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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

SSP 75-2021

CHAPTER 461

DEPARTMENT OF HUMAN SERVICES

SELF-SUFFICIENCY PROGRAMS

FILED

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FILING CAPTION: Temporary Rule Filing to Six Self-Sufficiency Program Rules

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NEED FOR THE RULE(S):

OAR 461-135-0660 about SNAP; COVID-19, needs to be changed to reduce confusion and increase accuracy of the rule. This change allows the Department to continue extending certification periods and waive Interim and Mid-Certification Periodic Reports as allowed by the Food and Nutrition Service, while keeping the text general so it remains correct.

OAR 461-145-0330 about Loans and Interest on Loans, needs to be changed because the ONE system is unable to treat oral and written loans for different programs differently. This decision brings the rule in alignment with the ONE system's functionality.

OAR 461-145-0490 about Social Security Benefits, needs to be changed because ONE system was programmed to exclude the representative payee fee and the Department has chosen to align the rule with the ONE system programming.

OAR 461-145-0510 about SSI, needs to be changed because ONE system was programmed to exclude the representative payee fee and the Department has chosen to align the rule with the ONE system programming.

OAR 461-155-0670 about Special Need; Special Diet Allowance, needs to be changed to remove the language that the special diet allowance is allowed for the REF, REFM, SFPSS and TANF programs. The Department ended the special diet allowance payment for those programs many years ago but this rule was not identified for an update at that time.

OAR 461-170-0011 about Changes That Must Be Reported, needs to be changed to restore the ERDC program reporting requirements and align the rule's SNAP unearned and earned income and lottery and gambling winnings reporting requirements with Federal cost of living adjustments that were made effective October 1, 2021.

JUSTIFICATION OF TEMPORARY FILING:

The Department finds that failure to act promptly by amending OAR 461-135-0660 will result in serious prejudice to

the public interest, the Department, and individuals who receive or apply for SNAP benefits. Delaying this rule change could risk a continued misalignment with the rule's certification period extension and Interim and Mid-Certification Periodic Report waivers and Department policy, which creates confusion. Failure to act immediately to align rule with Department policy, decisions, and intentions could create confusion for ODHS staff, the public, and regulatory agencies. These rule amendments create clear guidance and transparency.

The Department finds that failure to act promptly by amending OAR 461-145-0330 will result in serious prejudice to the public interest, the Department, and individuals who receive or apply for benefits. Delaying this rule change could risk a continued misalignment with the rule and Department and ONE system policy, which creates errors. As the Department is currently not able to change the ONE system to align with the rule, failure to act immediately to align rule with the ONE system could create confusion for ODHS staff, confusion and possibly overpayments for those who receive benefits, and continues an ongoing error in Department rule and process. These rule amendments end the error and bring alignment to the ONE system and Department rule.

The Department finds that failure to act promptly by amending OAR 461-145-0490 will result in serious prejudice to the public interest, the Department, and individuals who receive or apply for benefits. Delaying this rule change could risk a continued misalignment with the rule, Department policy, and ONE system programming, which creates errors. Failure to act immediately to align rule with the ONE system and ODHS policy could create confusion for ODHS staff, confusion for those who receive benefits, and create a misalignment in Department rule and ONE system actions. These rule amendments make the rule accurate.

The Department finds that failure to act promptly by amending OAR 461-145-0510 will result in serious prejudice to the public interest, the Department, and individuals who receive or apply for benefits. Delaying this rule change could risk a continued misalignment with the rule, Department policy, and ONE system programming, which creates errors. Failure to act immediately to align rule with the ONE system and ODHS policy could create confusion for ODHS staff, confusion for those who receive benefits, and create a misalignment in Department rule and ONE system actions. These rule amendments make the rule accurate.

The Department finds that failure to act promptly by amending OAR 461-155-0670 will result in serious prejudice to the public interest, the Department, and individuals who receive or apply for benefits. Delaying this rule change could risk a continued error in the rule. Failure to act immediately to align rule with an ODHS policy made many years ago could create confusion for ODHS staff, those who receive benefits, and the public. These rule amendments make the rule accurate.

