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I certify that the attached copies are true, full and correct copies of the PERMANENT Rule(s) adopted on Upon filing, by the
Department of Human Services, Self-Sufficiency Programs 461

Agency and Division

Administrative Rules Chapter Number

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To become effective 10/01/2015 Rulemaking Notice was published in the August 2015 Oregon Bulletin.**RULE CAPTION**Amending rules relating to the Employment Related Day Care (ERDC) program

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:**

461-135-0400, 461-135-0415, 461-140-0110, 461-150-0060, 461-155-0150, 461-155-0180, 461-170-0011, 461-170-0101, 461-170-0102, 461-170-0103, 461-170-0104, 461-175-0280, 461-180-0006

REPEAL:**RENUMBER:****AMEND AND RENUMBER:****Statutory Authority:**

ORS 409.050, 411.060, 411.070, Or Laws 2015, ch 698

Other Authority:

45 CFR 98, Child Care Development Block Grant (CCDBG) Act of 2014

Statutes Implemented:

ORS 409.010, 409.050, 409.610, 411.010, 411.060, 411.070, 411.122, 418.485, Or Laws 2015, ch 698

RULE SUMMARY

The Department of Human Services, Office of Self-Sufficiency Programs, is amending rules to implement provisions of the Child Care Development Block Grant (CCDBG) Act of 2014 and Oregon Laws 2015, chapter 698 (HB 2015). Specifically:

OAR 461-135-0400 relating to specific ERDC requirements is being amended to allow child care eligibility for families who receive self-employment income and to state that a filing group who is not willing to provide verification of immunization is eligible for a child care payment for not more than twelve months, unless child care continues due to loss of employment under OAR 461-160-0040(5).

OAR 461-135-0415 about the requirement to make copayments or satisfactory arrangements in the ERDC program is being amended to state that the caretaker is responsible for paying the copayment to the primary child care provider unless the Child Care Billing form was sent to the provider showing no copayment.

OAR 461-140-0110 about the treatment of periodic income is being amended to state that in the ERDC, REF, and REFM programs, periodic income is averaged over the applicable period.

OAR 461-150-0060 about prospective or retrospective eligibility and budgeting in the ERDC, REF, REFM, SNAP, and TANF programs is being amended to remove reference to how temporary income and short-term child care needs are treated in the ERDC program and to remove reference to the ERDC program in the Interim Change Report provision, both of which will no longer be used in the ERDC program.

OAR 461-155-0150 about child care eligibility standards, payment rates, and copayments is being amended to:

- State that at initial certification, the eligibility standard is less than 185 percent of the federal poverty level (FPL);
- State that during the certification period and at recertification, the eligibility standard is 85 percent of the state median income (SMI) or 250% of the FPL, whichever is higher;
- Allow employed caretakers to add education hours to the authorized work hours;
- Amend subsection (8)(b) which states that for a client who earns less than minimum wage, the total number of payable child care hours may not exceed 125 percent of the anticipated earnings divided by the state minimum wage. This limitation will no longer be waived for the first three months of the client's employment; and
- Allow a client to obtain child care in excess of 215 hours per month if necessary to perform training required to keep current employment.

OAR 155-0180 about income standards is being amended to add a monthly income standard set at 250 percent of the 2015 federal poverty level and 85 percent of the 2015 state median income.

OAR 461-170-0011 about changes that must be reported is being amended to update reporting requirements for clients in the ERDC program.

Additionally, the rules below are being amended to remove references to the ERDC program as it relates to the Simplified Reporting System (SRS), which will no longer be used in the ERDC program:

- OAR 461-170-0101, Simplified Reporting System (SRS); ERDC, SNAP
- OAR 461-170-0102, Required Reports for the Simplified Reporting System (SRS) -- Interim Change Report; ERDC, SNAP
- OAR 461-170-0103, Actions Resulting From Changes in Household Circumstances; Simplified Reporting System (SRS); ERDC, SNAP Notice Situations
- OAR 461-170-0104, Failure to Submit Interim Change Report; Simplified Reporting System (SRS); ERDC, SNAP
- OAR 461-175-0280, Notice Situation; Failure to Submit Report for SRS or ERDC Reapplication
- OAR 461-180-0006, Effective Dates; Changes in the Simplified Reporting System (SRS); ERDC, SNAP

Other non-substantive edits were made to update statutory and rule references; correct formatting and punctuation; improve ease of reading; and clarify Department rules and processes.

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Specific Requirements; ERDC

- (1) The Department makes payments for child care, including care covered by the ERDC program, subject to the provisions of division 165 of this chapter of rules.
- (2) To be eligible for ERDC, a *filing group* (see OAR 461-110-0350) must meet the requirements of all of the following subsections:
 - (a) At least one *caretaker* (see OAR 461-001-0000) must receive income from employment. This includes ~~other than~~ self-employment, (see OAR 461-145-0910), including and employment through a work study program.
 - (b) The *filing group* must include a *child* ([see OAR 461-001-0000](#)) who needs child care.
 - (c) The *filing group* must have an allowable child care need as described in OAR 461-160-0040. If there are two adults required to be in the *filing group*, and one of the adults is unemployed ~~or self-employed~~, the unemployed ~~or self-employed~~ adult is considered available to provide child care, making the *filing group* ineligible, except in the following situations:
 - (A) The unemployed adult is physically or mentally unable to provide adequate child care. This must be verified (see OAR 461-125-0830).
 - (B) The unemployed adult is unavailable to provide child care while participating in the requirements of a *case plan* (see OAR 461-001-0025) other than requirements associated with post-secondary education.
 - (d) The *filing group* must use a child care provider who meets the requirements in OAR 461-165-0160 and 461-165-0180.
 - (e) The *child* needing child care must meet the citizenship or alien status requirements of OAR 461-120-0110.
- (3) A *filing group* not willing to obtain a Certificate of Immunization Status for the child is not eligible for a child care payment for more than ~~six~~ twelve calendar months, or longer if child care continues under OAR 461-160-0040(5) if the filing group is unwilling to obtain a Certificate of Immunization Status for the child.
- (4) The child care must be necessary to enable the *caretaker* to remain employed, including self-employed ~~(other than self-employed)~~.
- (5) A *filing group* is not eligible for child care when the *caretaker* or parent in the *filing group* receives a grant for child care from the Oregon Student Assistance Commission for any month the grant is intended to cover, regardless of when the grant is received.

