

OFFICE OF THE SECRETARY OF STATE
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ARCHIVES DIVISION
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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 461
DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

FILED
04/30/2021 11:06 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Proposed Changes to 10 Rules Regarding Self-Sufficiency Programs

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/18/2021 11:55 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
Meorah Solar
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 05/25/2021

TIME: 7:00 PM - 8:30 PM

OFFICER: Meorah Solar

ADDRESS: No Physical Location due to
COVID-19

Phone 1-971-277-2343, code 587 222
520#

Microsoft Teams link also available

No Physical location, OR 0

SPECIAL INSTRUCTIONS:

Everyone has a right to know about
and use Oregon Department of Human
Services (ODHS) programs and
services. DHS provides free help. Some
examples of the free help ODHS can
provide are: sign language and spoken
language interpreters, written
materials in other languages, braille,
large print, audio and other formats. If
you need help or have questions,
please contact Meorah Solar at (503)
602-7545, 711 TTY, or
meorah.a.solar@dhsosha.state.or.us at
least 48 hours before the meeting.

NEED FOR THE RULE(S):

OARs 461-001-0025, 461-190-0401, 461-190-0406 need to be updated to align the program with ODHS verbiage, systems, and policies.

OAR 461-115-0071 needs to be amended to update ODHS language.

OARs 461-120-0330 and 461-135-0930 need to be amended to bring REFM into compliance with the current MMIS and ONE systems.

OAR 461-120-0350 needs to be amended to bring REFM into compliance with the current MMIS and ONE systems and to remove a rule reference that is unrelated to the REFM program.

OARs 461-155-0180 and 461-155-0190 need to be amended to update standards so they remain aligned with Federal requirements.

OAR 461-165-0230 needs to be amended to incorporate deadline extensions when approved by FNS and to amend the verbal attestation information.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

United States Department of Health and Human Services, Poverty Guidelines for 2021
<https://aspe.hhs.gov/poverty-guidelines>

Federal Register – Annual Update of the HHS Poverty Guidelines
<https://www.federalregister.gov/documents/2021/02/01/2021-01969/annual-update-of-the-hhs-poverty-guidelines>

U.S. Department of Health and Human Services estimate of Oregon state median income available at
<https://www.oregon.gov/ohcs/energy-weatherization/pages/index.aspx>

FNS approval of the Oregon waiver submitted to FNS:
<https://www.fns.usda.gov/disaster/oregon-disaster-nutrition-assistance>

USDA Memo: SNAP – Temporary Increase in Maximum Allotments due to COVID-19
https://fns-prod.azureedge.net/sites/default/files/resource-files/SNAP%20Temp%20Increase%20in%20Max%20Allotments%20COVID_12.28.20.pdf

FISCAL AND ECONOMIC IMPACT:

The Department estimates that amending OARs 461-001-0025, 461-115-0071, 461-120-0330, 461-120-0350, 461-135-0930, 461-165-0230, 461-190-0401, and 461-190-0406 will have no fiscal impact on clients, the public, the Department, other state agencies, local government, and business, including small business. There is no cost of compliance for small businesses. No small businesses are subject to this rule.

The Department estimates that amending OAR 461-155-0180 will have a positive impact on individuals who were previously over income for benefits under the previous income standards and eligible under the new standards. The Department is not able to determine the specific dollar amount of impact as there is no data regarding who will apply and be eligible under the higher standards, or what they will be eligible for. The Department estimates no fiscal impact on the public, the Department, other state agencies, local government, and business, including small business. There is no cost of compliance for small businesses. No small businesses are subject to this rule.

The Department estimates that amending OAR 461-155-0190 will have a 15% increase and positive impact on individuals who are receiving SNAP benefits. The Department estimates no fiscal impact on the public, the Department, other state agencies, local government, and business, including small business. There is no cost of compliance for small businesses. No small businesses are subject to this rule.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

See Fiscal and Economic Impact

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the development of these rules but are invited to provide input during the public comment period.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

An Administrative Rule Advisory Committee was consulted for all rule changes except for changes to OARs 461-155-0180 and 461-155-0190 because the amendments to these two rules were based on Federally required income and standards changes.

RULES PROPOSED:

461-001-0025, 461-115-0071, 461-120-0330, 461-120-0350, 461-135-0930, 461-155-0180, 461-155-0190, 461-165-0230, 461-190-0401, 461-190-0406

AMEND: 461-001-0025

RULE SUMMARY: OAR 461-001-0025 about Definitions of Terms, Components, and Activities; JOBS, Pre-TANF, TANF is being amended to update language and make clear that a JOBS Plus program participant receives their wages from the JOBS Plus employer.