The Department finds that failure to act promptly by amending OAR 461-170-0011 will result in serious prejudice to the public interest, the Department, and individuals who receive child care or SNAP benefits. Delaying this rule change could risk a continued error in reporting requirements, which creates confusion and misguidance. Failure to act immediately to align rule with Federal requirements and Department policy could create confusion for ODHS staff, the public, and regulatory agencies. These rule amendments make the rule accurate.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

RULES:

461-135-0660, 461-145-0330, 461-145-0490, 461-145-0510, 461-155-0670, 461-170-0011

AMEND: 461-135-0660

RULE SUMMARY: OAR 461-135-0660 is being changed to correct a rule reference and to substitute month-specific

language for Department certification period extensions and Interim or Mid-Certification Periodic Reports with general language.

CHANGES TO RULE:

461-135-0660

SNAP; COVID-19

The provisions in this rule apply to the SNAP program.¶

(1) The Department suspends the following rule sections regarding the SNAP program as provided in this rule:¶

(a) OAR 461-115-0230(3), and¶

(b) OAR 461-135-0520(2) and (6).¶

(2) The Department amends the following rules and rule sections regarding the SNAP program as provided in this rule:¶

(a) OAR 461-115-0020(2),¶

(b) OAR 461-115-0450(1) and (2),¶

(c) OAR 461-135-0570(3), and¶

(d) OAR 461-170-0102.¶

(3) Per the Families First Coronavirus Act, Title 3, Section 2301:¶

(a) SNAP time limit work requirements for ABAWDs (see OAR 461-135-0520) are temporarily waived.¶

(b) ABAWDs will not be subject to earning countable months (see OAR 461-135-0520). ¶

(4) An individual who the Department has determined is mandatory (see OAR 461-130-0305) will be granted "good cause" (see OAR 461-130-0327) if the reason for not accepting employment or for leaving a job was due to the individual's concerns regarding their health due to the COVID-19 pandemic. ¶

(5) Notwithstanding OAR 461-115-0450, and beginning March 2020, the Department may extend a certification period (see OAR 461-001-0000) before the certification period ends:¶

(a) Not to exceed 6 months, when the certification period ends in the months of March, April, May, or June of 2020.¶

(b) When the certification period ends in October or November 2020:¶

(A) The certification period is extended to April 30, 2021, for a filing group with a certification period of 12 or fewer months.¶

(B) The Department's Central Office shall determine the length of the certification period is extended to October 31, 2021, for a filing group with a certification period of 24 months.¶

(c) When the Mid-Certification Review is due in the months of October, November or December 2020, the Department waives the requirement to submit the Review and:¶

(A) The criteria for selection, and select the cases whose certification period isare extended to October 31, 2022 and the Mid-Certification Review is due in October 2021, for a filing group with a Review due in October or November 2020.¶

(B) The.¶

(b) Selection for certification period is extended to December 31, 2022 and the Mid-Certification Review is due in December 2021, for a filing group with a Review due in December 2020.¶

(d) When the certification period ends in December 2020:sion is not a hearable issue.¶

(A) The certification period is extended to June 30, 2021 for a filing group with a certification period of 12 or fewer months.¶

(B) The certification period is extended to December 31, 2021 for a filing group with a certification period of 24 months.¶

(e) When the certification period ends in the months of February or March 2021 and the certification period of the filing group has not been previously extended by the Department:¶

(A) Not to exceed 6 months when the only countable income is TANF program benefits or TANF program benefits and Social Security benefits.¶

(B) Not to exceed 12 months when the only countable income is Social Security benefits.¶

(f) When the certification period ends in the month of June 2021, the certification period of the filing group has not been previously extended by the Department, and the filing group is not Job Participation Incentive (see OAR 461-135-1260) eligible.¶

(g) When the certification period ends in the month of October 2021, the certification period of the filing group has not been previously extended by the Department, the filing group is not Job Participation Incentive (see OAR 461-135-1260) eligible, the filing group is not in Transitional Benefits Alternative (see 461-135-0506), and meets one of the following: Notwithstanding OAR 461-170-0102, and beginning March 2020, the Department may waive the requirement to submit an "Interim Change Report" or a "Mid-Certification Review" in order to continue receiving benefits: ¶

