

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

June 30, 2016 by the

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

461
Chapter Number

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Rules Coordinator	Address	Telephone	Email
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to become effective December 28, 2016.

Rulemaking Notice was published in the November 2016 Oregon Bulletin.

Rule Caption: *Adopting rule relating to Achieving a Better Life Experience (ABLE) accounts*

ADOPT: 461-145-0000

ORS 409.050, 411.060, 411.070, 411.404, 411.816, 412.049

Stat. Auth.

ABLE Act of 2014 ([26 USC 529A](#))

Other Auth.

ORS 178.380, 409.010, 409.050, 411.060, 411.070

Stats. Implemented

Rule Summary

OAR 461-145-0000 about Achieving a Better Life Experience (ABLE) Act accounts is being adopted to comply with the Achieving a Better Life Experience (ABLE) Act of 2014 ([26 USC 529A](#)) and [ORS 178.380\(3\)](#) ([SB 777 \(2015\)](#)) by excluding funds held in an ABLE Act account from eligibility determination for DHS assistance programs. Disbursements from such accounts are excluded as income so long as such payments are consistent with the definition of Qualified Disability Expenses (QDEs). This makes permanent a temporary rule adopted on June 30, 2016.

THIS IS A NEW RULE

- (1) For all programs, funds held in ABLE Act accounts are excluded as resources.

- (2) For all programs, monies withdrawn from ABLE Act accounts are excluded as income if they are used for Qualified Disability Expenses. For purposes of this rule, "Qualified Disability Expenses" include, but are not limited to, the following:
 - (a) Education;
 - (b) Housing;
 - (c) Transportation;
 - (d) Employment training and support;
 - (e) Assistive technology and personal support services;
 - (f) Health;
 - (g) Prevention and wellness;
 - (h) Financial management and administrative services;
 - (i) Legal fees;
 - (j) Expenses for oversight and monitoring; and
 - (k) Funeral and burial expenses.

- (3) For all programs, funds withdrawn from ABLE Act accounts for purposes other than Qualified Disability Expenses (see section (2) of this rule) are counted as unearned income.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.083, 411.404, 411.816, 412.049

Stats. Implemented: ORS 178.375, 178.380, 409.050, 411.060, 411.070, 411.083, 411.404, 411.816, 412.049