Stat. Auth.: ORS 409.050, 411.060, 411.070, [Or Laws 2015, ch 698](#)

Stats. Implemented: ORS 409.010, [409.050](#), 409.610, 411.010, 411.060, 411.070, 411.122, ~~411.141~~, 418.485, ~~2009 Or. Laws ch. 827~~, [Or Laws 2015, ch 698](#)

Requirement to Make Copay or Satisfactory Arrangements; ERDC

In the ERDC program:

- (1) The caretaker is responsible for paying the copayment to the primary provider of child care unless ~~the ERDC filing group received TANF benefits the previous month and~~ the Child Care Billing form was sent to the provider showing no copayment.
- (2) If the client has only one provider during a month, that provider is the primary provider. If the client uses more than one provider, the client must designate one as the primary provider. Notwithstanding any designation by the client, the Department considers a provider having the copayment amount (not to exceed the client's established copayment amount) deducted from its valid billing statement the primary provider for that period.
- (3) If the copayment exceeds the amount billed by the primary provider, the Department may treat a different provider as the primary provider or split the copayment among the providers who bill for care.
- (4) The copayment amount due from the caretaker to the provider is the lesser of:
 - (a) The copayment amount determined by the Department based on family size and income.
 - (b) The total amount allowed by the Department on a provider claim.
- (5) A client who fails to pay a copayment to or to make satisfactory arrangements with the primary provider is ineligible for ERDC if the provider notifies the Department of an overdue copayment within 60 days after the Department issues payment for the month at issue. The period of ineligibility ends under any of the following circumstances:
 - (a) On the first day of the month in which the client makes the copayment or makes satisfactory arrangements with the provider.
 - (b) On the first day of the month after three years have lapsed from the date the client failed to make the copayment.
 - (c) On the first day of the month in which the client provides verification that the copayment debt was discharged by a bankruptcy filing.
- (6) The Department will make the payment to a provider if a Child Care Billing form is mailed to the provider prior to the notification described in section (5) of this rule.

Stat. Auth.: ORS 409.050, 409.610, 411.060, 411.070, 411.122

Stats. Implemented: ORS 409.050, 409.610, 411.060, 411.070, 411.122

461-140-0110

~~Eff. 4-1-11~~

Eff. 10-1-15

Treatment of Periodic Income

- (1) For SNAP and TANF clients in a filing group ([see OAR 461-110-0310](#)) that includes at least one member who is working under a TANF JOBS Plus agreement, *periodic income* (see OAR 461-001-0000) is excluded.
- (2) For [REF](#), [REFM](#), SNAP, and TANF clients not covered under section (1) of this rule, *periodic income* is averaged over the applicable period.
- (3) In the ERDC program, *periodic income* is ~~counted in one of two ways. The client is given a choice either to average~~ the income over the applicable period ~~or to have the income counted in the month it is expected to be received.~~
- (4) In the OSIP-EPD and OSIPM-EPD programs, *periodic income* received during a *certification period* ([see OAR 461-001-0000](#)) is averaged among the months in the *certification period*.
- (5) In all programs not covered under sections (1) to (4) of this rule, *periodic income* is counted in the month received.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.816, 412.014, 412.049

Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.816, 412.014, 412.049

Prospective or Retrospective Eligibility and Budgeting; ERDC, REF, REFM, SNAP, TANF

In the ERDC, REF, REFM, SNAP, and TANF programs, the Department determines how and when to use prospective or retrospective *eligibility* (see OAR 461-001-0000) and *budgeting* (see OAR 461-001-0000) as follows:

- (1) For the *initial month* (see OAR 461-001-0000):
 - (a) In the ERDC program, income is budgeted so the anticipated amount is the same for each month, including the *initial month*.
 - (b) For a SNAP case in CRS, the Department uses "actual income" (see subsection (h) of this section) in the *initial month*.
 - (c) For a SNAP program case in SRS, "actual income" is used in the *initial month* if that income is not reflective of ongoing monthly income due to a new or terminated source or a significant change in ongoing income. All other income is processed under section (3) of this rule.
 - (d) In the REF and TANF programs, ongoing income, processed under section (2) of this rule, is used in the *initial month*, except when the source of income is a new or terminated source. When there is a new or terminated source of income, "actual income" is used in the *initial month*.
 - (e) In the REFM program, the Department uses only the *initial month* for *eligibility* and *budgeting*.
 - (f) The Department uses prospective *eligibility* and *budgeting* under OAR 461-150-0020 for cases not covered under subsections (a) to (e) of this section, including for ~~a client~~ an individual who leaves a filing group (see [OAR 461-110-0310](#)) because of *domestic violence* (see OAR 461-001-0000) and enters a *domestic violence shelter* (see OAR 461-001-0000) or *safe home* (see OAR 461-001-0000).
 - (g) No supplement is issued based on incorrectly anticipated information.
 - (h) "Actual income" ~~is the means~~ income already received in the *initial month* plus all the income that reasonably may be expected to be received within the *initial month*.
- (2) Income is budgeted so that the anticipated amount is the same for each month. The type of income is determined and calculated as follows:
 - (a) Income that must be annualized is calculated under OAR 461-150-0090 to arrive at a monthly figure.
 - (b) Educational income (see OAR 461-145-0150) is assigned to the months it is intended to cover, regardless of when it is received. The income is prorated over these months.