- (Aa) The only countable (see OAR 461-001-0000) income is TANF program benefits, SSI (see OAR 461-145-0510), Social Security Benefits (see OAR 461-145-0490), or Social Security Death Benefit (see OAR 461-145-0500).¶
- (B) The countable income of the financial group is less than 25 percent of the Federal Poverty Level (see OAR 461-155-0180).¶
- (C) The group completed a renewal for a medical program maintained in the ONE system between August 1, 2021 and September 15, 2021, with a countable income of less than 130 percent of the Federal Poverty Level.¶
- (D) The group was determined eligible for a Chapter 461 program maintained in the ONE system between August 1, 2021 and September 15, 2021, with a countable income of less than 130 percent of the Federal Poverty Level.¶
- (6) Notwithstanding OAR 461-170-0102, the Department waives the requirement to submit an Department's Central Office shall determine the criteria for selection and select the cases whose "Interim Change Report" or a "Mid-Certification Review" in order to continue receiving benefits: are waived.¶
- (ab) When the Interim Change Report or Mid-Certification Review is due in the months of March, April, May, or June of 2020.¶
- (b) When the Interim Change Report is due in the months of October, November, or December of 2020 Selection for waiver is not a hearable issue.¶
- (7) Emergency allotments (supplements) are permitted through USDA waiver under Families First coronavirus Response Act of 2020. The Department may issue an emergency allotment of SNAP benefits for any months approved for an emergency allotment by the Food and Nutrition Service, with the following limitations:¶
- (a) The emergency allotment does not change the benefit level, calculated under OAR 461-160-0400, for the benefit group (see OAR 461-110-0750).¶
- (b) The emergency allotment shall be issued on a date determined by the Department, not subject to OAR 461-165-0100.¶
- (c) Beginning April 2020, and except as provided in paragraphs (A) and (B) of this subsection, the amount of the emergency allotment shall be the difference between the benefit level calculated under OAR 461-160-0400 and the maximum Payment Standard for the number of individuals in the benefit group. If there is no difference, no emergency allotment shall be issued. ¶
- (A) Beginning April 2021, if the difference calculated equals an amount less than \$95, the amount emergency allotment shall be \$95.¶
- (B) Beginning May 2021, if the benefit level calculated under OAR 461-160-0400 of a benefit group is \$0, no emergency allotment shall be issued.¶
- (d) When the Food and Nutrition Service makes a change that ends, reduces, or suspends the emergency allotment:¶
- (A) No decision notice (see OAR 461-001-0000) is required. The Department is not required to mail a notice of intended action.¶
- (B) The Department shall publicize the change using one or more of the following methods: ¶
- (i) Informing the public through the news media. ¶
- (ii) Placing posters in the offices that serve affected individuals, in the locations where SNAP is issued, and at other sites frequented by individuals receiving SNAP. ¶
- (iii) Mailing a general notice to the households of affected recipients.¶
- (e) Excepting an overpayment (see OAR 461-195-0501), there is no right to hearing to dispute emergency allotment and no right to continuing benefits.¶
- (8) For applications with a filing date (see OAR 461-115-0040):¶
- (a) Established from March 23, 2020 to December 31, 2021, the Department waives the requirement under OAR 461-115-0020 section (1) to meet the interview requirements in order to complete the application process, and¶
- (b) Established from March 23, 2020 to December 31, 2021, the Department suspends the requirement under OAR 461-115-0230(3)(b) to grant a face-to-face interview at the applicant's request.¶
- (c) The provisions in this section are retroactively effective for applications with a filing date of March 23, 2020, and after.¶
- (9) Retroactively effective January 16, 2021: In addition to the provisions under section (3) of OAR 461-135-0570, to be eligible for SNAP benefits, a student of higher education (see OAR 461-135-0570) may also meet the requirements of one of the following subsections:¶
- (a) The student of higher education is eligible to participate in state or federally funded work study program during the regular school year.¶
- (b) The student of higher education has an Expected Family Contribution (EFC) of \$0 in the current academic year, as determined through the Free Application for Federal Student Aid (FAFSA). ¶
- (10) The provisions-- ¶
- (a) Listed in sections (3) and (4) of this rule end on the last day of the month in which the public health emergency declaration made by the Secretary of Health and Human Services under section 319 of the Public Health Service

Act based on an outbreak of coronavirus disease 2019 (COVID-19) is lifted.¶

(b) Listed in section (9) of this rule end 30 days after the day upon which the public health emergency declaration made by the Secretary of Health and Human Services under section 319 of the Public Health Service Act based on an outbreak of coronavirus disease 2019 (COVID-19) is lifted.