CHANGES TO RULE:

In the JOBS, Pre-TANF, and TANF programs, the following definitions apply to rules in OAR chapter 461 unless the context indicates otherwise.¶

(1) "Activity" means an action or set of actions to be taken by a participant, as specified in the case plan (see section (6) of this rule). An "activity" is intended to reduce barriers and:¶

(a) Increase the likelihood of self-sufficiency, employment, job retention, wage enhancement, and financial independence; or¶

(b) Promote family stability (see OAR 461-001-0000).¶

(2) "Adult Basic Education" means an activity (see section (1) of this rule) in the basic education (see section (5) of this rule) component (see section (9) of this rule) that involves remedial education coursework intended to ensure functional literacy and numeracy.¶

(3) "Assessment" means an activity of the program entry (see section (30) of this rule) component that involves gathering information to identify the strengths, interests, family circumstances, status in the JOBS program, and vocational aptitudes and preferences of the participant and to mutually determine an employment goal, the level of engagement of the participant in the JOBS program, and which support services (see section (37) of this rule) are needed. This activity includes providing screenings and evaluations (if appropriate) to determine the level of engagement, accommodation, and modification for the participant in the JOBS program. The screenings include, but are not limited to, physical and mental health needs, substance use, domestic violence (see OAR 461-001-0000), and learning needs.¶

(4) "Barrier" means a personal condition or circumstance that reduces the likelihood the participant will become employed or the ability of the participant to engage in an activity listed in the case plan.¶

(5) "Basic education" means a component intended to ensure functional literacy for all JOBS participants. "Basic education" activities are high school attendance, English language learner (see section (15) of this rule) instruction, job skills training (see section (21) of this rule), adult basic education (see section (2) of this rule) instruction, and services that result in obtaining a general equivalency diploma (GED). The component is discussed in OAR 461-190-0171 and 461-190-0181.¶

(6) "Case plan" (also known as a personal development plan) means a written outline, developed in partnership by the participant and family coach, with input from community partners as appropriate, listing activities and goals for the individual. The "case plan" also identifies the support service payments, accommodations, and modifications to help the participant complete the plan. The DHS 1543 - Domestic Violence Assistance Agreement - is the "case plan" for participants with safety concerns about domestic violence.¶

(7) "Child activities" means an activity that enables participants to gain skills in successful parenting, balancing work and family, and contributing to the well-being and health of the child (see OAR 461-001-0000).¶

(8) "Community service program" means an activity in the unpaid employment (see section (40) of this rule) component in which the participant works without pay at a job site to enhance the likelihood the participant will become employed and perform work for the direct benefit of the community. This activity is available through nonprofit organizations or public agencies.¶

(9) "Component" means a set of one or more activities of the JOBS program including paid unsubsidized employment (see section (29) of this rule), paid subsidized employment (see section (28) of this rule), unpaid employment, vocational training (see section (41) of this rule), job search and readiness (see section (20) of this rule), and basic education activities.¶

(10) "Core activities" means federally defined countable work activities including paid unsubsidized employment; paid subsidized employment; work experience (see section (42) of this rule); job search and readiness; community service program (see section (8) of this rule); supported work (see section (38) of this rule); and vocational training.¶

(11) "Crisis intervention" means short-term services to protect family stability and safety due to an immediate crisis need.¶

(12) "Drug and alcohol services" means an activity in the job search and readiness component to help participants identify and overcome addiction and substance use disorders that prevent or limit their employability and self-sufficiency.¶¶

(13) "Employer contact" means participant communication with an employer or employer's representative through a visit, phone call, or mail to request consideration for employment.¶¶

(14) "Employment Payments" means three transitional payments totaling \$225.00 paid as provided in OAR 461-135-1270 to a benefit group (see OAR 461-110-0750) with employment income to help transition families off TANF program services.¶¶

(15) "English Language Learner" (also known as English as a Second Language) means an activity in the basic education component. English Language Learner classes are designed to give participants with limited English proficiency better working skills in the language.¶¶

(16) "Fair Labor Standards Act (FLSA)" means the law that applies to subject employers with participants working in the unpaid employment component. "FLSA" requires that participants engaged in unpaid employment, in effect, may not work more hours than the combined value of the TANF and SNAP benefits divided by Oregon minimum wage.¶¶

(17) "Federally required participation rates" means the participation rates required by section 407 of the Social Security Act (42 USC 607).¶¶

(18) "High School or GED Completion Attendance" means an activity in the basic education component that involves attendance at a secondary school or in a course of study that leads to the completion of the GED.¶¶