- (c) Ongoing *stable income* (see OAR 461-001-0000) is anticipated under OAR 461-150-0070.
 - (d) Ongoing *variable income* (see OAR 461-001-0000) is anticipated under OAR 461-150-0080.
 - (e) *Periodic income* (see OAR 461-001-0000) is anticipated under OAR ~~461-140-0100~~ and 461-140-0110.
 - (f) *Lump-sum income* (see OAR 461-001-0000) is anticipated under OAR ~~461-140-0100, 461-140-0200, 461-140-0120, and 461-140-0123.~~
 - ~~(g) — In the ERDC program, for temporary income and other situations when the child care need will last two consecutive months or less, the income is anticipated to be received in the months of child care need and calculated under OAR 461-150-0080.~~
- (3) For an *ongoing month* (see OAR 461-001-0000):
- (a) For a *benefit group* (see OAR 461-110-0750), the Department uses prospective *eligibility* and *budgeting*. The type of income is determined and calculated under section (2) of this rule.
 - (b) If the *budgeting* method changes from prospective to retrospective, the Department treats income from a terminated source that was counted prospectively as follows:
 - (A) If the actual amount received was less than or equal to the anticipated amount, the income is excluded.
 - (B) If the actual amount received was greater than the anticipated amount, the Department counts the difference between actual and anticipated amounts.
- (4) When an individual is added to an ongoing filing and *benefit group*, prospective budgeting is used to determine *eligibility*.
- (5) In the ~~ERDC and~~ SNAP programs, income reported on the Interim Change Report form under OAR 461-170-0011 and 461-170-0102 is used to determine *eligibility* and benefit level. Income for the fifth month of the SNAP program *certification period* (see OAR 461-001-0000) is used to determine the income for the seventh and following months in the *certification period* if the client individual anticipates ~~if the income~~ will remain the same throughout the period. If the client individual anticipates the income will change, the client individual and the Department jointly estimate the income for the remaining months of the *certification period*. For ~~a client an individual~~ who had self-employment income annualized, no change is made unless there is a substantial change in the revenue of the business.

Stat. Auth.: ORS [409.050](#), 411.060, 411.070, 411.404, 411.816, 412.049

Stats. Implemented: ORS [409.010](#), [409.050](#), [409.610](#), 411.060, 411.070, 411.404, 411.816, 412.049

Child Care Eligibility Standard, Payment Rates, and Copayments

The following provisions apply to child care in the ERDC, JOBS, JOBS Plus, and TANF programs:

- (1) The following definitions apply to the rules governing child care rates:
 - (a) **Infant:** For all providers other than licensed (registered or certified) care, a child aged newborn to 1 year. For licensed care, an infant is a child aged newborn to 2 years.
 - (b) **Toddler:** For all providers other than licensed (registered or certified) care, a child aged 1 year to 3 years. For licensed care, a toddler is a child aged 2 years to 3 years.
 - (c) **Preschool:** A child aged 3 years to 6 years.
 - (d) **School:** A child aged 6 years or older.
 - (e) **Special Needs:** A child who meets the age requirement of the program (ERDC or TANF) and who requires a level of care over and above the norm for his or her age due to a physical, behavioral, or mental disability. The need for a higher level of care must be determined by the provider and the disability must be verified by one of the following:
 - (A) A physician, nurse practitioner, clinical social worker, or any additional sources in OAR 461-125-0830.
 - (B) Eligibility for Early Intervention and Early Childhood Special Education Programs, or school-age Special Education Programs.
 - (C) Eligibility for SSI.
- (2) The following definitions apply to the types of care specified in the child care rate charts in subsections (4)(a) through (4)(c) of this rule:
 - (a) The *Standard Family Rate* applies to child care provided in the provider's own home or in the home of the child when the provider does not qualify for the enhanced rate allowed by subsection (b) of this section.
 - (b) The *Enhanced Family Rate* applies to child care provided in the provider's own home or in the home of the child when the provider meets the training requirements of the Oregon Registry, established by the Oregon Center for Career Development in Childhood Care and Education.
 - (c) The *Registered Family Rate* applies to child care provided in the provider's own home when the provider meets criteria established by the Office of Child Care.
 - (d) The *Certified Family Rate* applies to child care provided in a residential dwelling that is certified by the Office of Child Care as a Certified Family Home. To earn

this designation, the facility must be inspected, and both provider and facility are required to meet certain standards not required of a registered family provider.

