



PERMANENT ADMINISTRATIVE ORDER

SSP 23-2019

CHAPTER 461
DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

FILED

10/21/2019 11:42 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Adjusting rules affecting APD medical programs

EFFECTIVE DATE: 10/22/2019

AGENCY APPROVED DATE: 10/15/2019

CONTACT: Meorah Solar

503-602-7545

meorah.a.solar@dhsosha.state.or.us

DHS - SSP

500 Summer St NE, E 48

Salem, OR 97301

Filed By:

Meorah Solar

Rules Coordinator

RULES:

461-115-0050, 461-115-0071, 461-115-0230, 461-135-0845, 461-140-0020, 461-145-0130, 461-155-0250, 461-160-0620, 461-170-0011

AMEND: 461-115-0050

NOTICE FILED DATE: 07/30/2019

RULE SUMMARY: OAR 461-115-0050 about when an application must be filed is being amended to clarify and broaden the conditions under which a new application is not required to redetermine eligibility in the OSIP, OSIPM, and QMB programs. These amendments align the rule with current practices, federal regulations, and MAGI medical policy.

CHANGES TO RULE:

461-115-0050

When an Application Must Be Filed ¶¶

(1) An individual must file an application, or may amend a completed application, as a prerequisite to receiving benefits as follows:¶¶

(a) An individual may apply for the GA program by completing an application for the OSIPM program.¶¶

(b) An individual may apply for the TA-DVS program as provided in OAR 461-135-1200.¶¶

(c) In all programs except the TA-DVS program:¶¶

(A) Except as provided otherwise in this rule, to apply for program benefits, an individual must submit a complete application on a form approved by the Department.¶¶

(B) An application is complete if all of the following requirements are met:¶¶

(i) All information necessary to determine eligibility (see OAR 461-001-0000) and benefit amount is provided on the application for each individual in the filing group (see OAR 461-110-0310).¶¶

(ii) The applicant, even if homeless, provides a valid mailing address.¶¶

(iii) The application is signed by the individual, the authorized representative (see OAR 461-115-0090 and ~~461-115-0140~~) of the individual, or another individual applying for benefits on behalf of the individual, and received by the Department.¶¶

- (I) An individual required but unable to sign the application may sign with a mark, witnessed by another individual.¶
- (II) An individual submitting an electronic application (see OAR 461-001-0000) must submit the application with an electronic signature.¶
- (2) A new application is not required in the following situations:¶
 - (a) In the GA program, when an individual is receiving OSIPM on the date of request (see OAR 461-115-0030) for GA.¶
 - (b) In the SNAP program, when a single application can be used both to determine an individual is ineligible in the month of application and to determine the individual is eligible the next month. This may be done when--¶
 - (A) Anticipated changes make the filing group (see OAR 461-110-0370) eligible the second month; or¶
 - (B) The filing group provides verification between 30 and 60 days following the filing date (see OAR 461-115-0040), under OAR 461-180-0080.¶
 - (c) In all programs except the SNAP program, when a single application can be used both to determine an individual is ineligible on the filing date (see OAR 461-115-0040) or the date of request (see OAR 461-115-0030) as applicable to the term used by the program, and to determine the individual is eligible when anticipated changes make the filing group eligible within 30 days from the filing date or 45 days from the date of request (as applicable to the term used by the program).¶
 - (d) When the case is closed and reopened during the same calendar month.¶
 - (e) When benefits were suspended for one month because of the level of income, and the case is reopened the month following the month of suspension.¶
 - (f) When reinstating medical benefits for a pregnant woman covered by OAR 461-135-0950, notwithstanding subsection (g) of this section.¶
 - (g) In the ERDC program, when a case closed during the certification period (see OAR 461-001-0000) and the individual reports a change in circumstances prior to the end of the month following the closure and the reported change will make the individual eligible.¶
 - (h) In the OSIPM and QMB programs, when the medical benefits of an individual are suspended because the individual lives in a public institution (see OAR 461-135-0950), if the Department is notified within 10 calendar days of the release.¶
 - (i) In the REF, TA-DVS, and TANF programs, when a single application can be used both to determine an individual is ineligible in the month of application and to determine the individual is eligible the next month. This may be done when -¶
 - (A) Anticipated changes make the filing group (see OAR 461-110-0330 and OAR 461-110-0430) eligible in the following month; or ¶
 - (B) Amending a current application if the information is sufficient to determine eligibility; otherwise a new application is required.¶
- (3) When an individual establishes a new date of request prior to the end of the month following the month of case closure, unless the Department determines a new application is required, a new application is not required in the following situations:¶
 - (a) In the OSIPM program, when the individual's case closed due to failure to make a liability payment required under OAR 461-160-0610.¶
 - (b) In the OSIPM-EPD program, when the individual's case closed due to failure to make a participant fee payment required under OAR 461-160-0800.¶
- (4) A new application is required to add a newborn child (see OAR 461-001-0000) to a benefit group (see OAR 461-110-0750) according to the following requirements:¶
 - (a) In the ERDC and SNAP programs, an application is not required to add the child to the benefit group.¶
 - (b) In the OSIPM, QMB, and REFM programs, an additional application is not required to add an assumed eligible newborn (see OAR 461-135-0010) to a benefit group currently receiving Department medical program benefits.¶
 - (c) In the TANF program:¶
 - (A) A new application is not required if the child is listed on the application as "unborn" and there is sufficient

information about the child to establish its eligibility.¶¶

(B) A new application is required if the child is not included on the application as "unborn."¶¶

(d) In all programs other than ERDC, QMB, REF, REFM, SNAP, and TANF, an application is required.¶¶

(5) A new application is required to add an individual, other than a newborn child, to a benefit group according to the following requirements:¶¶

(a) In the ERDC and SNAP programs, a new application is not required.¶¶

(b) In the REF, REFM, and TANF programs, an individual may be added by amending a current application if the information is sufficient to determine eligibility; otherwise a new application is required.¶¶

(c) In all programs other than the ERDC, REF, REFM, SNAP, and TANF programs, a new application is required.¶¶