(19) "Job search" means an activity in the job search and readiness component that focuses on participants looking for and obtaining employment designed to improve skills in locating and competing for employment in the local labor market and may include writing resumes, receiving instruction in interviewing skills, and engaging in group and individual "job search". There are two categories of "job search": "initial job search" and "regular job search". "Initial job search" may occur during the Pre-TANF program. "Regular job search" begins not later than the day after the Department finds the individual eligible for TANF benefits.¶¶

(20) "Job search and readiness" means a component designed to prepare participants to compete in the local labor market. Job search (see section (19) of this rule), life skills (see section (23) of this rule), drug and alcohol services (see section (12) of this rule), mental health services (see section (25) of this rule), and rehabilitation activities (see section (32) of this rule) are the activities of the "job search and readiness" component.¶¶

(21) "Job skills training" means an activity in the basic education component in which unpaid training required by an employer is needed to gain the skills necessary to be hired, retain or advance in employment.¶¶

(22) "JOBS Plus program" means an activity in the paid subsidized employment component that provides ~~an incentive to~~ TANF participants and employers through subsidized employment in the public or private sector where the participant is placed on the employer's payroll and TANF and SNAP benefits are on hold with employment. The participant receives their TANF and SNAP benefits as wages from the JOBS Plus employer (see OAR 461-190-0401 to 461-190-0426).¶¶

(23) "Life skills" means an activity of the job search and readiness component. The activity develops employment-preparation skills and skills and attitudes that are commonly found in the workplace; and offer development of skills that prepare participants to be successful in daily living.¶¶

(24) "Medical Related Services" means activities to assess and address health concerns that prevent or limit employment and self-sufficiency.¶¶

(25) "Mental health services" means an activity in the job search and readiness component that provides mental health screenings and assessments, counseling, medication management, and support groups.¶¶

(26) "Non-core activities" means federally defined countable work activities that include job skills training directly related to employment; education directly related to employment; and satisfactory school attendance at a secondary level or leading to a GED.¶¶

(27) "On-the-Job Training" means an activity for paid employees who are in non-JOBS Plus subsidized employment placement, or for students who are in an unpaid internship or a federal/state funded work study position.¶¶

(28) "Paid subsidized employment" means a component in which participants are employed in a subsidized public or private sector job. JOBS Plus program (see section (22) of this rule) and on-the-job training (see section (27) of this rule) are the activities in the "paid subsidized employment" component.¶

(29) "Paid unsubsidized employment" means a component in which participants are employed full- or part-time in an unsubsidized job and receiving TANF benefits. Unsubsidized employment is a job that is not subsidized by TANF or any other public program. Working (see section (42) of this rule) is the activity in the paid unsubsidized employment component.¶

(30) "Program entry" means an activity that captures JOBS appointments, assessments (see section (3) of this rule) to identify a family's needs and strengths, determines JOBS status, and mutually develops a case plan.¶

(31) "Progress (good or satisfactory)" means, for federal reporting purposes, a participant engaging in an education or training activity makes "good progress" or "satisfactory progress" by receiving a passing grade or progressing toward completion of high school or GED completion at no less than the normal rate of a half-time student.¶

(32) "Rehabilitation activities" means an activity in the job search and readiness component that provides medical or therapeutic screenings, assessments, and treatment. This activity also includes medical management and support groups.¶

(33) "Self-initiated training" means an activity in which participants are enrolled in a two or four year program, earning credit toward a college degree.¶

(34) "Social Security application" means the activities associated with the process for individuals who are applying for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI).¶

(35) "Stabilized living" means an activity intended to stabilize participant housing concerns that prevent or limit employment or self-sufficiency.¶

(36) "Stabilization, intervention, and other activities" means activities that are non-countable for federal participation purposes including child health and development, crisis intervention (see section (11) of this rule), domestic violence services, medical related services (see section (24) of this rule), retention services, services to child welfare families, social security application (see section (34) of this rule), and stabilized living services (see section (35) of this rule).¶

(37) "Support services" means services that participants need to engage successfully in activities outlined in their case plan, seek and maintain employment, or remove barriers.¶

(38) "Supported work" means an activity in the unpaid employment component that gives participants intensive staff support, skill training, intervention, and counseling that will enable them to function independently at work.¶

(39) "Transition services" means services offered when the participant becomes employed or becomes ineligible for cash benefits because of an increase in income or resources.¶

(40) "Unpaid employment" means a component in which a participant is placed in an unpaid job to develop good work habits, training, and knowledge to obtain employment. Employment may be in the private or public sector or through a work simulation program. Work experience (see section (42) of this rule), community service program, and supported work (see section (38) of this rule) are the activities of the "unpaid employment" component.¶

(41) "Vocational training" means an activity and component of the JOBS program that provides JOBS participants with up to 18 months access to specific "vocational training" that will lead to a career with an appropriate wage level and opportunity for employment.¶

(42) "Work experience" means an activity in the unpaid employment component in which the participant works without pay at a job site to develop good work habits and basic vocational skills that enhance the likelihood the participant will become employed. "Work experience" is available through private for-profit businesses, nonprofit organizations, or public agencies.¶

(43) "Working" means an activity in the unsubsidized employment component in which a participant is working full- or part-time in the public or private sector.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.878, 412.006, 412.009, 412.016, 412.049

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.878, 412.001, 412.006, 412.016, 412.009, 412.049

AMEND: 461-115-0071

RULE SUMMARY: OAR 461-115-0071 about Who Must Sign the Application and Complete the Application Process, is being amended to update language to be more person-centered.