- (e) The *Standard Center Rate* applies to child care provided in a facility that is not located in a residential dwelling and is exempt from Office of Child Care Certification rules (see OAR 414-300-0000).
 - (f) The *Enhanced Center Rate* applies to child care provided in an exempt center whose staff meet the training requirements of the Oregon Registry established by the Oregon Center for Career Development in Childhood Care and Education. Eligibility to receive the enhanced center rate for care provided in an exempt center is subject to the following requirements:
 - (A) A minimum of one staff member for every 20 children in care must meet the Oregon Registry training requirements noted in subsection (b) of this section.
 - (B) New staff must meet the Oregon Registry training requirements within 90 days of hire, if necessary to maintain the trained staff-to-children ratio described in paragraph (A) of this subsection.
 - (C) There must be at least one person present where care is provided who has a current certificate in infant and child CPR and a current American Red Cross First Aid card or an equivalent.
 - (g) An enhanced rate will become effective not later than the second month following the month in which the Department receives verification that the provider has met the requirements of subsection (b) or (f) of this section.
 - (h) The *Certified Center Rate* applies to child care provided in a center that is certified by the Office of Child Care.
- (3) The following provisions apply to child care payments:
- (a) Providers not eligible for the enhanced or licensed rate will be paid at an hourly rate for children in care less than 158 hours per month subject to the maximum full-time monthly rate.
 - (b) Providers eligible for the enhanced or licensed rate will be paid at an hourly rate for children in care less than 136 hours a month, unless the provider customarily bills all families at a part-time monthly rate subject to the maximum full-time monthly rate and is designated as the primary provider for the case.
 - (c) At their request, providers eligible for the enhanced or licensed rate may be paid at the part-time monthly rate if they provide 63 or more hours of care in the month, customarily bill all families at a part-time monthly rate, and are designated as the primary provider for the case.

- (d) Unless required by the circumstances of the client or child, the Department will not pay for care at a part-time monthly or a monthly rate to more than one provider for the same child for the same month.
 - (e) The Department will pay at the hourly rate for less than 63 hours of care in the month subject to the maximum full-time monthly rate.
 - (f) The Department will pay for up to five days each month the child is absent if:
 - (A) The child was scheduled to be in care and the provider bills for the amount of time the child was scheduled to be in care; and
 - (B) It is the provider's policy to bill all families for absent days.
 - (g) The Department will not pay for more than five consecutive days of scheduled care for which the child is absent.
- (4) The following are the child care rates based on the type of provider, the location of the provider (shown by zip code), the age of the child, and the type of billing used (hourly or monthly):

(a)

Group Area A
STANDARD RATE MAXIMUMS (Not Licensed)

	Standard Family Rate		Standard Center Rate	
	1-157 Hours per month	158-215 Hours per month	1-157 Hours per month	158-215 Hours per month
	Hourly	Monthly	Hourly	Monthly
Infant	\$2.90	\$521	\$5.25	\$848
Toddler	\$2.90	\$487	\$5.25	\$778
Preschool	\$2.90	\$481	\$4.50	\$638
School	\$2.90	\$455	\$4.50	\$544
Special Needs	\$2.90	\$521	\$5.25	\$848

ENHANCED RATE MAXIMUMS (Not Licensed)

	Enhanced Family Rate			Enhanced Center Rate		
	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month
	Hourly	Part-time	Monthly	Hourly	Part-time	Monthly
Infant	\$3.01	\$422	\$562	\$5.95	\$721	\$961
Toddler	\$3.00	\$394	\$525	\$5.95	\$662	\$882
Preschool	\$3.00	\$390	\$520	\$5.10	\$543	\$723
School	\$3.00	\$368	\$491	\$5.10	\$463	\$617
Special Needs	\$3.01	\$422	\$562	\$5.95	\$721	\$961

LICENSED RATE MAXIMUMS

	Registered Family Rate	Certified Family Rate	Certified Center Rate
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(c)

Group Area C
STANDARD RATE MAXIMUMS (Not Licensed)

	Standard Family Rate		Standard Center Rate	
	1-157 Hours per month	158-215 Hours per month	1-157 Hours per month	158-215 Hours per month
	Hourly	Monthly	Hourly	Monthly
Infant	\$2.42	\$396	\$2.74	\$440
Toddler	\$2.20	\$372	\$2.91	\$432
Preschool	\$2.20	\$360	\$2.25	\$340
School	\$2.20	\$360	\$2.52	\$372
Special Needs	\$2.42	\$396	\$2.74	\$440

ENHANCED RATE MAXIMUMS (Not Licensed)

	Enhanced Family Rate			Enhanced Center Rate		
	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month
	Hourly	Part-time	Monthly	Hourly	Part-time	Monthly
Infant	\$2.64	\$308	\$432	\$3.11	\$375	\$499
Toddler	\$2.40	\$297	\$400	\$3.30	\$367	\$489
Preschool	\$2.40	\$290	\$390	\$2.55	\$290	\$386
School	\$2.40	\$285	\$391	\$2.85	\$316	\$421
Special Needs	\$2.64	\$308	\$432	\$3.11	\$375	\$499

LICENSED RATE MAXIMUMS

	Registered Family Rate			Certified Family Rate			Certified Center Rate		
	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month
	Hourly	Part-time	Monthly	Hourly	Part-time	Monthly	Hourly	Part-time	Monthly
Infant	\$2.75	\$338	\$450	\$3.50	\$413	\$550	\$3.65	\$440	\$586
Toddler	\$2.50	\$338	\$450	\$3.48	\$357	\$475	\$3.88	\$432	\$575
Preschool	\$2.50	\$315	\$420	\$3.38	\$338	\$450	\$3.00	\$340	\$453
School	\$2.50	\$330	\$440	\$3.10	\$330	\$440	\$3.35	\$372	\$495
Special Needs	\$2.75	\$338	\$450	\$3.50	\$413	\$550	\$3.65	\$440	\$586

