual must establish a new date of request and filing date.)

On June 30, 2015, when amendments were filed to these rules, the rules incorrectly stated that benefits start on the filing date when all eligibility requirements are met by the 45th day after the filing date. The amendments clarify that benefits start on the filing date when all eligibility requirements are met by the 45th day after the date of request, consistent with the policy described above.

Documents Relied Upon, and where they are available:

None.

Justification of Temporary Rule(s):

The Department finds that failure to act promptly by amending OAR 461-115-0030, 461-115-0040, and 461-180-0070 will result in serious prejudice to the public interest, the Department, eligibility staff, and REF and TANF clients. If rules are inconsistent with current policy and practice, clients will not be able to accurately determine the effective date of benefits and eligibility staff may determine incorrect benefit amounts. The Department needs to proceed by temporary rule because the public, Department, eligibility staff, and REF and TANF clients will immediately benefit by ensuring the rules accurately reflect Department policy.

Kris Skaro

kris.a.skaro@state.or.us

Printed Name

Email Address

461-115-0030

Date of Request

(1) For all programs covered by ~~C~~chapter 461-of the Oregon Administrative Rules, the client or someone authorized to act on behalf of the client must contact the Department or use another appropriate method to request benefits (see OAR 461-115-0150). The request may be oral or in writing. The request starts the application process.

(2) The ~~date of request~~ "date of request" is one of the following:

(a) In the EA, ERDC, GA, ~~and OSIP, REF, and TANF~~ programs and for support service payments in the JOBS program authorized by OAR 461-190-0211, the ~~date of request~~ "date of request" is the day the request for benefits is received by the Department.

(b) In the ~~REF, SNAP, and TANF~~ programs, this section does not apply. See OAR 461-115-0040.

(c) In the GAM, OSIPM, QMB, and REFM programs, for a new applicant, the ~~date of request~~ "date of request" is determined as follows:

(A) The day the request for medical benefits is received by a Department representative, except as described in paragraph (B) of this subsection.

(B) If the request for medical benefits is received by a Department representative no later than the next business day after medical services are received, the ~~date of request~~ "date of request" is the day these medical services were received.

(d) In the OSIPM, QMB, and REFM programs, for a current recipient, the ~~date of request~~ "date of request" is one of the following:

(A) The date the client reports a change requiring a redetermination of eligibility.

(B) The date the Department initiates a review.

(C) The date the client establishes a ~~date of request~~ "date of request" by contacting the Department orally or in writing or by submitting an application.

(e) In the SFPSS program:

(A) Except as provided in paragraph (B) of this subsection, the ~~date of request~~ "date of request" is the day the client signs the program's Interim Assistance Agreement.

(B) The ~~date of request~~ "date of request" for support service payments is the day the request for benefits is received by the Department.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404, 411.704, 411.706, 411.816, 412.014, 412.049, 413.085, 414.685, 414.826, 414.839

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.404, 411.704, 411.706, 411.816, 412.014, 412.049, 413.085, 414.033, 414.041, 414.685, 414.826, 414.839

461-115-0040

Filing Date; REF, SNAP, TANF

- ~~(1) — A filing group (see OAR 461-110-0310) is entitled to establish a filing date on the date a member of the group requests benefits. The filing date establishes:~~
- ~~(a) — The date for starting the application processing time frames.~~
- ~~(b) — The date from which some effective dates are determined.~~
- (21) In the REF and TANF programs, the "filing date" is established when a signed and dated application for benefits is received by the Department.
- (32) In the SNAP program:
- (a) A filing group (see OAR 461-110-0370) is entitled to establish a "filing date" on the date a member of the group requests benefits. The "filing date" establishes:
- (A) The date for starting the application processing time frames.
- (B) The date from which some effective dates are determined.
- (b) —, the The "filing date" is the date a signed written request for benefits is received by the Department or by the Social Security Administration for filing groups applying in accordance with OAR 461-115-0150(3). The written request may be a Department-approved form or other written material that includes the client's name, address, and signature.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.816, 412.006, 412.049

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.081, 411.087, 411.816, 411.825, 412.006, 412.049, 412.054, 412.064