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

(A) A member of the filing group (see OAR 461-110-0310).¶¶

(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).¶¶

(D) If a signature cannot be obtained under paragraphs (A) through (C) of this subsection, anyone 18 years of age or older acting responsibly on behalf of a child under age 18 or an individual who is incapacitated individual.¶¶

(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 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, 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) in the filing group (see OAR 461-110-0370).¶¶

(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, 42 CFR 435.907

AMEND: 461-120-0330

RULE SUMMARY: OAR 461-120-0330 about Requirement to Pursue Assets, is being amended to permanently adopt temporary changes to make clear that individuals who apply for or receive REFM must pursue other medical benefits to which they are entitled. This amendment brings the rule into alignment with and makes clear current policy.

CHANGES TO RULE:

461-120-0330

Requirement to Pursue Assets ¶¶

(1) In all programs except the ERDC, REFM, and SNAP programs, an individual must make a good faith effort to obtain any asset (other than support and medical coverage, which are covered in OAR 461-120-0340 and 461-120-0345, respectively) to which the individual has a legal right or claim, except as follows:¶¶

- (a) A parent (see OAR 461-001-0000) or caretaker relative (see OAR 461-001-0000) who is exempt from participation in the JOBS program is not required to apply for unemployment insurance benefits.¶¶
- (b) Except as specified by law, an individual applying for or receiving any program benefits from the Department is not required to apply for other programs it administers or for supplemental security income (SSI).¶¶
- (c) An individual applying for the EA program is required to pursue, obtain, and use an asset only if the asset can be made available in time to meet the emergent need.¶¶
- (d) An individual is not required to borrow money.¶¶
- (e) An individual is not required to make a good faith effort to obtain any asset if the individual can show good cause for not doing so. Good cause means a circumstance beyond the ability of the individual to control.¶¶
- (f) In the REF and REFM programs, a program, an individual is not required to pursue assets that remain in their country of origin.¶¶
- (g) An individual is not required to make a good faith effort to obtain an asset if it will put the individual at further risk of current or future domestic violence (see OAR 461-001-0000).¶¶

(2) In the REFM program, an individual must make a good faith effort to obtain any asset (other than support and medical coverage, which is covered in OAR 461-120-0350) to which the individual has a legal right or claim, except as follows:¶¶

- (a) Except as specified by law, an individual applying for or receiving REFM is not required to apply for other programs the Department administers or for supplemental security income (SSI).¶¶
- (b) An individual is not required to borrow money.¶¶
- (c) An individual is not required to make a good faith effort to obtain any asset if the individual can show good cause for not doing so. Good cause means a circumstance beyond the ability of the individual to control.¶¶
- (d) An individual is not required to pursue assets that remain in their country of origin.¶¶
- (ge) An individual is not required to make a good faith effort to obtain an asset if it will put the individual at further risk of current or future domestic violence (see OAR 461-001-0000).¶¶
- (2f) An individual is not required to apply for, accept, and maintain employer-sponsored health insurance.¶¶

(3) In all programs except the ERDC, OSIP, OSIPM, QMB, and SNAP programs:¶¶

- (a) The effect of failing to comply with this rule is that everyone in the filing group is ineligible. In addition, when a REF, SFPSS, or TANF program payment ends due to the penalty described in this subsection, eligibility for and the level of SNAP benefits are determined as if the individual were receiving benefits without the effects of this rule.¶¶
- (b) The penalty provided by subsection (23)(a) of this rule is effective until all members of the filing group comply with the requirements of sections (1) and (2) of this rule.¶¶
- (34) In the OSIP, OSIPM, and QMB programs:¶¶
 - (a) An individual is ineligible for benefits if the individual fails to comply with the requirements of this rule.¶¶
 - (b) The penalty provided by subsection (a) of this section is effective until the individual complies with the requirements of section (1) of this rule.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.087, 411.404, 411.706, 411.816, 412.006, 412.014, 412.024, 412.049, 412.124, 413.085, 414.231, 414.685

Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 411.087, 411.404, 411.706, 411.816, 412.006, 412.014, 412.024, 412.049, 412.124, 414.231

AMEND: 461-120-0350

RULE SUMMARY: OAR 461-120-0350 about Clients Excused for Good Cause from Compliance with Requirements to Pursue Child Support, Health Care Coverage, and Medical Support, is being amended to adopt temporary changes to make clear that individuals who apply for or receive REFM program benefits do not need to pursue child support or comply with the Division of Child Support.