Zip Codes for Group Area C: Balance of State, Other State Zips

97001	97020	97021	97026	97029	97032	97033	97037	97039	97040	97050	97054	97057
97063	97065	97101	97102	97130	97136	97137	97144	97145	97147	97324	97329	97335
97342	97345	97346	97347	97350	97358	97359	97360	97364	97368	97369	97375	97384
97388	97390	97396	97406	97407	97409	97410	97411	97412	97413	97414	97416	97417
97419	97425	97427	97428	97429	97430	97432	97433	97434	97435	97436	97437	97438
97439	97441	97442	97443	97447	97449	97450	97451	97453	97458	97460	97461	97462
97463	97464	97466	97467	97468	97469	97472	97473	97476	97480	97481	97484	97486

97488	97490	97491	97492	97493	97494	97495	97496	97497	97498	97499	97522	97523
97526	97527	97530	97531	97532	97533	97536	97537	97538	97539	97540	97541	97543
97544	97601	97603	97604	97620	97621	97622	97623	97624	97625	97626	97627	97630
97632	97633	97634	97635	97636	97637	97638	97639	97640	97641	97710	97711	97712
97720	97721	97722	97730	97731	97732	97733	97734	97735	97736	97737	97738	97739
97740	97741	97742	97750	97751	97752	97753	97754	97758	97761	97810	97814	97817
97818	97819	97820	97821	97822	97823	97824	97825	97826	97827	97828	97830	97831
97833	97834	97835	97836	97837	97838	97839	97840	97841	97842	97843	97844	97845
97846	97848	97850	97856	97857	97859	97861	97862	97864	97865	97867	97868	97869
97870	97871	97872	97873	97874	97875	97876	97877	97880	97882	97883	97884	97885
97886	97901	97902	97903	97904	97905	97906	97907	97908	97909	97910	97911	97913
97914	97918	97919	97920									

- (5) Except to the extent provided otherwise in section (12) of this rule, this section establishes the ERDC eligibility standard and the client's copayment (copay).
- (a) ~~The~~ At initial certification, the ERDC eligibility standard is met for a need group (see OAR 461-110-0630) of eight or less if monthly *countable income* (see OAR 461-001-0000) for the need group is less than 185 percent of the federal poverty level (FPL), as described in OAR 461-155-0180(6). The eligibility standard for a need group of eight applies to any need group larger than eight.
- (b) During the certification period (see OAR 461-001-0000) and at recertification the ERDC eligibility standard is met for a need group of eight or less if monthly countable income for the need group during the 12 month period is less than 85 percent state median income (SMI) or 250 percent FPL, whichever is higher, as described in OAR 461-155-0180(8) and (9). The eligibility standard for a need group of eight applies to any need group larger than eight.
- (bc) The minimum monthly ERDC copay is \$25.
- (ed) For a filing group (see OAR 461-110-0310) whose *countable income* is at or below 50 percent of the 2007 FPL, the copay is \$25 or 1.5 percent of the filing group's monthly *countable income*, whichever is greater.
- (de) For a filing group whose *countable income* is over 50 percent of the 2007 FPL, the copay amount is determined with the following percentage of monthly income:
- (A) Divide the filing group's *countable income* by the 2007 FPL, drop all digits beyond two decimal points, subtract 0.5, and multiply this difference by 0.12.
- (B) Add .015 to the amount in paragraph (A) of this subsection. This sum is the percentage of monthly income used to determine the copay amount.

Multiply this sum by the filing group's *countable income* and round to the nearest whole dollar.

- (ef) The 2007 federal poverty level used to determine copay amounts under subsections (ed) and (de) of this section is set at the following amounts:

Number in Family	Gross Monthly Income	Gross Yearly Income
2	\$1,141	\$13,690
3	1,431	17,170
4	1,721	20,650
5	2,011	24,130
6	2,301	27,610
7	2,591	31,090
8 or more	2,881	34,570

- (6) Subject to the provisions in section (9) of this rule, the monthly limit for each child's child care payments is the lesser of the amount charged by the provider or providers and the following amounts:
- (a) The monthly rate provided in section (4) of this rule.
 - (b) The product of the hours of care, limited by section (8) of this rule, multiplied by the hourly rate provided in section (4) of this rule.
- (7) The limit in any month for child care payments on behalf of a child whose caretaker is away from the child's home for more than 30 days because the caretaker is a member of a reserve or National Guard unit that is called up for active duty is the lesser of the following:
- (a) The amount billed by the provider or providers.
 - (b) The monthly rate established in this rule for 215 hours of care.
- (8) The number of payable billed hours of care for a child is limited as follows:
- (a) In the ERDC and TANF programs, the total payable hours of care in a month may not exceed:
 - (A) 125 percent of the number of child care hours ~~necessary for the client to perform the duties of his or her job, authorized:~~
 - (i) Under OAR 461-160-0040(2) and (5); or
 - (ii) to ~~To~~ participate in activities included in a *case plan* (see OAR 461-001-0025) including, for clients in the JOBS Plus program, the

time the client searches for unsubsidized employment and for which the employer pays the client; or

- (B) The monthly rate established in section (4) of this rule multiplied by a factor of not more than 1.5, determined by dividing the number of hours billed by 215, when the client meets the criteria for extra hours under section (10) of this rule.
- (b) In the ERDC program, for a client who earns less than the Oregon minimum wage, the total may not exceed 125 percent of the anticipated earnings divided by the state minimum wage not to exceed 172 hours (which is full time). ~~The limitation of this subsection is waived for the first three months of the client's employment.~~
- (c) In the TANF program, for a client who earns less than the Oregon minimum wage or is self-employed, the total may not exceed 125 percent of the anticipated earnings divided by the state minimum wage not to exceed 172 hours (which is full time). The limitation of this subsection is waived for the first three months of the client's employment.
- (d) In the ERDC program, employed caretakers eligible under OAR 461-135-0400 may have education hours added to the authorized work hours. Education hours may not exceed authorized work hours and combined hours may not exceed 215 hours per month. Education hours are hours required to participate in coursework, including study time, that leads to a certificate, degree, or job-related knowledge or skills attainment at an institution of higher education approved to receive federal financial aid.
- (9) The limit in any month for child care payments on behalf of a child whose caretaker has special circumstances, defined in section (10) of this rule, is the lesser of one of the following:
 - (a) The amount billed by the provider or providers; or
 - (b) The monthly rate established in section (4) of this rule multiplied by a factor, of not more than 1.5, determined by dividing the number of hours billed by 215.
- (10) The limit allowed by section (9) of this rule is authorized once the Department has determined the client has special circumstances. For the purposes of this section, a client has special circumstances when it is necessary for the client to obtain child care in excess of 215 hours in a month to perform the requirements of his or her employment or training required to keep current employment. This is limited to the following situations:
 - (a) The commute time to and from work exceeds two hours per day.