Statutory/Other Authority: ORS 411.060, 411.070, 411.121, 411.816, ORS 409.050

Statutes/Other Implemented: ORS 409.010, ORS 411.060, 411.070, 411.121, 411.816, 411.825, 411.837, 7 USC 2015, 7 USC 2029, 7 CFR 273.7, 7 CFR 273.24, Pub. L. 116-127, ORS 409.050, 7 CFR 273.10, 7 CFR 273.14

AMEND: 461-145-0330

RULE SUMMARY: OAR 461-145-0330 is being changed to allow payments to be treated as a loan when a loan agreement is made orally for all programs, not just SNAP and APD Medical Programs. The rule currently only allows this when a loan agreement is written.

CHANGES TO RULE:

461-145-0330

Loans and Interest on Loans ¶¶

(1) This rule covers proceeds of loans, loan repayments, and interest earned by a lender. If the proceeds of a loan are used to purchase an asset, the asset is evaluated under the other rules in this division of rules.¶¶

(2) For purposes of this rule:¶¶

(a) In the OSIP, OSIPM, and QMB programs:¶¶

(A) "Bona fide loan agreement" means an agreement that:¶¶

(i) Is enforceable under state law;¶¶

(ii) Is in effect at the time the cash proceeds are provided to the borrower; and¶¶

(iii) Includes an obligation to repay and a feasible repayment plan.¶¶

(B) "Negotiable loan agreement" means a loan agreement in which the instrument ownership and the whole amount of money expressed on its face can be transferred from one person to another (i.e., sold) at prevailing market rates.¶¶

(b) In all programs:¶¶

(A) "Reverse-annuity mortgage" means a contract with a financial institution (see OAR 461-001-0000) under which the financial institution provides payments against the equity in the home that must be repaid when the homeowner dies, sells the home, or moves.¶¶

(B) The proceeds of a home equity loan or reverse-annuity mortgage (see paragraph (A) of this subsection) are considered loans.¶¶

~~(3) For payments~~In all programs, in order to treat payments as a loan that a member of the financial group (see OAR 461-110-0530) receives as a borrower ~~to be treated as a loan:~~¶¶

~~(a) In the OSIP, OSIPM, QMB, and SNAP programs, there must be an oral or written loan agreement, and this agreement must state when repayment of the loan is due to the lender.¶¶~~

~~(b) In programs other than the OSIP, OSIPM, QMB, and SNAP programs, there must be a written loan agreement, and this agreement must be signed by the borrower and lender, dated before the borrower receives the proceeds of the loan, and, there must be an oral or written loan agreement. This agreement must state when repayment of the loan is due to the lender.¶¶~~

(4) Payments for a purported loan that do not meet the requirements of section (3) of this rule are counted as unearned income.¶¶

(5) When a member of a financial group receives cash proceeds as a borrower from a loan that meets the requirements of section (3) of this rule:¶¶

(a) In all programs, educational loans are treated according to OAR 461-145-0150.¶¶

(b) In the ERDC, REF, REFM, SNAP, and TANF programs, the loan is excluded. If retained after the month of receipt, the loan proceeds are treated in accordance with OAR 461-140-0070.¶¶

(c) In the OSIP, OSIPM, and QMB-DW programs:¶¶

(A) If the loan is a bona fide loan agreement (see paragraph (2)(a)(A) of this rule), the money provided by the lender is not income but is counted as the borrower's resource if retained in the month following the month of receipt (notwithstanding OAR 461-140-0070).¶¶

(B) If the loan is not a bona fide loan agreement, the money provided by the lender is counted as income in the month received and is counted as a resource if retained in the month following the month it was received.¶¶

(d) In the QMB-BAS, QMB-SMB, and QMB-SMF programs:¶¶

(A) If the loan is a bona fide loan agreement, the money provided by the lender is not considered income.¶¶

(B) If the loan is not a bona fide loan agreement, the money provided by the lender is counted as income in the month received.¶¶

(C) All money provided by the lender is excluded as a resource.¶¶

(6) In the OSIPM (except OSIPM-EPD) program, if an individual or a spouse (see OAR 461-001-0000) of an individual uses funds to purchase a mortgage or to purchase or lend money for a promissory note or loan:¶¶

(a) In a transaction occurring on or after July 1, 2006:¶¶

(A) The balance of the payments owing to the individual or spouse of the individual is a transfer of assets for less than fair market value (see OAR 461-001-0000), unless all of the following requirements are met:¶¶