CHANGES TO RULE:

461-120-0350

~~Client~~Individuals Excused for Good Cause from Compliance with Requirements to Pursue Child Support, Health Care Coverage, and Medical Support ¶¶

(1) In all programs except the OSIPM and QMB programs, a ~~client~~individual is excused from the requirements of OAR 461-120-0340(1) and 461-120-0345(1)(a) if:¶¶

(a) The ~~client~~individual's compliance would result in emotional or physical harm to the dependent child (see OAR 461-001-0000) or to the caretaker relative (see OAR 461-001-0000). The statement of the caretaker relative alone is prima facie evidence that harm would result;¶¶

(b) The child was conceived as a result of incest or rape and efforts to obtain support would be detrimental to the dependent child. The statement of the caretaker relative alone is prima facie evidence on the issues of conception and detrimental effect to the dependent child;¶¶

(c) Legal proceedings are pending for adoption of the needy child; or¶¶

(d) The parent is being helped by a public or licensed private social agency to resolve the issue of whether to release the child for adoption.¶¶

(2) In the OSIPM and QMB programs, an individual is excused from the requirements of OAR 461-120-0315 and 461-120-0345 if any of the following subsections are applicable:¶¶

(a) The individual's compliance would result in emotional or physical harm to the individual, the spouse, or any child on whose behalf cooperation is required. The statement of the individual or spouse serves as prima facie evidence that harm would result.¶¶

(b) The child was conceived as a result of incest or rape and efforts to cooperate would be detrimental to the child, the individual, or the spouse. The statement of the individual serves as prima facie evidence on the issues of conception and the detrimental effects on the child, individual, or spouse.¶¶

(c) Legal proceedings are pending for adoption of the child.¶¶

(d) The parent is being helped by a public or licensed private social agency to resolve the issue of whether to release the child for adoption.¶¶

(e) The individual is pregnant.¶¶

(3) In the REFM program, a ~~pregnant client~~individual is excused from the requirements of ~~OAR 461-120-0345 to pursue child support, including health care coverage and medical support, from a noncustodial parent or to cooperate with the Division of Child Support.~~

Statutory/Other Authority: ORS 411.060, 411.070, 411.404, 411.706, 411.816, 412.006, 412.014, 412.049, 412.124, 414.231

Statutes/Other Implemented: ORS 411.060, 411.070, 411.404, 411.706, 411.816, 412.006, 412.014, 412.049, 412.124, 414.231

AMEND: 461-135-0930

RULE SUMMARY: OAR 461-135-0930 about Medical Coverage for Refugees; REFM, is being amended to make permanent temporary rule changes that make clear when an individual receiving REFM, or their newborn child, may continue receiving REFM. It is also being amended permanently to make clear that individuals who are receiving Medicare may not also receive REFM benefits.

CHANGES TO RULE:

461-135-0930

Medical Coverage for Refugees; REFM ¶¶

(1) Benefits in the REFM program are the same medical coverage as any Medicaid or CHIP program, except the QMB and CAWEM programs.¶¶

(2) An individual is not required to meet the financial eligibility criteria for the REFM program if the individual meets all the non-financial eligibility criteria for the REFM program and the requirements of at least one of the following subsections:¶¶

(a) The individual loses eligibility for any Medicaid or CHIP program, except the QMB and CAWEM programs, due to income from employment.¶¶

(b) The individual loses eligibility for any Medicaid or CHIP program, except the QMB and CAWEM programs, and is currently receiving benefits in the REF program.¶¶

(c) The individual had medical assistance established in another state based on refugee status granted by the United States Citizenship and Immigration Services, and:¶¶

(A) Moved to Oregon and is still within the individual's first eight months in the United States; and¶¶

(B) Was found not eligible for any Medicaid or CHIP program other than the CAWEM and QMB programs.¶¶

(3) An individual who is determined eligible for the REFM program will maintain eligibility for the REFM program for the remainder of their first eight months in the United States even if the individual loses eligibility for the REF program due to having income equal to or over the countable (see OAR 461-001-0000) income and adjusted income (see OAR 461-001-0000) limits (see OAR 461-155-0030).¶¶

(4) An individual applying for the REFM program is not required to apply for or receive benefits in the REF program.¶¶