- (b) The caretaker works an overnight shift and care is necessary for both work hours and sleep hours.
 - (c) The caretaker works a split shift and it is not feasible to care for the child between shifts.
 - (d) The caretaker consistently works more than 40 hours per week.
 - ~~(e) Weekend work or other nonstandard work hours require care by more than one provider, and the total allowable hours billed by both providers exceeds the maximum limit.~~
 - ~~(f) The caretaker needs child care for both full-time work and participation in Department assigned activities.~~
- (11) The payment available for care of a child who meets the special needs criteria described in subsection (e) of section (1) of this rule is increased in accordance with OAR 461-155-0151 if the requirements of both of the following subsections are met:
- (a) The child requires significantly more direct supervision by the child care provider than normal for a child of the same age.
 - (b) The child is enrolled in a local school district Early Intervention or Early Childhood Special Education program or school-age Special Education Program. The enrollment required by this subsection is waived if determined inappropriate by a physician, nurse practitioner, licensed or certified psychologist, clinical social worker, or school district official.
- (12) Starting May 1, 2012:
- (a) The minimum monthly ERDC copay is \$27.
 - (b) Except as stated in subsection (a) of this section, the Department adds 10 percent to the monthly client copay amount set under section (5) of this rule by multiplying the copay amount by 1.1 and rounding down to the nearest whole dollar.
- (13) A provider caring for a child in a contracted child care slot with the Department will be paid the lesser of the monthly rate provided in section (4) of this rule or the amount charged by the provider.

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

Stats. Implemented: ORS 409.010, 409.050, 409.610, 411.060, 411.070, 412.006, 412.049

~~Poverty Related~~ Income Standards; Not OSIP, OSIPM, QMB

- (1) A Department program may cite this rule if the program uses a monthly income standard based on the federal poverty level [or state median income](#).
- (2) A monthly income standard set at 100 percent of the 2014 federal poverty level is set at the following amounts:

Size of Group	Standard
1	\$ 973
2	1,311
3	1,650
4	1,988
5	2,326
6	2,665
7	3,003
8	3,341
9	3,680
10	4,018
+1	+339

- (3) A monthly income standard set at 133 percent of the 2014 federal poverty level is set at the following amounts:

Size of Group	Standard
1	\$1,294
2	1,744
3	2,194
4	2,644
5	3,094
6	3,544
7	3,994
8	4,444
9	4,894
10	5,344
+1	+450

- (4) A monthly income standard set at 150 percent of the 2014 federal poverty level is set at the following amounts:

Size of Group	Standard
1	\$1,459
2	1,967
3	2,474
4	2,982
5	3,489
6	3,997
7	4,504
8	5,012

- (5) A monthly income standard set at 163 percent of the 2014 federal poverty level is set at the following amounts:

Size of Group	Standard
1	\$1,586
2	2,137
3	2,689
4	3,240
5	3,792
6	4,343
7	4,895
8	5,446
9	5,998
10	6,549
+1	+552

- (6) A monthly income standard set at 185 percent of the 2015 federal poverty level is set at the following amounts:

Size of Group	Standard
1	\$1,815
2	2,457
3	3,099
4	3,739
5	4,381
6	5,023
7	5,663
8	6,305
9	6,947
10	7,589
+1	+642

- (7) A monthly income standard set at 200 percent of the 2014 federal poverty level is set at the following amounts:

Size of Group	Standard
1	\$1,945
2	2,622
3	3,299
4	3,975
5	4,652
6	5,329
7	6,005
8	6,682
+1	+677

- (8) A monthly income standard set at 250 percent of the 2015 federal poverty level is set at the following amounts:

<u>Size of Group</u>	<u>Standard</u>
<u>2</u>	<u>\$3,319</u>
<u>3</u>	<u>4,185</u>
<u>4</u>	<u>5,052</u>
<u>5</u>	<u>5,919</u>
<u>6</u>	<u>6,785</u>
<u>7</u>	<u>7,652</u>
<u>8</u>	<u>8,519</u>

- (9) A monthly income standard set at 85 percent of the 2015 state median income is set at the following amounts:

<u>Size of Group</u>	<u>Standard</u>
<u>2</u>	<u>\$3,994</u>
<u>3</u>	<u>4,362</u>
<u>4</u>	<u>5,089</u>
<u>5</u>	<u>5,663</u>
<u>6</u>	<u>6,237</u>
<u>7</u>	<u>6,811</u>
<u>8</u>	<u>7,384</u>

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.816, 412.014, 412.049
Stats. Implemented: ORS 409.010, 411.060, 411.070, 411.816, 412.014, 412.049