461-180-0070

Effective Dates; Initial Month Benefits

- (1) In the EA program, the effective date for opening the case is the day benefits are issued to the *benefit group* (see OAR 461-110-0750). For a *benefit group* whose only eligible child is an unborn, the effective date cannot be earlier than the first day of the calendar month preceding the month in which the due date falls.
- (2) In the ERDC program, the effective date for starting benefits is one of the following:
 - (a) The first day of the month in which the request for benefits is made if--
 - (A) All [eligibility \(see OAR 461-001-0000\)](#) requirements are met in that month; and
 - (B) Verification is provided within the application processing timeframes.
 - (b) If all [eligibility](#) requirements are not met in the month of request, the effective date is the first day of the month in which they are met, if verification is provided within the application processing timeframes.
 - (c) For a *benefit group* that received TANF program benefits within the 30 days before applying for ERDC program benefits, the effective date is the first of the month following closure of their TANF program benefits.
- (3) In the GA program, the effective date for the *initial month* (see OAR 461-001-0000) of benefits is whichever of the following occurs first:
 - (a) The day all [eligibility](#) requirements are met and verified.
 - (b) The 45th day from the date the client requests benefits, if all [eligibility](#) requirements were met, but the Department did not receive documentation until after the 45th day.
- (4) In the OSIP program, the effective date for the *initial month* of benefits is whichever of the following occurs first:
 - (a) The date an individual requests benefits, if the individual was eligible as of that date.
 - (b) The date all [eligibility](#) requirements are met.
- ~~(5) In the Pre-TANF program, the effective date for the *initial month* of benefits is the 30th day following the date the individual requests benefits, if the Department does not receive required verification until after the 30th day.~~
- (65) In the REF program, when a *filing group* (see OAR 461-110-0430) makes an initial application, the effective date for starting benefits is ~~one of the following~~:
 - (a) If all [eligibility](#) requirements, including an interview, are completed by the 45th day from the ~~filing date~~ [date of request](#) (see OAR 461-115-004030), the effective date for starting benefits is the [filing date](#) (see OAR 461-115-0040).

(b) If all *eligibility* requirements are not met by the 45th day from the ~~filing date~~ date of request, a new date of request and filing date must be established.

(76) In the TANF program, when a *filing group* (see OAR 461-110-0330) makes an initial application or applies after the end of the *certification period* (see OAR 461-001-0000), the effective date for starting benefits is one of the following:

(a) ~~If~~ Except as provided in subsections (b) to (d) of this section, if all *eligibility* requirements, including a TANF interview, are completed by the 45th day from the ~~filing date~~ date of request (see OAR ~~461-115-0040~~), the effective date for starting benefits is the *filing date*.

~~(b)~~ If all *eligibility* requirements are not met by the 45th day from the ~~filing date~~ date of request, a new date of request and filing date must be established.

~~(8b)~~ ~~In the TANF program, if~~ If the only eligible child is an unborn, the effective date may not be earlier than the first day of the calendar month preceding the month in which the due date falls.

~~(c)~~ For an individual in the Pre-TANF program, the effective date for the initial month of benefits is the date the Pre-TANF program ends as provided in OAR 461-135-0475.

~~(9d)~~ For a JOBS support service payment, the effective date is the date the client meets all *eligibility* requirements in OAR 461-190-0211.

~~(107)~~ ~~For TANF program recipients moving to~~ In the SFPSS program, when moving a TANF program recipient to SFPSS, the effective date for the *initial month* of SFPSS program benefits is:

(a) Except as provided in subsection (b) of this section, the first of the month following the day all *eligibility* requirements are met and verified.

(b) If the day all *eligibility* requirements are met and verified falls after the compute deadline, the *initial month* of SFPSS program benefits will be the first of the month following the month after compute deadline. For purposes of this rule, the "compute deadline" means the Department computer system monthly deadline after which changes will not take effect until the month following the first of the next month.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404, 411.706, 411.878, 412.006, 412.014, 412.049, 413.085, 414.685

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.081, 411.087, 411.404, 411.706, 411.878, 412.006, 412.014, 412.049, 412.064, 413.085, 414.685