(5) Except for the CAWEM and QMB programs, eligibility for all Medicaid and CHIP programs must be determined prior to determining eligibility for the REFM program.¶¶

~~(6) An~~When a newborn is born to a member of a REFM program benefit group (see OAR 461-110-0750):¶¶

~~(a) Members of the benefit group,~~ may continue to receive REFM program benefits for the remainder of the eight months, as stated in OAR 461-135-0900(4) ~~o~~, if this rule, if:¶¶

~~(a) A newborn is born to a benefit group member while the benefit group member was a member is determined ineligible for all Medicaid and CHIP programs.¶¶~~

~~(b) The newborn may receive~~ REFM program benefits; and¶¶

~~(b) The benefit group applied for the remainder of the eight months of the benefit group, if the newborn is determined ineligible for all Medicaid eligibility under MAGI rules (OAR 410-200) and was denied and CHIP programs.¶¶~~

(7) To be eligible for the REFM program, an individual may not be enrolled in Medicare.

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

Statutes/Other Implemented: ORS 409.010, 411.060, 411.404

AMEND: 461-155-0180

RULE SUMMARY: OAR 461-155-0180 about Income Standards; Not OSIP, OSIPM, QMB, is being amended to permanently adopt the March 1, 2021, amendment to the 185 percent, 200 percent, and 250 percent income standards to reflect the annual update to the Federal Poverty Level. It is also being amended to permanently adopt the 85 percent income standard to reflect the annual update to the state median income. These amendments keep Oregon in line with current federal and state standards for Department Self-Sufficiency Programs.

CHANGES TO RULE:

461-155-0180

Income Standards; Not OSIP, OSIPM, QMB ¶

(1) A Department program may cite this rule if the program uses a monthly income standard based on the federal poverty level or state median income. The standards in this rule are effective as of ~~October~~March 1, 20201, except as provided otherwise.¶

(2) A monthly income standard set at 100 percent of the 2020 federal poverty level is set at the following amounts: ¶

~~(3) A monthly income standard set at 130 percent of the 2020 federal poverty level is set at the following amounts:¶~~

~~(4) A monthly income standard set at 165 percent of the 2020 federal poverty level is set at the following amounts: Size of Group&&&&Standard¶~~

~~1&&&&&&&&&\$ 1,064¶~~

~~2&&&&&&&&& 1,437¶~~

~~3&&&&&&&&& 1,810¶~~

~~4&&&&&&&&& 2,184¶~~

~~5&&&&&&&&& 2,557¶~~

~~6&&&&&&&&& 2,930¶~~

~~7&&&&&&&&& 3,304¶~~

~~8&&&&&&&&& 3,677¶~~

~~9&&&&&&&&& 4,051¶~~

~~10&&&&&&&&&.. 4,425¶~~

~~+1&&&&&&&&&... +374¶~~

~~(3) A monthly income standard set at 130 percent of the 2020 federal poverty level is set at the following amounts:¶~~

~~Size of Group&&&&Standard¶~~

~~1&&&&&&&&&\$ 1,383¶~~

~~2&&&&&&&&& 1,868¶~~

~~3&&&&&&&&& 2,353¶~~

~~4&&&&&&&&& 2,839¶~~

~~5&&&&&&&&& 3,324¶~~

~~6&&&&&&&&& 3,809¶~~

~~7&&&&&&&&& 4,295¶~~

~~8&&&&&&&&& 4,780¶~~

~~9&&&&&&&&& 5,266¶~~

~~10&&&&&&&&&.. 5,752¶~~

~~+1&&&&&&&&&... +486¶~~

~~(4) A monthly income standard set at 165 percent of the 2020 federal poverty level is set at the following amounts: ¶~~

~~Size of Group&&&&Standard¶~~

~~1&&&&&&&&&\$ 1,755¶~~

2&&&&&&&&&& 2,371¶
3&&&&&&&&&& 2,987¶
4&&&&&&&&&& 3,603¶
5&&&&&&&&&& 4,219¶
6&&&&&&&&&& 4,835¶
7&&&&&&&&&& 5,451¶
8&&&&&&&&&& 6,067¶
+1&&&&&&&&&... +616¶

(5) A monthly income standard set at 185 percent of the 2020~~1~~ federal poverty level is set at the following amounts: ¶

Size of Group&&&&Standard¶

1&&&&&&&&&&\$ 1,986¶
2&&&&&&&&&& 2,686¶
3&&&&&&&&&& 3,386¶
4&&&&&&&&&& 4,086¶
5&&&&&&&&&& 4,786¶
6&&&&&&&&&& 5,486¶
7&&&&&&&&&& 6,186¶
8&&&&&&&&&& 6,886¶
9&&&&&&&&&& 7,586¶
10&&&&&&&&&&... 8,286¶
+1&&&&&&&&&... +700¶

