

Secretary of State  
**CERTIFICATE AND ORDER FOR FILING TEMPORARY ADMINISTRATIVE RULES  
and  
STATEMENT OF NEED AND JUSTIFICATION**

I certify that the attached copies are true, full and correct copies of the TEMPORARY Rule(s) adopted on  
Effective date by the

Department of Human Services, Office of Self-Sufficiency Programs	461
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<b>Agency and Division</b>	<b>Chapter Number</b>
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<b>Rules Coordinator</b>	<b>Address</b>	<b>Telephone</b>	<b>Email</b>

to become effective March 24, 2017 through September 19, 2017.\*

*\*Temporary rules are effective for a maximum of 180 days including the effective date.*

**Rule Caption: Amending rule about direct provider payments for child care**

**In the Matter of: The Amendment of OAR 461-165-0160**

**AMEND:** 461-165-0160

ORS 329A.500, 409.050, 411.060, 411.070, 411.122, 412.049

**Stat. Auth.**

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**Other Auth.**

ORS 329A.500, 409.010, 411.060, 411.070, 411.122, 412.049

**Stats. Implemented**

## Rule Summary

OAR 461-165-0160 about direct payments to child care providers is being amended to allow licensed providers to receive reimbursement for care provided prior to their approval date so long as the client was eligible for child care services. Licensed providers have complete background checks through their licensing process.

The rule text showing the changes is available at [http://www.dhs.state.or.us/policy/selfsufficiency/ar\\_temporary.htm](http://www.dhs.state.or.us/policy/selfsufficiency/ar_temporary.htm).

## Need for the Rules

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OAR 461-165-0160 needs to be amended to increase the supply of eligible child care providers by allowing providers who have already passed a background check to qualify sooner to serve Department clients.

## Documents Relied Upon

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None

## Justification of Temporary Rules

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The Department finds that failure to act promptly by amending OAR 461-165-0160 will result in serious prejudice to the public interest, the Department, licensed child care providers, and subsidy families. The Department needs to proceed by temporary rule because the number of providers listed with the Department or willing to accept subsidy families has been dropping, meaning care is not available for families who need it to continue to work, which has an immediate effect on client self-sufficiency.

## Direct Provider Payments; General Information

- (1) The Department makes payments on behalf of eligible clients to the providers they select to care for their children. The payments are made directly to the provider. To be eligible for payment, a provider must:
  - (a) Charge Department clients at a rate no higher than the rate charged other customers;
  - (b) Provide the Department his or her social security number (SSN) or IRS identification number; and
  - (c) Meet the requirements of OAR 461-165-0180.
- (2) Payments to a client's provider are subject to each of the following limitations:
  - (a) A payment is made only for child care already provided.
  - (b) Payment is made for the amount charged to the client but may not exceed the rate authorized in OAR 461-155-0150.
  - (c) No payment will be authorized unless the client has designated a primary provider.
  - (d) No payment will be made for less than one dollar.
  - (e) ~~A~~ Except as provided otherwise in subsection (f) of this section, a payment is made only for child care provided on or after the date the designated provider has met the requirements to be listed and paid through the Department.
  - (f) A designated child care provider who the Department approves to be listed and paid through the Department may receive payment for child care provided prior to obtaining Department approval if the provider met the other Department requirements and was licensed under OAR 414-205-0000 to 414-205-0170, OAR 414-350-0000 to 414-350-0405, or OAR 414-300-0000 to 414-300-0415.
- (3) In the ERDC and TANF programs, the Department may issue a payment to an eligible provider during a month for which child care is being provided to meet an unexpected need of the provider related to the care of a covered child. The payment may be made if, without the payment, continued care by the same provider would be jeopardized and the client could not immediately obtain child care from another provider.

Stat. Auth.: ORS 329A.500, 409.050, 411.060, 411.070, 411.122, 412.049

Stats. Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.122, 412.049