(6) An individual whose TANF grant is closing may request ERDC orally or in writing.¶¶

(7) Except for an applicant for the OSIPM, QMB, or SNAP program, an individual may change between programs administered by the Department using the current application if the following conditions are met:¶¶

(a) The individual makes an oral or written request for the change.¶¶

(b) The Department has sufficient evidence to determine eligibility and benefit level for the new program without a new application.¶¶

(c) The program change can be effected while the individual is eligible for the first program.¶¶

(8) In the OSIP, OSIPM, and QMB programs, a new application is not required to redetermine eligibility if one of the following conditions are met:¶¶

(a) The individual is currently receiving benefits from one of these programs.¶¶

~~(b) and the Department has sufficient evidence to redetermine eligibility for the same program or determine eligibility for the new program without a new application or by amending the current application.¶¶~~

~~(b) The individual was receiving benefits from one of these programs but was terminated for failure to provide requested information during a periodic redetermination (see OAR 461-115-0430), if the requested information is received within 90 days of termination.~~

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049, 413.085, 414.025, 414.685

Statutes/Other Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.117, 411.404, 411.447, 411.704, 411.706, 411.816, 412.014, 412.049, 414.025, 414.041, 414.231, 414.685, 414.839, CFR 435.916

AMEND: 461-115-0071

NOTICE FILED DATE: 07/30/2019

RULE SUMMARY: OAR 461-115-0071 about who must sign the application and complete the application process is being amended to allow an applying individual's community spouse, meeting specific criteria, to sign and complete the application process for long-term care. It is also being amended to allow an individual's authorized representative and certain members excluded from the filing group to sign and complete the application process for SNAP. These changes will clarify the process for applications for long term care services, clarify the process for OSIPM eligibility when the applicant passes away prior to an eligibility determination, and better align with federal regulation. They also bring the rule into alignment with current practices and federal regulations of the SNAP program.

CHANGES TO RULE:

461-115-0071

Who Must Sign the Application and Complete the Application Process ¶¶

(1) In the ERDC and TANF programs, the following individuals must sign the application and complete the application process:¶¶

(a) In the ERDC program, a caretaker (see OAR 461-001-0000).¶¶

(b) In the TANF program, at least one caretaker relative (see OAR 461-001-0000).¶¶

(2) In the EA program:¶¶

(a) A caretaker relative must sign the application and complete the application process for a child (see OAR 461-001-0000). If the child is not living with a caretaker relative, another adult may act on behalf of the child.¶¶

(b) If the caretaker relative lives with a spouse (see OAR 461-001-0000), both must sign the application.¶¶

(c) A dependent child 18 years of age who applies must sign the application and complete the application process.¶¶

(3) In the GA, OSIP, OSIPM, and QMB programs, ~~a~~¶¶

(a) At least one individual of the following individuals must sign the application and complete the application process:¶¶

(A) A member of the filing group (see OAR 461-115-0310) 18 years of age or older requesting assistance must complete the application process and sign the application, if able. If no such individual is able to sign the application and complete the application process, this may be done by t.¶¶

(B) For individuals applying for long-term care (see OAR 461-001-0000) services, the individual's community spouse (see OAR 461-001-0030) who lives with the individual or who was living with the individual immediately prior to the continuous period of care (see OAR 461-001-0030).¶¶

(C) The authorized representative (see OAR 461-115-0090).¶¶

(b) If the applicant dies prior to the determination of eligibility for OSIPM, the application may be processed if the Department receives the information required verification to determine eligibility under OAR 461-115-0190(1).¶¶

(4) In the REF and REFM programs, at least one adult (see OAR 461-110-0430) member of the filing group (see OAR 461-110-0430) must sign the application.¶¶

(5) In the SNAP program, ~~the primary person (see OAR 461-001-0015), the spouse of the primary person, or another adult~~ at least one of the following individuals must sign the application and complete the application process:¶¶

(a) An adult (see OAR 461-110-0370) or primary person (see OAR 461-001-0015) member of in the filing group (see OAR 461-110-0370) must sign the application and complete the application process.¶¶

(b) An adult or primary person excluded from the filing group under OAR 461-110-0370(8)(b).¶¶

(c) The authorized representative (see OAR 461-001-0000, 461-115-0090, and 461-135-0510) of the filing group .¶¶

(6) An individual required to sign the application but unable to sign may sign with a mark, witnessed by an employee of the:¶¶

(a) Branch office (see OAR 461-001-0000); or¶¶

(b) Public institution (see OAR 461-135-0950), when the individual applying is an inmate (see OAR 461-135-0950) and is applying for benefits under the OSIPM program.

Statutory/Other Authority: ORS 411.060, 411.070, 411.404, 411.816, 412.049

Statutes/Other Implemented: ORS 411.060, 411.070, 411.081, 411.087, 411.400, 411.404, 411.816, 412.049, CFR 435.907

AMEND: 461-115-0230

NOTICE FILED DATE: 07/30/2019

RULE SUMMARY: OAR 461-115-0230 about interviews is being amended for the OSIPM and QMB programs to remove the reference to electronic information, to allow more persons the ability to complete the interview on behalf of the applying individual, and to eliminate the interview requirement for all Medicare Savings Program recipients at redetermination, with the exception of QMB-DW. It is also being amended for the SNAP program to allow applicants to receive notice of missed interview by their preferred method, rather than only regular mail; as well as to permit more individuals to complete the annual interview. These changes will align the rule with current regulations, policies, and practices regarding eligibility interviews.

