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ARCHIVES DIVISION  
MARY BETH HERKERT  
DIRECTOR  
  
800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

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

**SSP 10-2019**

CHAPTER 461  
DEPARTMENT OF HUMAN SERVICES  
SELF-SUFFICIENCY PROGRAMS

**FILED**  
04/01/2019 1:23 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Correcting rule about Qualified Partnership policies and OSIPM

EFFECTIVE DATE: 04/01/2019 THROUGH 06/30/2019

AGENCY APPROVED DATE: 03/27/2019

CONTACT: Robert Trachtenberg  
503-947-5290  
robert.trachtenberg@state.or.us

DHS-SSP  
500 Summer Street NE, E-48  
Salem, OR 97301

Filed By:  
Robert Trachtenberg  
Rules Coordinator

NEED FOR THE RULE(S):

OAR 461-160-0855 about excluded resources in the OSIPM program for payments received under a qualified partnership policy (QPP) needs to be amended to correct an error made when amending this rule permanently effective April 1, 2019. This error resulted in the QPP exclusion amount not applying to other countable resources, when in fact the opposite is true. This amendment maintains the correct conditions for excluding other countable resources.

JUSTIFICATION OF TEMPORARY FILING:

The Department finds that failure to act promptly by amending OAR 461-160-0855 will result in serious prejudice to the public interest, the Department, and some OSIPM clients receiving payments under a qualified partnership policy (QPP). Without this change, individuals with QPPs who apply for medical and long-term-care services starting April 1, 2019 may be denied for OSIPM incorrectly for excess resources and subsequently denied for long-term-care services.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

None.

AMEND: 461-160-0855

RULE SUMMARY: OAR 461-160-0855 about excluded resources in the OSIPM program for payments received under a qualified partnership policy (QPP) is being amended to correct an error made when amending this rule permanently effective April 1, 2019. This error resulted in the QPP exclusion amount not applying to other countable resources, when in fact the opposite is true.

CHANGES TO RULE:

461-160-0855

Excluded Resources for Payments Received Under a Qualified Partnership Policy; OSIPM ¶¶

In the OSIPM program:¶¶

(1) When a ~~client~~ individual in a non-standard living arrangement (see OAR 461-001-0000) applies for medical benefits, the Department excludes as a resource an amount equal to the insurance payments received under a Qualified Partnership Policy (see OAR 461-001-0000) as of the initial month (see OAR 461-001-0000) of eligibility, unless the Qualified Partnership Policy was purchased in a state that has elected not to participate in reciprocity.¶¶

(2) The exclusion in section (1) of this rule is subject to all of the following:¶¶

(a) It does not apply when home equity exceeds the limit in OAR 461-145-0220(2)(a).¶¶

(b) It ~~does not apply~~ ies to all other resources (not covered by subsection (a) of this section), notwithstanding other rules in this chapter of rules that designate the resources as countable (see OAR 461-001-0000).¶¶

(3) For the amount of resources excluded under this rule, the Department will not establish a claim against the ~~deceased person's estate~~ estate of the deceased individual in accordance with OAR 461-135-0835.

Statutory/Other Authority: 411.060, 411.070, 411.083, 411.404, 411.704, 411.706, 411.708, 414.025, ORS 409.050, 413.085, 414.685

Statutes/Other Implemented: 411.060, 411.070, 411.083, 411.404, 411.704, 411.706, 411.708, 414.025, ORS 409.010