

Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies are true, full and correct copies of the PERMANENT Rule(s) adopted on

February 3, 2016 by the

Department of Human Services, Office of Self-Sufficiency Programs
Agency and Division

461
Chapter Number

Kris Skaro	Human Services Building 500 Summer St NE, E-48 Salem, OR 97301	503-945-6067	kris.a.skaro@state.or.us
------------	--	--------------	--

Rules Coordinator	Address	Telephone	Email
-------------------	---------	-----------	-------

to become effective February 3, 2016.

Rulemaking Notice was published in the November 2015 Oregon Bulletin.

Rule Caption: *Amending rule relating to determining eligibility for OSIPM*

AMEND: 461-135-0780

ORS 411.060, 411.070, 411.083, 411.404

Stat. Auth.

None.

Other Auth.

ORS 411.060, 411.070, 411.083, 411.404, 411.704

Stats. Implemented

Rule Summary

OAR 461-135-0780 about eligibility for the so-called Pickle amendment in OSIPM (Oregon Supplemental Income Program Medical) is being amended to reflect the annual Cost of Living Adjustment (COLA). This year, there was no federal update to the COLA. However, the rule still needs to be amended to reflect that the amount used when calculating the prior year's Social Security Benefit for 2014 will be the same for 2015.

Eligibility for Pickle Amendment Clients; OSIPM

- (1) An individual is eligible for OSIPM under this rule and the so-called Pickle amendment (Pub. L. No. 94-566, § 503, title V, 90 Stat. 2685 (1976)), if the individual meets all other eligibility requirements, and:
 - (a) Is receiving Social Security Benefits (SSB);
 - (b) Was eligible for and receiving SSI or state supplements but became ineligible for those payments after April 1977; and
 - (c) Would be eligible for SSI or state supplement if the SSB COLA increases paid under section 215(i) of the Social Security Act, after the last month the individual was both eligible for and received SSI or a supplement and was entitled to SSB, were deducted from current SSB.
- (2) The SSB amount received by the individual when the individual became ineligible for SSI or OSIP is used as the individual's *countable* (see OAR 461-001-0000) Social Security income, for the purposes of the Pickle Amendment. If the amount cannot be determined using the information provided by the SSA, it is calculated in accordance with sections (3) and (5) of this rule.
- (3) Determine the month in which the individual was entitled to Social Security and received SSI in the same month. Use the table in section (5) of this rule to find the percentage that applies to that month. Multiply the present amount of the individual's Social Security benefits by the applicable percentage. This amount, rounded down to the next lower whole dollar, is the individual's *countable* Social Security for purposes of this rule and the Pickle Amendment.
- (4) Add the amount determined in accordance with section (2) or (3) of this rule to any other *countable* unearned income plus adjusted earned income of the individual, and if the total is less than the full SSI income standard for a single individual plus the \$20 unearned income deduction (OAR 461-160-0550), the individual is eligible for OSIPM for purposes of this rule and the Pickle amendment.
 - (a) For spouses in the same *financial group* (see OAR 461-110-0530), determine the spouse's SSB amount in the year the individual stopped receiving SSI or perform the above calculation for the spouse's Social Security benefit using the same multiplier, regardless of whether or not the *spouse* (see OAR 461-001-0000) received SSI, combine the results and add the subtotal to all other *countable* unearned and adjusted earned income.
 - (b) If the total is less than the full SSI standard for a couple plus the \$20 unearned income deduction (OAR 461-160-0550), the couple is eligible for OSIPM for purposes of this rule and the Pickle amendment. All other financial and non-financial eligibility criteria must be met.

- (5) The following guide contains the calculations used to determine the SSB for prior years (use this table only if you cannot determine the prior year's amount using information provided by SSA):

If SSI was Last Received During	Multiply Current SSB by
January 2014 - December 2014 ⁴⁵983
January 2013 - December 2013.....	.969
January 2012 - December 2012.....	.953
January 2009 - December 2011.....	.919
January 2008 - December 2008.....	.869
January 2007 - December 2007.....	.850
January 2006 - December 2006.....	.822
January 2005 - December 2005.....	.790
January 2004 - December 2004.....	.769
January 2003 - December 2003.....	.753
January 2002 - December 2002.....	.743
January 2001 - December 2001.....	.724
January 2000 - December 2000.....	.700
January 1999 - December 1999.....	.683
January 1998 - December 1998.....	.675
January 1997 - December 1997.....	.661
January 1996 - December 1996.....	.642
January 1995 - December 1995.....	.626
January 1994 - December 1994.....	.609
January 1993 - December 1993.....	.593
January 1992 - December 1992.....	.576
January 1991 - December 1991.....	.555
January 1990 - December 1990.....	.527
January 1989 - December 1989.....	.503
January 1988 - December 1988.....	.484
January 1987 - December 1987.....	.464
January 1986 - December 1986.....	.458
January 1985 - December 1985.....	.445
January 1984 - December 1984.....	.430
July 1982 - December 1983.....	.415
July 1981 - June 1982.....	.386
July 1980 - June 1981.....	.348
July 1979 - June 1980.....	.304
July 1978 - June 1979.....	.277
July 1977 - June 1978.....	.260
May or June 1977.....	.245

Stat. Auth.: ORS 411.060, 411.070, 411.083, 411.404

Stats. Implemented: ORS 411.060, 411.070, 411.083, 411.404, 411.704