Changes That Must be Reported

- (1) A change in employment status is considered to occur as follows:
 - (a) For a new job, the change occurs the first day of the new job.
 - (b) For a job separation, the change occurs on the last day of employment.
- (2) A change in source of income is considered to occur as follows:
 - (a) For earned income, the change occurs upon the receipt by the client of the first paycheck from a new job or the first paycheck reflecting a new rate of pay.
 - (b) For unearned income, the change occurs the day the client receives the new or changed payment.
- (3) A client must report, orally or in writing, the following changes:
 - (a) In the ERDC program:
 - ~~(A)~~ A client not participating in SRS in the SNAP program must report the following changes within 10 days of occurrence:
 - ~~(i)~~ A change in child care provider.
 - ~~(ii)~~ A change in employment status.
 - ~~(iii)~~ A change in mailing address or residence.
 - ~~(iv)~~ A change in membership of the filing group (see OAR 461-110-0350).
 - (D) A parent (see OAR 461-001-0000) of a child (see OAR 461-001-0000) or unborn or spouse (see OAR 461-001-0000) of the caretaker (see OAR 461-001-0000) moves into the residence.
 - (E) A member of the filing group (see OAR 461-110-0350) is discharged from the U.S. military and returning from active duty in a military war zone.
 - ~~(v)~~ A change in source of income above the ERDC income limit as defined in OAR 461-155-0150(5)(b) that is expected to continue.
 - ~~(B)~~ A client participating in SRS in the SNAP program must report the following changes by the tenth day of the month following the month of occurrence:

- ~~(i) A change in child care provider.~~
- ~~(ii) Loss of employment.~~
- ~~(iii) Monthly income exceeding the SNAP countable income limit.~~
- ~~(iv) A parent (see OAR 461-001-0000) of a child or unborn or the spouse of the caretaker moves into the residence.~~

~~(C) The ERDC case may continue to follow the reporting requirements in paragraph (3)(a)(B) of this rule without a companion SNAP case in SRS when:~~

- ~~(i) The ERDC case was certified in the fifth or sixth month of the SNAP certification period (see OAR 461-001-0000); and~~
- ~~(ii) The SNAP companion case automatically closes because the Interim Change Report (see OAR 461-170-0010) was not received.~~

(b) In the SNAP program:

- (A) A client assigned to CRS must report any of the following changes within 10 days of occurrence:
 - (i) A change in earned income of more than \$100.
 - (ii) A change in unearned income of more than \$50.
 - (iii) A change in source of income.
 - (iv) A change in membership of the *filing group* (see OAR 461-110-0370) and any resulting change in income.
 - (v) A change in residence and the shelter costs in the new residence.
 - (vi) A change in the legal obligation to pay child support.
 - (vii) When the sum of cash on hand, stocks, bond, and money in a bank or savings institution account reaches or exceeds program resource limits.
 - (viii) Acquisition or change in ownership of a non-excluded vehicle.
- (B) A client assigned to SRS must report when the filing group's monthly income exceeds the SNAP countable income limit by the tenth day of the month following the month of occurrence.

- (C) A client assigned to TBA is not required to report any changes.
- (c) For JPI (see OAR 461-135-1260), a client must follow the same reporting requirements as a SNAP client assigned to CRS, SRS or TBA reporting systems (see OAR 461-170-0010).
- (d) In the GA, GAM, OSIP, OSIPM, and QMB programs, a client must report all changes that may affect eligibility within 10 days of occurrence, including any of the following changes:
 - (A) A change in employment status.
 - (B) A change in health care coverage.
 - (C) A change in membership of the *household group* (see OAR 461-110-0210).
 - (D) A change in marital status.
 - (E) A change in residence.
 - (F) A change in resources.
 - (G) A change in source or amount of income.
- (e) In the REF, SFPSS, and TANF programs, clients assigned to CRS must report any of the following changes within 10 days of occurrence:
 - (A) Acquisition or change in ownership of a non-excluded vehicle.
 - (B) A change in earned income more than \$100.
 - (C) A change in employment status.
 - (D) A change in membership of the *household group* (see OAR 461-110-0210).
 - (E) A change in marital status or other changes in membership of the filing group.
 - (F) A change in mailing address or residence.
 - (G) A change in pregnancy status of any member of the filing group.
 - (H) A change in source of income.

- (I) A change in unearned income more than \$50.
 - (J) A change in who pays the shelter costs if the costs will be paid by a non-custodial *parent*.
 - (K) Sale or receipt of a resource that causes total resources to exceed program resource limits.
- (f) In the REFM program, clients must report the following changes within 10 days of occurrence:
- (A) A change in membership of the *household group* (see OAR 461-110-0210).
 - (B) A change in residence.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049, 414.231
Stats. Implemented: ORS 411.060, 411.070, 411.081, 411.404, 411.704, 411.706, 411.816, 412.014, 412.049, 414.025, 414.231, 414.826

461-170-0101
Simplified Reporting System (SRS); ~~ERDC~~, SNAP

~~Eff. 6-30-15~~

Eff. 10-1-15

In the ~~ERDC and~~ SNAP programs:

- (1) OAR 461-170-0101 to 461-170-0104 establish and explain the Simplified Reporting System (SRS).
- (2) A *filing group* (see OAR 461-110-0370) certified to receive SNAP program benefits for less than six months may not participate in SRS.
- (3) A *filing group* (~~see OAR 461-110-0350 and 461-110-0370~~) with a member working under a JOBS Plus agreement may not participate in SRS.

