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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

SSP 32-2020

CHAPTER 461
DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

FILED
09/04/2020 7:28 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Making a temporary amendment to a COVID-19-related TA-DVS program rule

EFFECTIVE DATE: 09/04/2020 THROUGH 10/06/2020

AGENCY APPROVED DATE: 09/03/2020

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NEED FOR THE RULE(S):

OAR 461-135-1240 about the TA-DVS program during COVID-19 needs to be amended to reflect an expansion of acceptable application methods for the TA-DVS program.

JUSTIFICATION OF TEMPORARY FILING:

The Department finds that failure to act promptly by amending OAR 461-135-1200 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 its commitment to reducing barriers to applying for benefits, whenever possible. Failure to act immediately would delay the implementation of the Department's new ability to accept telephonic methods of applying for TA-DVS benefits during the COVID-19 pandemic.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

No documents relied upon.

ADOPT: 461-135-1240

SUSPEND: Temporary 461-135-1240 from SSP 26-2020

RULE SUMMARY: OAR 461-135-1240 about the TA-DVS Program during COVID-19, is being amended to remove the verbiage restricting the telephonic application and telephonic signature processes to cases held in the DHS Mainframe system.

CHANGES TO RULE:

461-135-1240

TA-DVS Program; COVID-19

(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