CHANGES TO RULE:

461-115-0230

Interviews ¶¶

(1) In the REF, REFM, and TANF programs, the Department may conduct a required face-to-face interview by telephone or home visit if an authorized representative (see OAR 461-001-0000 and 461-115-0090) has not been appointed, and participating in a face-to-face interview is a hardship (see section (2) of this rule) for the household.¶¶

(2) For the purposes of this rule, "hardship" includes, but is not limited to:¶¶

(a) Care of a household member;¶¶

(b) An individual's age, disability (see OAR 461-001-0000), or illness;¶¶

(c) A commute of more than two hours from the individual's residence to the nearest branch office (see OAR 461-001-0000);¶¶

(d) A conflict between the individual's work or training schedule and the business hours of the branch office; and¶¶

(e) Transportation difficulties due to prolonged severe weather or financial hardship.¶¶

(3) In the SNAP program:¶¶

(a) An interview must be scheduled so that the filing group (see OAR 461-110-0370) has at least ten days to provide any needed verification before the deadline under OAR 461-115-0210.¶¶

(b) A face-to-face interview must be granted at the applicant's request.¶¶

(c) When an applicant misses the first scheduled interview appointment, the Department must inform the applicant by ~~regular mail~~ notice of the missed interview.¶¶

(d) An applicant who fails to attend a scheduled interview must contact the Department no later than 30 days following the filing date (OAR 461-115-0040) to be eligible for benefits.¶¶

(e) An adult (see OAR 461-001-0015) ~~in the filing group or the authorized representative or primary person (see OAR 461-001-0015) in the filing group, an adult or primary person excluded from the filing group under OAR 461-110-0370(8)(b), or the authorized representative (see OAR 461-001-0000, 461-115-0090, and 461-135-0510)~~ of the filing group is interviewed once every 12 months.¶¶

(4) In the ERDC program:¶¶

(a) Except as provided otherwise in subsection (c) of this section, an interview with an adult in the filing group (see OAR 461-110-0350) or the authorized representative of the filing group is required to process an initial application and a renewal of benefits.¶¶

(b) A phone interview is preferred; however, a face-to-face interview must be granted at the applicant's request.¶¶

(c) An interview is not required when the Department has implemented the Child Care Reservation List and it is determined that a decision notice (see OAR 461-001-0000) of ineligibility will be sent under OAR 461-115-0016.¶¶

(5) In the OSIPM and QMB programs, the Department must complete an interview with at least one ~~applicant who is 18 years of age or older or an applicant's authorized representative:~~¶¶

(a) ~~At initial application; except in the OSIPM program, for i~~ individual authorized to sign the application under

OAR 461-115-0071(3), except as follows:

(a) Individuals who are not requesting services, and are receiving SSI or are in 1619(b) status.

(b) At annual redetermination, except: in a standard living arrangement (see OAR 461-001-0000) who are receiving SSI or are in 1619(b) status are not required to complete an interview at initial application.

(Ab) In the OSIPM program, individuals who are receiving SSI or are in 1619(b) status are not required to complete an interview at annual redetermination.

(B6) In the QMB program (except QMB-DW), if eligibility may be determined by use of electronic information.s:

(a) The Department must complete an interview with at least one individual authorized to sign the application under OAR 461-115-0071(3) at initial application.

(b) An interview is not required at redetermination except in the QMB-DW program.

(67) In the REF and REFM programs, a face-to-face interview is required.

(78) In the TA-DVS program, the Department will conduct a required face-to-face interview with the ~~victim~~ survivor, unless there is a safety concern related to the domestic violence (see OAR 461-001-0000) situation or there is a hardship. An interview due to safety concern or hardship may be completed via phone, home visit, or offsite appointment.

Statutory/Other Authority: ORS 411.060, 411.404, 411.706, 411.816, 412.049, 414.826, 414.839, ORS 409.050

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.049, 414.025, 414.231, 414.826, 414.839, 411.117

RULE SUMMARY: OAR 461-135-0845 about valuation of life estate, transfer on death deeds, reversionary interest, and property is being amended to define the term spouse and broaden it to include a domestic partner for programs other than medical assistance programs; establish interest as the full value of multi-party financial accounts at insured institutions and credit unions; establish interest in a payable on death account and personal property for assistance recovery purposes; and establish how the value of real property, personal property, and other assets both included in and excluded from the probate estate of the deceased spouse are determined. These amendments make the rule text more concise, address more situations, and align the rule with current practices.

CHANGES TO RULE:

461-135-0845

Valuation of Life Estate, Reversionary Interest, and Property ¶

~~(1) Effective July 18, 1995, the value of an expressly created life estate or other interest in real or personal property or other asset in this rule, "spouse" or "spouses":¶~~

~~(a) For federally-funded programs, has the meaning defined in OAR 461-001-0000.¶~~

~~(b) For programs not federally-funded, has the meaning defined in OAR 461-001-0000 but also includes a domestic partner (see OAR 461-135-0832).¶~~

~~(2) Effective July 18, 1995, the value (see OAR 461-135-0832) of a life estate (see OAR 461-135-0832) or other interest (see OAR 461-135-0832) in real property (see OAR 461-135-0832), personal property (see OAR 461-135-0832), or other assets (see OAR 461-135-0832) measured by or valued with respect to a life span, including that of the relevant recipient of public assistance (see OAR 461-135-0832), is established by reference to the life estate valuation tables set forth in this rule section and is valued as of the time of death (see OAR 461-135-0832) of the recipient of public assistance irrespective of the actual life span of the measuring life. [Table not included. See ED. NOTE.]¶~~

~~(2) F3) Excluding accounts under section (4) of this rule or property under section (6) of this rule, for assistance recovery purposes, the interest of a person in real or (see OAR 461-135-0832) in real property, personal property, or other assets held in joint tenancy with right of survivorship (see OAR 461-135-0832) (including transfers with right of survivorship covered by ORS 93.180), tenancy in common (see OAR 461-135-0832), or other form of concurrent ownership with one or more other persons with right of survivorship, other than a spouse or a transfer on death deed (see OAR 461-135-0832), other than a spouse, is presumed to be the value of the fractional share held by the person. The fractional share of a person is presumed to be the share reflected in the ownership documents (see OAR 461-135-0832). Such presumption may be rebutted under the consideration furnished test or by (see OAR 461-135-0832) using convincing evidence (see OAR 461-135-0832) of the actual consideration contributed by another co-owner of the property or assets. In the absence of any stated fractional share on the ownership documents, each co-owner is presumed to have an equal fractional share of ownership of the whole, unless rebutted by the consideration furnished test or as otherwise established by using convincing evidence.¶~~

