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**TEMPORARY ADMINISTRATIVE ORDER**  
INCLUDING STATEMENT OF NEED & JUSTIFICATION

**SSP 4-2018**  
CHAPTER 461  
DEPARTMENT OF HUMAN SERVICES  
SELF-SUFFICIENCY PROGRAMS

**FILED**  
01/04/2018 2:34 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Correcting rule about countable income in the OSIPM program

EFFECTIVE DATE: 01/04/2018 THROUGH 03/31/2018

AGENCY APPROVED DATE: 01/04/2018

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NEED FOR THE RULE(S):

OAR 461-135-0780 about eligibility for Pickle Amendment clients needs to be amended to correct an overlap in dates for the multiplier used for the year 2016. The amendment corrects the error by setting out only one multiplier for this time period.

JUSTIFICATION OF TEMPORARY FILING:

The Department finds that failure to act promptly by amending OAR 461-135-0780 will result in serious prejudice to the public interest and the Department. The Department needs to proceed by temporary rule correct immediately an overlap in dates for the multiplier used for Social Security Benefits for the year 2016. The amendment corrects the error by setting out only one multiplier for this time period, avoiding incorrect eligibility determinations.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

None

AMEND: 461-135-0780

RULE TITLE: Pickle Amendment Clients; OSIPM

RULE SUMMARY: OAR 461-135-0780 about eligibility for Pickle Amendment clients is being amended to set out only one multiplier that applies to Social Security benefits in the year 2016. This corrects an error that had an overlap in dates for the multiplier used for the year 2016.

RULE TEXT:

In the OSIPM program:

(1) The countable (see OAR 461-001-0000) SSB income of an individual is determined according to sections (2) to (4) of this rule if the individual meets all of the following requirements:

- (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 SSB income, for the purposes of the Pickle Amendment. If the spouse (see OAR 461-001-0000) of the individual also had Social Security benefits at the time the individual lost SSI benefits, SSB amount at that time of the spouse is considered the countable income of the spouse. If the amount cannot be determined using the information provided by the SSA, it is calculated in accordance with section (3) of this rule.
- (3) The Department determines the month in which the individual was entitled to SSB and received SSI in the same month. The Department uses the table in section (4) of this rule to find the percentage that applies to that month. The Department multiplies the present amount of the SSB of the individual by the applicable percentage. If the spouse of the individual also had SSB at the time the individual lost SSI benefits, the Department adjusts the SSB of the spouse using the same multiplier that was used for the individual's calculation under this section. This amount, rounded down to the next lower whole dollar, is the individual's countable SSB income.
- (4) The following guide contains the calculations used to determine the SSB for prior years (the Department uses this table only if the prior year's amount using information provided by SSA): [see attached table]

STATUTORY/OTHER AUTHORITY: ORS 409.050, 411.060, 411.070, 411.083, 411.404, 413.085, 414.685

STATUTES/OTHER IMPLEMENTED: ORS 409.010, 411.060, 411.070, 411.083, 411.404, 411.704, 413.085, 414.685

In the OSIPM program:

- (1) The *countable* (see OAR 461-001-0000) SSB income of an individual is determined according to sections (2) to (4) of this rule if the individual meets all of the following requirements:
  - (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* SSB income, for the purposes of the Pickle Amendment. If the *spouse* (see OAR 461-001-0000) of the individual also had Social Security benefits at the time the individual lost SSI benefits, SSB amount at that time of the *spouse* is considered the *countable* income of the *spouse*. If the amount cannot be determined using the information provided by the SSA, it is calculated in accordance with section (3) of this rule.
- (3) The Department determines the month in which the individual was entitled to SSB and received SSI in the same month. The Department uses the table in section (4) of this rule to find the percentage that applies to that month. The Department multiplies the present amount of the SSB of the individual by the applicable percentage. If the *spouse* of the individual also had SSB at the time the individual lost SSI benefits, the Department adjusts the SSB of the *spouse* using the same multiplier that was used for the individual's calculation under this section. This amount, rounded down to the next lower whole dollar, is the individual's *countable* SSB income.
- (4) The following guide contains the calculations used to determine the SSB for prior years (the Department uses this table only if the prior year's amount using information provided by SSA):

If SSI was Last Received During	Multiply Current SSB by
January 2017 – December 2017.....	.983
January 2015 - December 2016.....	.980
January 2014 - December 2014.....	.964
January 2013 - December 2013.....	.950
January 2012 - December 2012.....	.934
January 2009 - December 2011.....	.901

January 2008 - December 2008.....	.852
January 2007 - December 2007.....	.833
January 2006 - December 2006.....	.806
January 2005 - December 2005.....	.775
January 2004 - December 2004.....	.754
January 2003 - December 2003.....	.739
January 2002 - December 2002.....	.728
January 2001 - December 2001.....	.710
January 2000 - December 2000.....	.686
January 1999 - December 1999.....	.670
January 1998 - December 1998.....	.661
January 1997 - December 1997.....	.648
January 1996 - December 1996.....	.629
January 1995 - December 1995.....	.613
January 1994 - December 1994.....	.597
January 1993 - December 1993.....	.582
January 1992 - December 1992.....	.565
January 1991 - December 1991.....	.544
January 1990 - December 1990.....	.517
January 1989 - December 1989.....	.493
January 1988 - December 1988.....	.474
January 1987 - December 1987.....	.455
January 1986 - December 1986.....	.449
January 1985 - December 1985.....	.436
January 1984 - December 1984.....	.421
July 1982 - December 1983.....	.407
July 1981 - June 1982.....	.379
July 1980 - June 1981.....	.341
July 1979 - June 1980.....	.298
July 1978 - June 1979.....	.271
July 1977 - June 1978.....	.255
May or June 1977.....	.241

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.083, 411.404, 413.085, 414.685  
Stats. Implemented: ORS 409.010, 411.060, 411.070, 411.083, 411.404, 411.704, 413.085,  
414.685