(6) A monthly income standard set at 200 percent of the 2020~~1~~ federal poverty level is set at the following amounts: ¶

Size of Group&&&&Standard¶

1&&&&&&&&&&\$ 2,147¶
2&&&&&&&&&& 2,904¶
3&&&&&&&&&& 3,660¶
4&&&&&&&&&& 4,417¶
5&&&&&&&&&& 5,174¶
6&&&&&&&&&& 5,930¶
7&&&&&&&&&& 6,687¶
8&&&&&&&&&& 7,444¶
+1&&&&&&&&&... +757¶

(7) A monthly income standard set at 250 percent of the 2020~~1~~ federal poverty level is set at the following amounts: ¶

(8) A monthly income standard set at 350 percent of the 2020 federal poverty level is set at the following amounts: Size of Group&&&&Standard¶

1&&&&&&&&&&\$ 2,684¶
2&&&&&&&&&& 3,630¶
3&&&&&&&&&& 4,575¶
4&&&&&&&&&& 5,521¶
5&&&&&&&&&& 6,467¶
6&&&&&&&&&& 7,413¶
7&&&&&&&&&& 8,359¶
8&&&&&&&&&& 9,305¶

(8) A monthly income standard set at 350 percent of the 2020 federal poverty level is set at the following amounts: ¶

Size of Group&&&&Standard¶

1&&&&&&&&&\$ 3,722¶
2&&&&&&&&& 5,029¶
3&&&&&&&&& 6,335¶
4&&&&&&&&& 7,642¶
5&&&&&&&&& 8,949¶
6&&&&&&&&& 10,255¶
7&&&&&&&&& 11,562¶
8&&&&&&&&& 12,869¶
9&&&&&&&&& 14,176¶
10&&&&&&&&&.. 15,483¶
+1&&&&&&&&&... +1,307¶

(9) A monthly income standard set at 85 percent of the 2020¹ state median income is set at the following amounts: ¶

(10) A monthly Disaster Supplemental Nutrition Assistance Program (DSNAP) income standard is set at the following amounts for the household (see OAR 461-135-0491):Size of Group&&&&Standard¶

2&&&&&&&&&\$ 4,293¶
3&&&&&&&&& 5,303¶
4&&&&&&&&& 6,313¶
5&&&&&&&&& 7,323¶
6&&&&&&&&& 8,333¶
7&&&&&&&&& 8,523¶
8&&&&&&&&& 8,712¶

(10) A monthly Disaster Supplemental Nutrition Assistance Program (DSNAP) income standard is set at the following amounts for the household (see OAR 461-135-0491):¶

Size of Group&&&&Standard¶

1&&&&&&&&&\$ 1,817¶
2&&&&&&&&& 2,190¶
3&&&&&&&&& 2,563¶
4&&&&&&&&& 2,951¶
5&&&&&&&&& 3,355¶
6&&&&&&&&& 3,759¶
7&&&&&&&&& 4,133¶
8&&&&&&&&& 4,506¶
+1&&&&&&&&&... +374

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 411.816, 412.049

Statutes/Other Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.816, 412.014, 412.049, 7 CFR 280.1

AMEND: 461-155-0190

RULE SUMMARY: OAR 461-155-0190 about Income and Payment Standards; SNAP and DSNAP, is being amended to continue the SNAP payment standard that was first authorized under the Consolidated Appropriations Act (H.R. 133). This change continues the increase of the SNAP payment standard to 115% of the June 2020 Thrifty Food Plan payment standard.

CHANGES TO RULE:

461-155-0190

Income and Payment Standards; SNAP and DSNAP ¶

(1) The monthly SNAP Countable Income Limit is set at 130 percent of the federal poverty level under OAR 461-155-0180 for the number of individuals in the need group. The monthly SNAP Adjusted Income Limit is set at 100 percent of the federal poverty level under OAR 461-155-0180 for the number of individuals in the need group.¶

(2) The SNAP ~~and~~ Payment Standard (Thrifty Food Plan) is: [see attached table]¶

(3) The full-month Disaster SNAP (DSNAP) Payment Standard ~~(Thrifty Food Plan)~~ is: [see attached table]¶

(34) The DSNAP Gross Income Limit is set under OAR 461-155-0180 for the number of individuals in the household (see OAR 461-135-0491) group.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.816

Statutes/Other Implemented: ORS 411.070, 411.816, 411.825, 411.837, ORS 409.010, 409.050, 411.060, 7 CFR 273.1, 7 CFR 273.10, 7 CFR 280.1, H.R. 133