~~(4) For medical assistance (see OAR 461-135-0832) recovery purposes, the interest of a recipient in multi-party accounts with an insured institution or credit union is presumed to be one-hundred percent, and the account's value shall be determined at time of death. The presumption may be rebutted by the consideration furnished test using convincing evidence.¶~~

~~(35) With respect to real or personal property, or an Assets held jointly by spouses, as tenants in common, tenants by the entirety, with right of survivorship or otherwise, or other concurrent ownership, the interest of a person in such property or assets is conclusively deemed to be owned one-half by each spouse; provided, however, that in the event the ownership documents expressly set forth a different fractional share of ownership, and such fractional share is lawful in the appropriate jurisdiction, then the fractional share set forth~~

in such Ownership Documents interest of a person is presumed to be the fractional share owned by each spouse set forth in such ownership documents. Such presumption may be rebutted by Cusing convincing Eevidence. The consideration furnished test does not apply to this section of the rule.¶

(46) With respect to real property, personal property, or other assets conveyed by a transfer on death deed, for assistance recovery purposes, the transferor is presumed to own the full value of the real property. or other similar arrangement, including, but not limited to, payable on death accounts with financial institutions; the interest of the transferor is presumed to be one-hundred percent, except that if there is more than one transferor their respective interests are determined in accordance with sections (2)3), (4), and (35) of this rule.¶

(57) The Vvalue of Rreal Pproperty at, or prior to, the Time of Death is determined by establishing the fair market value of the property to the satisfaction of the Ddepartment (see OAR 461-135-0832). The burden of proof for establishing the Rvalue of the real Pproperty's fair market value to the satisfaction of the Ddepartment lies with the person or, after the Ttime of Ddeath of the person, with the person's representative, and may be established by any methodology, including the provision of an appraisal performed by an appraiser certified or licensed in the applicable jurisdiction, that the Ddepartment determines most accurately reflects the Vvalue of the Rreal Pp property. The Valuesum of liens and/or other encumbrances against, if any, attached to the Rreal Pp property that is established by Cusing convincing Eevidence, if appropriate, is subtracted from the fair market value of the Rreal P property in order to derive a net fair mark to determine a net value of the Rreal Pproperty.¶

(68) The Vvalue of Ppersonal Pproperty consisting of shares of stock or other securities traded on an exchange is evidenced by the average of the bid and ask prices on the date of the Time of Death, or the next trading day thereafter. If such bid and ask prices are unavailable for certain stocks or securities, the Vvalue may be established by a written estimate from the corporation or other entity issuing such shares or securities of the Vvalue, or if such estimate is unobtainable, an estimate from a broker, trader or other Pperson with knowledge in the field of the Value. Liens and. The sum of liens or other encumbrances established by Cusing convincing Eevidence against shares of stock or other securities, is subtracted from the value of such stock or securities established by the foregoing procedure.¶

(7) Tto determine a net value of the personal property consisting of stock or other securities.¶

(9) Subject to section (8) of this rule, the Vvalue of tangible Ppersonal Pproperty, including, but not limited to, livestock, furniture, vehicles and other tangible items may be established:¶

(a) By a written estimate from a Pperson knowledgeable in the field of appraising such items of Ppersonal Pp property; or¶

(b) From published sources such as catalogs of antiques or collectibles, blue books or other Cconvincing Eevidence that accurately establishes the Vvalue of the property. Liens and encumbrances¶

(10) The sum of liens or other encumbrances, if any, attached to such property in section (9), established by Cusing convincing Eevidence against, is subtracted from the value of the tangible personal property is subtracted from the value of such property established by the foregoing procedure.¶

(8) to determine a net value of the tangible personal property. ¶

(11) The Vvalue of intangible Ppersonal Pproperty not otherwise provided for in this rule, is established by a written estimate from a Pperson knowledgeable in the field of appraising such items of intangible Ppersonal Pp property. Liens and encumbrances The sum of liens or other encumbrances, if any, attached to such property, established by Cusing convincing Eevidence against tangible personal property is subtracted from the value of such property established by the foregoing, is subtracted from the value of the intangible personal property to determine a net value of the intangible personal property. ¶

(12) Notwithstanding anything to the contrary in this rule, any real property, personal property, or other assets in a probate estate is valued in accordance with the probate code of the jurisdiction of the probate procedureedding.¶

(913) Notwithstanding anything to the contrary contained in this rule, in cases where an inventory has been filed with tf a claim under OAR 461-135-0835 is deferred until a recipient's spouse dies; the value of any real property, personal property or other assets, subject to the deferred claim, is established appropriate court or an estate tax return has been filed wis follows:¶

(a) For real property, personal property, or other assets in the probate estate of the deceased spouse; the value is

~~the current value at the the appropriate governmental authority, time of probate; or ¶~~

~~(b) For real property, personal property, or other assets not in the probate estate of the deceased spouse; the value is determined on the later of the date of the claim or the value of any Real or Personal property, personal property, or other Asset is presumptively established by the amounts set forth on such inventory or ests. ¶~~

~~(14) The amount of a claim of the department that is recoverable from a person other than the recipient of assistance is calculated tax return. The presumptive through the following steps: ¶~~

~~(a) Step One: Determine the value established by such inventory of the real property, personal property, or return may be rebutted by Convincing Evidence. ¶~~

~~ED. NOTE: Tables reflect assets received by the person from the recipient of assistance. ¶~~

~~(b) Step Two: Deduct from the value the amount of any liens or encumbrances. ¶~~

~~(c) Step Three: Multiply the result by the fraction or percentage are available from the agency; tag that constitutes the interest received from the recipient of assistance.~~

~~Statutory/Other Authority: ORS 410.0760, 411.066.350, 411.07085, 416.340, 416.350, 416.685, ORS 409.050, 413.042~~

~~Statutes/Other Implemented: ORS 416.340, 416.350, 411.708, 411.795, 416.310, 416.340, 416.350, 2011 OL 212 sec. 13, 2011 OL 720 sec. 2243.085, 414.685, 106.300 to 106.340, ORS 93.969~~

