

OFFICE OF THE SECRETARY OF STATE
BEV CLARNO
SECRETARY OF STATE

A. RICHARD VIAL
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
STEPHANIE CLARK
INTERIM DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

SSP 18-2019

CHAPTER 461
DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

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ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Adjusting an APD Medical Pickle Amendment Rule

EFFECTIVE DATE: 07/23/2019 THROUGH 12/31/2019

AGENCY APPROVED DATE: 07/22/2019

CONTACT: Meorah Solar
541-684-2475
meorah.a.solar@state.or.us

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

Filed By:
Meorah Solar
Rules Coordinator

NEED FOR THE RULE(S):

OAR 461-135-0780 about eligibility for Pickle Amendment clients in the OSIPM program needs to be changed to correct the multipliers for SSB income and keep Oregon in line with current federal standards for Department Medicaid programs. This amendment is needed to keep Oregon in line with current federal standards for Department Medicaid programs and changes in the cost of living by adjusting these standards to correctly reflect the annual federal cost of living adjustments that happen every January.

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, the Department, and some individuals receiving or applying for the OSIPM program because the Department continually determines eligibility for the OSIPM program and must comply with updated federal eligibility standards and use accurate multipliers when making eligibility determinations.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Public Law 92-336 available at https://www.ssa.gov/OP_Home/comp2/F092-336.html

SSA Fact Sheet, 2019 Social Security Changes, available at
<https://www.ssa.gov/news/press/factsheets/colafacts2019.pdf>

AMEND: 461-135-0780

RULE SUMMARY: OAR 461-135-0780 about eligibility for Pickle Amendment clients in the OSIPM program is being amended to correctly adjust the standards which were amended with incorrect amounts effective January 1, 2019. These amendments correctly reflect the annual federal cost of living adjustments that happens every January. These amendments keep Oregon in line with current federal standards for Department Medicaid programs and changes in the cost of living.

CHANGES TO RULE:

461-135-0780

Pickle Amendment Clients; OSIPM ¶¶

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, 42 CFR 435.135

RULE ATTACHMENTS DO NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

If SSI was Last Received During

Multiply Current SSB by

January 2018 – December 2018.....	.973
January 2017 – December 2017.....	.954
January 2015 - December 2016.....	.951
January 2014 - December 2014.....	.935
January 2013 - December 2013.....	.921
January 2012 - December 2012.....	.906
January 2009 - December 2011.....	.874
January 2008 - December 2008.....	.826
January 2007 - December 2007.....	.808
January 2006 - December 2006.....	.782
January 2005 - December 2005.....	.751
January 2004 - December 2004.....	.731
January 2003 - December 2003.....	.716
January 2002 - December 2002.....	.706
January 2001 - December 2001.....	.689
January 2000 - December 2000.....	.665
January 1999 - December 1999.....	.650
January 1998 - December 1998.....	.641
January 1997 - December 1997.....	.628
January 1996 - December 1996.....	.610
January 1995 - December 1995.....	.595
January 1994 - December 1994.....	.579
January 1993 - December 1993.....	.564
January 1992 - December 1992.....	.548
January 1991 - December 1991.....	.528
January 1990 - December 1990.....	.501
January 1989 - December 1989.....	.479
January 1988 - December 1988.....	.460
January 1987 - December 1987.....	.442
January 1986 - December 1986.....	.436
January 1985 - December 1985.....	.423
January 1984 - December 1984.....	.408
July 1982 - December 1983.....	.395
July 1981 - June 1982.....	.367
July 1980 - June 1981.....	.330
July 1979 - June 1980.....	.289
July 1978 - June 1979.....	.263
July 1977 - June 1978.....	.247
May or June 1977.....	.233