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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

SSP 26-2020

CHAPTER 461
DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

FILED
08/03/2020 12:16 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Updating a temporary rule regarding the TA-DVS program during COVID-19

EFFECTIVE DATE: 08/03/2020 THROUGH 10/06/2020

AGENCY APPROVED DATE: 08/03/2020

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Filed By:
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NEED FOR THE RULE(S):

OAR 461-135-1240 regarding TA-DVS program; COVID-19, needs to be amended to reflect current limitations in the ONE System. The amendment makes clear that those applying for TA-DVS may only apply in the manner specified in the rule if their case will be held in the DHS Mainframe Systems.

JUSTIFICATION OF TEMPORARY FILING:

The Department finds that failure to act promptly by amending OAR 461-135-1240 will result in serious prejudice to the public interest, the Department, and clients of its programs. The Department needs to proceed by temporary rule due to immediate nature of the ONE System launch in order to put into rule clarity regarding current ONE System limitations. Failure to act immediately would result in incorrect information regarding the TA-DVS program application process, during COVID-19, in rule.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Written communications between ONE project staff and the TA-DVS Policy Analyst team, if any, are available from the TA-DVS Policy Analyst team.

ADOPT: 461-135-1240

SUSPEND: Temporary 461-135-1240 from SSP 8-2020

RULE SUMMARY: OAR 461-135-1240 about TA-DVS Program; COVID-19, needs to be amended to reflect current limitations of the ONE system regarding the TA-DVS program application process. The amendment will make clear how individuals may apply for TA-DVS, given current ONE system limitations.

CHANGES TO RULE:

461-135-1240
TA-DVS Program; COVID-19

The provisions in this rule apply to TA-DVS program cases that, if approved, will be maintained in the DHS mainframe systems.

(1) In addition to the methods listed under OAR 461-115-0040, the "filing date" may be established telephonically by the Department making record of:

(a) The name of the applicant.

(b) The applicant's address.

(c) The applicant's request for TA-DVS benefits.

(d) The applicant stating their full name as their signature, and

(e) The date the above occur.

(2) Any individual may apply for TA-DVS benefits using the Department approved "telephonic application" (see section (3) of this rule) and "narrated telephonic signature" (see section (4) of this rule) processes. An individual submitting a telephonic application must submit the application with a narrated telephonic signature.

(3) A telephonic application is accepted when the following requirements are met:

(a) All questions on the application are answered.

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

(c) The applicant provides a narrated telephonic signature as defined in this rule.

(4) A narrated telephonic signature is accepted for an application for TA-DVS benefits when the Department makes record that the following requirements are met:

(a) The "Your Rights and Responsibilities" form is reviewed and provided to the applicant.

(b) The following sections at the end of the application form are reviewed and provided to the applicant:

(A) "Information about all programs," and

(B) "Information about your rights and responsibilities."

(c) The applicant affirms that they:

(A) Have heard and understand their rights and responsibilities;

(B) Agree to their rights and responsibilities;

(C) Have given true, correct, and complete information to the Department; and

(D) States their full name as their signature.

(d) The Department makes record of the narrated telephonic signature.

(5) The provisions in this rule end the last day of the month in which the Governor of Oregon ends the COVID-19 state of emergency period initiated by Executive Order 20-03.

Statutory/Other Authority: ORS 84.001 to 84.061, 409.050, 411.060, 411.117, 412.049

Statutes/Other Implemented: ORS 84.001 to 84.061, 411.060, 411.117, 412.049, 409.010, 45 CFR 260.50