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

Age	Life Estate	Remainder
0	.97188	.02812
1	.98988	.01012
2	.99017	.00983
3	.99008	.00992
4	.98981	.01019
5	.98938	.01062
6	.98884	.01116
7	.98822	.01178
8	.98748	.01252
9	.98663	.01337
10	.98565	.01435
11	.98453	.01547
12	.98329	.01671
13	.98198	.01802
14	.98066	.01934
15	.97937	.02063
16	.97815	.02185
17	.97700	.02300
18	.97590	.02410
19	.97480	.02520
20	.97365	.02635
21	.97245	.02755
22	.97120	.02880
23	.96986	.03014
24	.96841	.03159
25	.96678	.03322
26	.96495	.03505
27	.96290	.03710
28	.96062	.03938
29	.95813	.04187

Age	Life Estate	Remainder
30	.95543	.04457
31	.95254	.04746
32	.94942	.05058
33	.94608	.05392
34	.94250	.05750
35	.93868	.06132
36	.93460	.06540
37	.93026	.06974
38	.92567	.07433
39	.92083	.07917
40	.91571	.08429
41	.91030	.08970
42	.90457	.09543
43	.89855	.10145
44	.89221	.10779
45	.88558	.11442
46	.87863	.12137
47	.87137	.12863
48	.86374	.13626
49	.85578	.14422
50	.84743	.15257
51	.83874	.16126
52	.82969	.17031
53	.82028	.17972
54	.81054	.18946
55	.80046	.19954
56	.79006	.20994
57	.77931	.22069
58	.76822	.23178
59	.75675	.24325

Age	Life Estate	Remainder
60	.74491	.25509
61	.73267	.26733
62	.72002	.27998
63	.70696	.29304
64	.69352	.30648
65	.67970	.32030
66	.66551	.33449
67	.65098	.34902
68	.63610	.36390
69	.62086	.37914
70	.60522	.39478
71	.58914	.41086
72	.57261	.42739
73	.55571	.44429
74	.53862	.46138
75	.52149	.47851
76	.50441	.49559
77	.48742	.51258
78	.47049	.52951
79	.45357	.54643
80	.43659	.56341
81	.41967	.58033
82	.40295	.59705
83	.38642	.61358
84	.36998	.63002
85	.35359	.64641
86	.33764	.66236
87	.32262	.67738
88	.30859	.69141
89	.29526	.70474

Age	Life Estate	Remainder
90	.28221	.71779
91	.26955	.73045
92	.25771	.74229
93	.24692	.75308
94	.23728	.76272
95	.22887	.77113
96	.22181	.77819
97	.21550	.78450
98	.21000	.79000
99	.20486	.79514
100	.19975	.80025
101	.19532	.80468
102	.19054	.80946
103	.18437	.81563
104	.17856	.82144
105	.16962	.83038
106	.15488	.84512
107	.13409	.86591
108	.10068	.89932
109	.04545	.95455

AMEND: 461-140-0020

NOTICE FILED DATE: 07/30/2019

RULE SUMMARY: OAR 461-140-0020 about the availability of resources is being amended to align how the OSPIM and QMB-DW programs treat jointly-owned resources with other programs by limiting the availability of jointly-owned resources to the extent the member owns the resource. This change will align the rule with other programs and Integrated Eligibility.

CHANGES TO RULE:

461-140-0020

Availability of Resources ¶

(1) Except as provided in sections (2) to (4) of this rule:¶

(a) In the SNAP program, a resource owned jointly by a client and another individual is available in its entirety to the client.¶

(b) In all other programs, jointly-owned resources are available to members of a financial group (see OAR 461-110-0530) only to the extent they own the resource; ~~except that in the OSIPM and QMB-DW program, jointly-owned "liquid resources" (including bank and other financial institution accounts) are assumed to be available in their entirety to the client. The client has the right to provide evidence rebutting the ownership assumption.~~ For the purposes of this rule, "liquid resources" means cash as well as other resources that can be converted to cash within 20 business days.¶

(2) A resource is not available to a client in each of the following situations:¶

(a) The client has a legal interest in the resource, but the resource is not in the client's possession and the client is unable to gain possession of it. In the REF and REFM programs, if a resource remains in the applicant's country of origin, it is not available.¶

(b) The resource is jointly owned with others not in the financial group who are unwilling to sell their interest in the resource, and the client's interest is not reasonably saleable.¶

(c) The client verifiably lacks the competence to gain access to or use the resource and there is no legal representative available to act on the client's behalf.¶

(d) The client is a victim of domestic violence (see OAR 461-001-0000) and:¶

(A) Attempting to use the resource would subject the client to risk of domestic violence; or¶

(B) The client is using the resource to avoid the abusive situation.¶

(e) Except as provided in OAR 461-145-0540, the resource is included in an irrevocable or restricted trust and may not be used to meet the basic monthly needs of the financial group.¶

(f) In the OSIP, OSIPM, and QMB-DW programs, there is a legal bar to the sale of the resource.¶

(3) A resource is not considered available during the time the owner does not know he or she owns the resource.¶

(4) If a resource is subject to an early withdrawal penalty, the amount of the penalty is not available.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049, 413.085, 414.685

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049, 413.085, 414.685, 414.839

AMEND: 461-145-0130

NOTICE FILED DATE: 07/30/2019

RULE SUMMARY: OAR 461-145-0130 about the treatment of earned income is being amended to exclude income of temporary U.S. Census Bureau employees hired to assist in taking the census for the OSIPM program. This rule change aligns the treatment of this income with other programs and Integrated Eligibility.