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

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.816, 412.049

461-170-0102

~~Tech. Eff. 1-1-10~~

Eff. 10-1-15

Required Reports for the Simplified Reporting System (SRS) -- Interim Change Report; ~~ERDC~~, SNAP

In the ~~ERDC~~ and SNAP programs:

- (1) During the sixth month of a *certification period* (see OAR 461-001-0000), ~~a client an~~ individual participating in SRS and certified for benefits for longer than six months must submit to the Department, on a form designated by the Department, an Interim Change Report of household circumstances, unless the household has no earned income and each adult member is *elderly* (see OAR 461-001-0015) or an individual with a *disability* (see OAR 461-001-0015).
- (2) The required Interim Change Report form is considered complete when it is received by the Department by the last day of the sixth month of the *certification period* and:
 - (a) The ~~client individual~~ completely and accurately answers all questions necessary to determine *eligibility* (see OAR 461-001-0000) and benefit amounts;
 - (b) The ~~client individual~~ provides all required verification; and
 - (c) The form contains the signature of the *primary person* (see OAR 461-001-0015) or the *authorized representative* (see OAR 461-001-0000 and 461-115-0090).

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

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.081, 411.087, 411.816

461-170-0103

~~Tech. Eff. 1-1-10~~

Eff. 10-1-15

Actions Resulting From Changes in Household Circumstances; Simplified Reporting System (SRS); ~~ERDC~~, SNAP

In the ~~ERDC and~~ SNAP programs, benefits may be changed for ~~a client~~ an individual using SRS -- based on information obtained other than through the Interim Change Report -- only as follows:

- (1) The benefit level ~~will be~~ is increased if the information demonstrates the ~~client~~ individual is eligible for greater benefits.
- (2) The benefits ~~will be~~ are closed or reduced if any of the following subsections apply:
 - (a) The household requests a closure of benefits.
 - (b) The action is based on information that is *verified upon receipt*. Information is considered *verified upon receipt* if--
 - (A) It is not questionable and the ~~person~~ individual making the report has first-hand knowledge of the information reported; or
 - (B) Verification is provided with the reported change in accordance with OAR 461-115-0651.
 - (c) The ~~client~~ individual reports information that results in loss of *eligibility* (see OAR 461-001-0000).
 - (d) The ~~client~~ individual reports *financial group* (see OAR 461-110-0530) income exceeding the SNAP program *countable* (see OAR 461-001-0000) income limit.
- (3) The Department acts on information reported through computer matches when the Interim Change Report is processed, when the ~~client~~ individual is recertified, or when the monthly match with the Department of Corrections indicates a member is incarcerated.

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

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.081, 411.816, 411.825, 411.837

461-170-0104

~~Tech. Eff. 1-1-10~~

Eff. 10-1-15

Failure to Submit Interim Change Report; Simplified Reporting System (SRS); ~~ERDC~~, SNAP

In the ~~ERDC and~~ SNAP programs:

- (1) If the Department does not receive a complete Interim Change Report by the last day of the sixth month of the *certification period* (see OAR 461-001-0000), benefits for the seventh month of the *certification period* are suspended. If the Interim Change Report is not received during the month of suspension, the client individual is ineligible for that month.
- (2) If a completed Interim Change Report is received by the last day of the seventh month, it is used to determine *eligibility* (see OAR 461-001-0000) and benefit level for the seventh and remaining months of the *certification period*.

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

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.081, 411.816, 411.825, 411.837

Notice Situation; Failure to Submit Report for SRS or ERDC Reapplication

- (1) In the ERDC program, the Department sends a *continuing benefit decision notice* (see OAR 461-001-0000):
 - ~~(a) To~~ to close benefits when the *benefit group* (see OAR 461-110-0750) fails to return the reapplication form. The case is closed on the last day of the last month of the *certification period* (see OAR 461-001-0000); ~~and~~
 - ~~(b) When the Interim Change Report is not returned in a timely manner (see section (2) of this rule).~~
- (2) In the ~~ERDC and~~ SNAP programs, the Department sends a *continuing benefit decision notice* when a *benefit group* in Simplified Reporting System (SRS) fails to return the Interim Change Report by the 10th day of the sixth month of the *certification period*. The notice informs the *benefit group* that:
 - (a) The report was not received by the Department by the 10th day of the sixth month in the *certification period*.
 - (b) The *benefit group* has until the end of the sixth month of the *certification period* to provide the report to receive benefits for the seventh month of the *certification period*.
 - (c) If the report is not received by the Department by the last day of the sixth month of the *certification period*, SNAP program benefits will be suspended ~~and ERDC program benefits will be closed~~ effective the last day of the sixth month.
 - (d) The SNAP program case ~~will~~ remains in suspended status for a month and then ~~be~~ is closed.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.095, 411.816

Stats. Implemented: ORS 409.010, 409.050, 409.610, 411.060, 411.070, 411.087, 411.095, 411.816, 411.825, 411.837

461-180-0006

~~Tech. Eff. 1-1-10~~

Eff. 10-1-15

Effective Dates; Changes in the Simplified Reporting System (SRS); ~~ERDC~~, SNAP

In the ~~ERDC and~~ SNAP programs:

(1) The effective date of a change based on an Interim Change Report is:

(a) The first day of the seventh month of the *certification period* (see OAR 461-001-0000); or

(b) If the change causes benefits to close, the last day of the sixth month of the *certification period*.

(2) The effective date of a change not based on an Interim Change Report is as follows:

(a) For a change resulting in an increase in benefits, the effective date is determined in accordance with OAR 461-180-0010 and 461-180-0020.

(b) For a change resulting in a decrease in benefits, the effective date for reducing benefits is the first of the month following the month in which the decision notice period ends.

(c) For a change resulting in a closure of benefits, the effective date is the last day of the month in which the notice period ends.

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

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.816, 411.825, 411.837