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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

SSP 40-2020

CHAPTER 461
DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

FILED
11/18/2020 10:59 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Changing a Temporary Rule about Notice Period

EFFECTIVE DATE: 11/18/2020 THROUGH 04/13/2021

AGENCY APPROVED DATE: 11/17/2020

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NEED FOR THE RULE(S):

OAR 461-175-0050 about Notice Period needs to be changed to make clear impacted program types and remove inactive provisions.

JUSTIFICATION OF TEMPORARY FILING:

The Department finds that failure to act promptly by amending OAR 461-175-0050 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 necessity to ensure decision notices are sent out in accordance with rule. Failure to act immediately could result in decision notices being sent out of alignment with rule, which could impact their validity. This rule amendment will create support for ODHS decision notice mailing requirements in the new ONE system as well as in the Mainframe system.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

No documents relied upon.

AMEND: 461-175-0050

SUSPEND: Temporary 461-175-0050 from SSP 37-2020

RULE SUMMARY: OAR 461-175-0050 about Notice Period is being amended to make clear to which APD programs or services the ten calendar day timely continuing benefit decision notice provision in the rule refers. It is also being amended to remove date specific decision notice provisions as that time period has passed. These changes will make the rule more accurate.

CHANGES TO RULE:

461-175-0050
Notice Period **¶**

The notice period is used to determine the effective date for taking action when a decision notice (see OAR 461-001-0000) is sent to the filing group (see OAR 461-110-0310):¶

(1) For a basic decision notice (see OAR 461-001-0000), the notice period is the month in which the notice is mailed.¶

(2) For a continuing benefit decision notice (see OAR 461-001-0000), the notice period is the budget month from which information is used to initiate the decision notice.¶

(3) For a timely continuing benefit decision notice (see OAR 461-001-0000), the notice period is the month in which the mailing requirement ends.¶

~~(4) Except as provided in OAR 461-175-0206, this mailing requirement is 15~~under sections (5) and (6) of this rule, the timely continuing benefit decision notice mailing requirement is:¶

(a) No later than the first business day following the 15th day of the month:¶

(A) For cases maintained in the ONE system.¶

(B) In the GA, OSIP, OSIPM, and QMB programs.¶

(b) At least fifteen calendar days for ~~client~~individuals in the Address Confidentiality Program (see OAR 461-001-0000) and 10 calendar days for all other clients whose cases are maintained in the ODHS mainframe system.¶

(c) At least ten calendar days:¶

(A) For all other cases maintained in the ODHS mainframe system.¶

(B) In the following programs or services:¶

(i) The State Plan Personal Care Services provided under OAR division 411-034.¶

(ii) Any Nursing Facility or Medicaid Home and Community-Based Services received for individuals determined eligible under OAR division 411-015, and¶

(iii) Program of All-Inclusive Care for the Elderly (PACE) under OAR division 411-045.¶

(5) In all programs except the SNAP program:¶

(a) If the basis for a decision to reduce, suspend, or close a grant of public assistance or medical assistance is a change to a benefit standard, the timely continuing benefit decision notice mailing requirement is:¶

(A) At least 30 calendar days before the effective date of the action, or ¶

(B) If the Department has fewer than 60 days before the effective date to implement a change to a benefit standard, the mailing requirement is as provided under section (4) of this rule.¶

(b) For purposes of this section, the term "change to a benefit standard" means a change to the applicable inflation-adjusted contribution, income, or payment standard. It does not include the annual adjustment to a standard based on a federal or state inflation rate.

Statutory/Other Authority: ORS 411.060, 411.730, 411.816, 412.049, ORS 411.060, 409.050, 411.404, 412.014, 412.049

Statutes/Other Implemented: ORS 411.060, 411.730, 411.816, 412.049, 411.404, 412.014, 412.049, 192.856, 409.010, 411.095