CHANGES TO RULE:

461-145-0130

Earned Income; Treatment ¶¶

(1) Earned income (see OAR 461-145-0120) is countable (see OAR 461-001-0000) in determining eligibility (see OAR 461-001-0000) for programs, subject to the provisions in sections (2) to (10) of this rule.¶¶

(2) JOBS Plus income is earned income and is treated as follows:¶¶

(a) In the SNAP program:¶¶

(A) JOBS Plus income earned by a TANF-PLS (see OAR 461-101-0010) client:¶¶

(i) Is counted in determining initial SNAP program eligibility.¶¶

(ii) Is excluded in determining ongoing eligibility.¶¶

(B) JOBS Plus wages received after the individual's last month of work under a TANF-PLS JOBS Plus agreement are counted.¶¶

(b) In the TANF program:¶¶

(A) JOBS Plus income earned by an NCP-PLS (see OAR 461-101-0010) client is counted in determining initial TANF eligibility.¶¶

(B) When determining the need for a TANF supplement for a TANF-PLS client, the income is treated as follows:¶¶

(i) It is excluded in determining the countable income limit and in calculating the benefit equivalency standards.¶¶

(ii) It is counted in calculating the wage supplement.¶¶

(C) JOBS Plus wages received after the individual's last month of work under a JOBS Plus agreement are counted.¶¶

(c) In the OSIPM and QMB programs, JOBS Plus wages received after the individual's last month of work under a TANF-PLS JOBS Plus agreement are counted.¶¶

(d) In all programs not covered under subsections (a) to (c) of this section, TANF-PLS income is counted as earned income.¶¶

(e) In all programs other than the TANF program, NCP-PLS income is counted as earned income.¶¶

(f) In all programs, wages received under the Tribal TANF JOBS programs are counted as earned income.¶¶

(3) Welfare-to-Work work experience income is treated as follows:¶¶

(a) In the REF, REFM, and TANF programs, the income is earned income, and the first \$260 is excluded each month.¶¶

(b) In the SNAP program, the income is earned income.¶¶

(4) In the ERDC program, earned income of a child (see OAR 461-001-0000) is excluded.¶¶

(5) In the OSIP, OSIPM, and QMB programs, documented net losses from a self-employment business (see OAR 461-150-0095) are excluded from any other source of earned income of the financial group (see OAR 461-110-0530). This does not include dividends or profits (see OAR 461-145-0089).¶¶

(6) In the REF and REFM programs:¶¶

(a) Income remaining after the month of receipt is a resource.¶¶

(b) Earned in-kind income is excluded (see OAR 461-145-0280 and 461-145-0470).¶¶

(7) In the TANF program:¶¶

(a) Earned income of the following children is excluded:¶¶

(A) Dependent children under the age of 19 years, and minor parents under the age of 18 years, who are full-time students in grade 12 or below (or the equivalent level of vocational training, in GED courses), or in home schooling

approved by the local school district.¶¶

(B) Dependent children under the age of 18 years who are attending school part-time (as defined by the institution) and are not employed full-time.¶¶

(C) Dependent children too young to be in school.¶¶

(b) Income remaining after the month of receipt is a resource.¶¶

(c) Earned in-kind income is excluded (see OAR 461-145-0280 and 461-145-0470).¶¶

(8) In the SNAP program:¶¶

(a) If a cafeteria plan (see OAR 461-001-0000) benefit that the employee may not elect to receive as a cash payment is designated and used to pay for child care, medical care, or health insurance, the benefit is excluded unless it is reimbursed by the Department. If reimbursed, the Department counts it as earned income.¶¶

(b) The following types of income are excluded:¶¶

(A) The earned income of an individual under the age of 18 years who is under the parental control of another member of the household and is:¶¶

(i) Attending elementary or high school;¶¶

(ii) Attending GED classes recognized by the local school district;¶¶

(iii) Completing home-school elementary or high school classes recognized by the local school district; or¶¶

(iv) Too young to attend elementary school.¶¶

(B) Earned in-kind income, except as provided in section (9) of this rule.¶¶

(C) Deductions from base pay for future educational costs under Pub. L. No. 99-576, 100 Stat. 3248 (1986), for an individual on active military duty.¶¶

(D) Income remaining after the month of receipt is a resource.¶¶

(9) In the SNAP program, earned in-kind income (see OAR 461-145-0280) is excluded unless it is¶¶ one of the following:¶¶

(a) An expenditure by a business entity that benefits a principal (see OAR 461-145-0088).¶¶

(b) A credit card company gift card, such as Mastercard or Visa, which is received regularly and can be reasonably anticipated. This does not include specific gift cards, such as those from a retailer or restaurant.¶¶

(10) In all programs ~~except in the OSIPM program, for an individual in a nonstandard living arrangement (see OAR 461-001-0000)~~, the income of a temporary employee of the U.S. Census Bureau employed to assist in taking the census is excluded.

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 411.083, 411.404, 411.706, 411.816, 411.892, 412.014, 412.049, 414.685

Statutes/Other Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.083, 411.404, 411.706, 411.816, 411.892, 412.014, 412.049, 413.085, 414.685, 414.839

AMEND: 461-155-0250

NOTICE FILED DATE: 07/30/2019

RULE SUMMARY: OAR 461-155-0250 about income and payment standards for the OSIPM program is being amended to clarify a section of the rule that pertains to individuals in a nursing facility by clarifying that the provision regarding individuals in a nursing facility pertains specifically to those receiving Medicaid services in a nursing facility. This amendment aligns the rule with current process and the intent of the rule.