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

461-155-0190
Income and Payment Standards; SNAP and DSNAP

(2)

SNAP Payment Standard (TFP)	
No. in Benefit Group	Monthly Amount
1	\$ 234
2	430
3	616
4	782
5	929
6	1,114
7	1,232
8	1,408
Each additional individual	+176

(3)

No. in Benefit Group	Monthly Amount
1	\$ 204
2	374
3	535
4	680
5	807
6	969
7	1,071
8	1,224
Each additional individual	+153

AMEND: 461-165-0230

RULE SUMMARY: OAR 461-165-0230 about Replacing SNAP Program Benefits and EBT Cards is being amended to remove a duplicate word, and to permanently add the Department's ability to extend the 10 day deadline for SNAP participants requesting a replacement of SNAP benefits, when an extension of this deadline is approved by the Food and Nutrition Service. The permanent amendment ends the temporary acceptance of verbal attestation for benefit loss.

CHANGES TO RULE:

461-165-0230

Replacing SNAP Program Benefits and EBT Cards ¶

(1) The Department does not replace SNAP program benefits after they are delivered to the EBT account unless the Department failed to cancel the EBT card of an individual leaving a SNAP program household and that individual continues to access SNAP program benefits in subsequent months.¶

(2) The Department will replace the value of food purchased with SNAP program benefits if all of the following are true:¶

(a) The food was destroyed by a verified household misfortune or disaster.¶

(b) The filing group (see OAR 461-110-0370) reports the loss of food ~~w~~:¶

(A) Within ten days of occurrence, or¶

(B) By the deadline permitted through Food and Nutrition Service waiver.¶

(c) The filing group submits a signed statement or affidavit attesting to the loss within ten days of reporting the loss.¶

(3) The replacement, based on section (2) of this rule, must meet the following:¶

(a) The amount may not exceed one month's allotment, unless the issuance includes restored benefits which will be replaced up to the full value of the restored benefits.¶

(b) The Department will issue a timely replacement of the value of the loss by meeting the later of these two timeframes:¶

(A) Within ten days after the filing group reported the loss; or¶

(B) Within two working days of submitting a signed statement or affidavit.¶

(4) The Department will replace an EBT card reported lost, stolen, or not received only after the current card has been deactivated. An EBT card that is damaged or not functioning properly is replaced only after the card's status is changed to "card damaged" and the card is destroyed.

Statutory/Other Authority: ORS 409.050, ORS 409.010, 411.060, 411.816

Statutes/Other Implemented: ORS 409.010, 411.060, 411.816, 7 CFR 280.1

AMEND: 461-190-0401

RULE SUMMARY: OAR 461-190-0401 about Applicability, is being amended to update language and make clear that a JOBS Plus program participant receives their wages from the JOBS Plus employer.

CHANGES TO RULE:

461-190-0401

Applicability ¶

The JOBS Plus program is a component of the JOBS program and is subject to the provisions of ORS Chapter 411 and the following rules (OAR 461-190-0401 to 461-190-0426). ~~Client~~Individuals who participate in the JOBS Plus program (participants) become employed and receive wages from a JOBS Plus employer rather than cash benefits from the TANF program, SNAP benefits, and unemployment insurance benefits.

Statutory/Other Authority: ORS 411.060, 411.816

Statutes/Other Implemented: ORS 411.060

AMEND: 461-190-0406

RULE SUMMARY: OAR 461-190-0406 about Eligibility of Clients, is being amended to update language, to make clear an individual must be in the TANF benefit group to volunteer to participate in the JOBS Plus program, and to remove the Department's right to select an individual from the group to participate if no one has volunteered.

CHANGES TO RULE:

461-190-0406

Eligibility of Clients ¶

~~(1) Any participant not excluded from participation by law, if eligible for the TANF program, may volunteer to participate in the JOBS Plus program. If there are no volunteers available to participate, the Department may select participants from among eligible participants. Recipients of SSI and teenage parents who remain in high school, if they are making progress toward receiving a diploma, are exempt from individual in the TANF benefit group (see OAR 461-110-0750) who is not excluded from participation by law, may volunteer to participate in the JOBS Plus program.¶~~

~~(2) Participant (see OAR 461-001-0025).¶~~

(2) Individuals remain eligible to participate as long as they would, except for participating in the JOBS Plus program, be eligible for TANF.¶

(3) The benefits of participants individuals participating in the JOBS Plus program remain suspended until the first day of the month following the month in which they last perform work under a JOBS Plus agreement. TANF participant Individuals cannot receive TANF cash benefits and a JOBS Plus supplement for the same month.

Statutory/Other Authority: ORS 409.050, 411.060, 411.816

Statutes/Other Implemented: ORS 409.010, 411.060, 411.816