CHANGES TO RULE:

461-155-0250

Income and Payment Standard; OSIPM ¶

In the OSIPM program:¶

- (1) An individual who is assumed eligible per OAR 461-135-0010 is presumed to meet the income limits for the OSIPM program.¶
- (2) An individual meeting the requirements of OAR 461-135-0745 or OAR 461-135-0750, who is not assumed eligible and does not meet the income standards set out in sections (3) or (5) of this rule, must have countable (see OAR 461-001-0000) income that is equal to or less than 300 percent of the full SSI standard for a single individual or have established a qualifying trust as specified in OAR 461-145-0540(10)(c).¶
- (3) An individual, other than one identified in sections (1), (2), (5), or (6) of this rule, must have adjusted income (see OAR 461-001-0000) below the standard in this section. [see attached table]¶
- (4) In the OSIPM (except OSIPM-EPD) program, an individual receiving Medicaid services in a nursing facility or an ICF-ID is allowed the following amounts for clothing and personal incidentals:¶
 - (a) For an individual who receives a VA pension based on unreimbursed medical expenses (UME), \$90 is allowed.¶
 - (b) For all other individuals, \$63.10 is allowed.¶
 - (c) For an individual identified in subsection (b) of this section with countable income (including any SSI) that is less than \$63.10, the payment standard is equal to the difference between the individual's countable income (including any SSI) and \$63.10. For the purposes of this subsection, countable income includes income that would otherwise be countable for an individual who is assumed eligible under OAR 461-135-0010.¶
- (5) In the OSIPM-EPD program, an individual must have adjusted earned income equal to or below 250 percent of the federal poverty level for a family of one.¶
- (6) An individual who meets the requirements of OAR 461-135-0755, is not assumed eligible, and does not meet the income standard set out in section (3) of this rule, must have adjusted income equal to or below 150 percent of the federal poverty level for a family of one.

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

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

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

OSIPM Adjusted Income Standards		
Number in Need Group	One	Two
AB/AD/OAA	771.00	1,157.00

AMEND: 461-160-0620

NOTICE FILED DATE: 07/30/2019

RULE SUMMARY: OAR 461-160-0620 about income deductions and client liability for Long Term Care Services and Waivered Services is being amended to make permanent a change to the rule effective July 1, 2019 that adjusted these standards to reflect the annual federal cost of living adjustments that happen every January. These amendments keep Oregon in line with current federal standards for Department Medicaid programs and changes to the Minimum Monthly Maintenance Needs Allowance (MMMNA) and community spouse monthly housing allowance under the Spousal Impoverishment laws.

CHANGES TO RULE:

461-160-0620

Income Deductions and Client Liability; Long-Term Care Services or Home and Community-Based Care; OSIPM ¶¶

Effective October 1, 2019, in the OSIPM program:¶¶

(1) Deductions from income are made for an individual residing in or entering a long-term care facility or receiving home and community-based care (see OAR 461-001-0030) as explained in subsections (3)(a) to (3)(h) of this rule.¶¶

(2) Except as provided otherwise in OAR 461-160-0610, the liability of the individual is determined according to subsection (3)(i) of this rule.¶¶

(3) Deductions are made in the following order:¶¶

(a) One standard earned income deduction of \$65 is made from the earned income in the OSIPM program.¶¶

(b) The deductions under the plan for self-support as allowed by OAR 461-145-0405.¶¶

(c) One of the following need standards:¶¶

(A) A \$63.10 personal needs allowance for an individual receiving long-term care services.¶¶

(B) A \$90 personal needs allowance for an individual receiving long-term care services who is eligible for VA benefits based on unreimbursed medical expenses. The \$90 allowance is allowed only when the VA benefit has been reduced to \$90.¶¶

(C) For an individual who receives home and community-based care:¶¶

(i) Except as provided in subparagraph (ii) of this paragraph, the OSIPM maintenance standard.¶¶

(ii) For an individual who receives in-home services, the OSIPM maintenance standard plus \$500.¶¶

(d) A community spouse (see OAR 461-001-0030) monthly income allowance is deducted from the income of the institutionalized spouse (see OAR 461-001-0030) to the extent that the income is made available to or for the benefit of the community spouse, using the following calculation.¶¶

(A) Step 1 - Determine the maintenance needs allowance. ~~\$2,057.50~~113.75 is added to the amount over ~~\$617.25~~34.13 that is needed to pay monthly shelter expenses for the principal residence of the couple. This sum or \$3,160.50, whichever is less, is the maintenance needs allowance. For the purpose of this calculation, shelter expenses are the rent or home mortgage payment (principal and interest), taxes, insurance, required maintenance charges for a condominium or cooperative, and the full standard utility allowance for the SNAP program (see OAR 461-160-0420). If an all-inclusive rate covers items that are not allowable shelter expenses, including meals or housekeeping in an assisted living facility, or the rate includes utilities, to the extent they can be distinguished, these items must be deducted from the all-inclusive rate to determine allowable shelter expenses.¶¶

(B) Step 2 - Compare maintenance needs allowance with community spouse's countable income. The countable (see OAR 461-001-0000) income of the community spouse is subtracted from the maintenance needs allowance determined in step 1. The difference is the income allowance unless the allowance described in step 3 is greater.¶¶

(C) Step 3 - If a spousal support order or exceptional circumstances resulting in significant financial distress require a greater income allowance than that calculated in step 2, the greater amount is the allowance.¶¶

(e) A dependent income allowance as follows:¶¶

(A) For a case with a community spouse, a deduction is permitted only if the monthly income of the eligible

dependent is below ~~\$2,057.50~~113.75. To determine the income allowance of each eligible dependent:¶

(i) The monthly income of the eligible dependent is deducted from ~~\$2,057.50~~113.75.¶

(ii) One-third of the amount remaining after the subtraction in paragraph (A) of this subsection is the income allowance of the eligible dependent.¶

(B) For a case with no community spouse:¶

(i) The allowance is the TANF adjusted income standard (see OAR 461-155-0030) for the individual and eligible dependents.¶

(ii) The TANF standard is not reduced by the income of the dependent.¶

(f) Costs for maintaining a home if the individual meets the criteria in OAR 461-160-0630.¶

(g) Medical deductions allowed by OAR 461-160-0030 and 461-160-0055 are made for costs not covered under the state plan.¶

(h) After taking all the deductions allowed by this rule, the remaining balance is the adjusted income (see OAR 461-001-0000).¶

(i) The individual's liability is determined as follows:¶

(A) For an individual receiving home and community-based care (except an individual identified in OAR 461-160-0610(4)), the liability is the actual cost of the home and community-based care or the adjusted income of the individual, whichever is less. This amount must be paid to the Department or the home and community-based care facility each month as a condition of being eligible for home and community-based care. In OSIPM-IC, the liability is subtracted from the gross monthly benefit.¶

(B) For an individual who resides in a nursing facility, the liability is the actual cost of services or the adjusted income of the individual, whichever is less. This amount must be paid to the facility each month as a condition of being eligible for nursing facility services.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.404, 411.706, 413.085, 414.065, 414.685

Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 411.404, 411.706, 413.085, 414.065, 414.685, 42 USC 1396r-5, 42 CFR 435.725 - 435.735

RULE SUMMARY: OAR 461-170-0011 about changes that must be reported is being amended to reflect that ABAWDs residing in time limit areas in the TBA reporting system need to report when their work hours go below 20 hours per week, aligning with current policy. The rule is also being amended to add a reporting requirement for those in SRS reporting who have lottery or gambling winnings equal to or in excess of \$3,500, aligning it with new federal regulations. It is also being amended to indicate that a change in resource needs to be reported for the QMB BAS, QMB SMB, and QMB SMF programs, aligning the reporting requirement for Integrated Eligibility.

CHANGES TO RULE:

461-170-0011

Changes That Must Be Reported ¶

- (1) A change in employment status is considered to occur as follows:¶
 - (a) For a new job, the change occurs the first day of the new job.¶
 - (b) For a job separation, the change occurs on the last day of employment.¶
- (2) A change in source of income is considered to occur as follows:¶
 - (a) For earned income, the change occurs upon the receipt by the individual of the first paycheck from a new job or the first paycheck reflecting a new rate of pay.¶
 - (b) For unearned income, the change occurs the day the individual receives the new or changed payment.¶
- (3) An individual must report, orally or in writing, the following changes:¶
 - (A) In the ERDC program, an individual must report the following changes within 10 days of occurrence:¶
 - (A) A change in child care provider.¶
 - (B) A change in employment status.¶
 - (C) A change in mailing address or residence.¶
 - (D) A change in membership of the filing group (see OAR 461-110-0350).¶
 - (E) A member of the filing group is discharged from the U.S. military and returning from active duty in a military war zone.¶
 - (F) A change in income above the ERDC income limit as defined in OAR 461-155-0150(5)(b) that is expected to continue.¶
 - (b) In the SNAP program:¶
 - (A) An ABAWD residing in one of the SNAP time limit ~~counties~~ time limit areas (see OAR 461-135-0520), who is ~~employed~~ employed working, paid or unpaid, and assigned to ~~CRS or~~ CRS, SRS, or TBA must report a change in work hours when work hours ~~are fall~~ fall below 20 hours per week. This change must be reported within 10 days of occurrence.¶
 - (B) An individual assigned to CRS must report any of the following changes within 10 days of occurrence:¶
 - (i) A change in earned income of more than \$100.¶
 - (ii) A change in unearned income of more than \$50.¶
 - (iii) A change in source of income.¶
 - (iv) A change in membership of the filing group (see OAR 461-110-0370) and any resulting change in income.¶
 - (v) A change in residence and the shelter costs in the new residence.¶
 - (vi) A change in the legal obligation to pay child support.¶
 - (vii) When the sum of cash on hand, stocks, bond, and money in a bank or savings institution account reaches or exceeds program resource limits.¶
 - (viii) Acquisition or change in ownership of a non-excluded vehicle.¶
- (C) An individual assigned to SRS must report ~~when~~ by the tenth day of the month following the month of occurrence when:¶
 - (i) ~~The monthly income of the filing group exceeds the SNAP countable (see OAR 461-001-0000) income limit~~ The monthly income of the filing group exceeds the SNAP countable (see OAR 461-001-0000) income limit ~~by the tenth day of the month following the month of occurrence.~~¶

(ii) A member of the financial group (see OAR 461-110-0530) has lottery or gambling winnings equal to or in excess of \$3,500.¶

(D) An individual assigned to TBA is not required to report any changes except for the requirement set out in paragraph (3)(b)(A).¶

(c) For Employment Payments (see OAR 461-135-1270) and JPI (see OAR 461-135-1260), an individual must follow the same reporting requirements as a SNAP client assigned to CRS, SRS, or TBA reporting systems (see OAR 461-170-0010).¶

(d) In the GA, OSIP, OSIPM, and QMB programs, an individual must report all changes that may affect eligibility (see OAR 461-001-0000) or benefit level within 10 days of occurrence, including any of the following changes:¶

(A) A change in employment status.¶

(B) A change in health care coverage.¶

(C) A change in membership of the household group (see OAR 461-110-0210).¶

(D) A change in marital status.¶

(E) A change in residence.¶

(F) ~~Except for QMB-BAS, QMB-SMB, and QMB-SMF, a~~ change in resources.¶

(G) A change in source or amount of income.¶

(H) Except for the QMB programs, out-of-pocket medical expenses.¶

(I) For inmates whose medical benefits have been suspended (see OAR 461-135-0950), a change in incarceration status.¶

(e) In the REF, SFPSS, and TANF programs, an individual assigned to CRS must report any of the following changes within 10 days of occurrence:¶

(A) Acquisition or change in ownership of a non-excluded vehicle.¶

(B) A change in earned income more than \$100.¶

(C) Employment separation.¶

(D) A change in membership of the household group.¶

(E) A change in marital status or other changes in membership of the filing group.¶

(F) A change in mailing address or residence.¶

(G) A change in pregnancy status of any member of the filing group.¶

(H) A change in source of income.¶

(I) A change in unearned income more than \$50.¶

(J) A change in who pays the shelter costs if the costs will be paid by a non-custodial parent.¶

(K) Sale or receipt of a resource that causes total resources to exceed program resource limits.¶

(f) In the REFM program, an individual must report the following changes within 10 days of occurrence:¶

(A) A change in membership of the household group.¶

(B) A change in residence.¶

(C) A change in pregnancy status of any member of the filing group.

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049, 413.085, 414.685

Statutes/Other Implemented: ORS 329A.500, 409.010, 409.050, 411.060, 411.070, 411.081, 411.404, 411.704, 411.706, 411.816, 411.825, 411.837, 412.014, 412.049, 413.085, 414.685, 414.826