- (i) The total value of the transaction is being repaid to the individual or spouse of the individual within three months of the life expectancy per the actuarial life expectancy of that individual as established by the Period Life Table of the Office of the Chief Actuary of the Social Security Administration. If the loan, promissory note, or mortgage are jointly owned by the individual and their spouse, the requirements of this section are met if the transaction is repaid according to the life expectancy of either the individual or their spouse.¶
- (ii) Payments are made in equal amounts over the term of the transaction without any deferrals or balloon payments.¶
- (iii) The contract is not cancelled upon the death of the individual receiving the payments under this transaction.¶
- (iv) No one other than the estate of the lender is designated as remainder beneficiary. ¶
- (B) If any of the requirements in paragraph (a)(A) of this section are not met, payments against the principal and interest are treated as unearned income. The outstanding principal balance of the loan is excluded as a resource.¶
- (b) In a transaction occurring before July 1, 2006, or for a transaction occurring on or after July 1, 2006, that meets all of the requirements of subsection (a) of this section, the loan is treated as follows:¶
 - (A) Interest income is treated as unearned income.¶
 - (B) If the loan is both a negotiable loan agreement (see paragraph (2)(a)(B) of this rule) and a bona fide loan agreement, the loan is counted as a resource valued at the outstanding principal balance. Payments against the principal are excluded as income.¶
 - (C) If the loan does not qualify under paragraph (B) of this subsection, payments against the principal are counted as unearned income. The outstanding principal balance of the loan is excluded as a resource.¶
- (7) In the OSIP, OSIPM, and QMB-DW programs, if an individual uses funds to purchase a mortgage or to purchase or lend money for a promissory note or loan:¶
 - (a) Interest income is treated as unearned income.¶
 - (b) If the loan is both a negotiable loan agreement and a bona fide loan agreement, the loan is counted as a resource of the lender valued at the outstanding principal balance. Payments against the principal are excluded as income.¶
 - (c) If the loan does not qualify under subsection (b) of this section, the balance of the loan is excluded as a resource. The payments against the principal are counted as income to the lender.¶
- (8) In the QMB-BAS, QMB-SMB, and QMB-SMF programs, if an individual uses funds to purchase a mortgage or to purchase or lend money for a promissory note or loan:¶
 - (a) Interest income is counted as unearned income.¶
 - (b) Payments against the principal of all loans are excluded as income.¶
- (9) In all programs other than the OSIP, OSIPM, and QMB programs:¶
 - (a) The interest payment is counted as unearned income.¶
 - (b) The payment of principal is excluded.

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

Statutes/Other Implemented: ORS 329A.500, 409.010, 409.050, 411.060, 411.070, 411.404, 411.816, 412.014, 412.049, 413.085, 414.685, 414.839

AMEND: 461-145-0490

RULE SUMMARY: OAR 461-145-0490 is being changed to exclude the representative payee fee in the ERDC, REF, REFM, TA-DVS, and TANF programs for individuals who the Social Security Administration has determined must have a representative payee for Social Security Benefits except for Supplemental Security Income (SSI) and death benefits.

CHANGES TO RULE:

461-145-0490

Social Security Benefits ¶¶

Except for Supplemental Security Income (SSI) (see OAR 461-145-0510) and death benefits remaining after burial costs (see OAR 461-145-0500), Social Security benefits are treated as follows:¶¶

(1) Monthly payments are counted as unearned income.¶¶

(2) Except as provided in sections (3) and (4) of this rule, all payments other than monthly payments are counted as periodic or lump-sum income (see OAR 461-140-0110 and 461-140-0120).¶¶

(3) In the SNAP, ERDC, REF, REFM, SNAP, TA-DVS, and TANF programs, the representative payee fee paid by an individual who is required by the Social Security Administration to receive payments through a representative payee is excluded. The amount of the exclusion is limited to the amount authorized by the Social Security Administration.¶¶

(4) In the OSIP, OSIPM, and all QMB programs:¶¶

(a) For the purposes of this section, a payment is retroactive if it is issued in any month after the calendar month for which it is intended.¶¶

(b) Retroactive payments are counted as unearned income in the month of receipt except as provided in subsection (c) of this section.¶¶

(c) When retroactive payments are made through the representative payee of an individual who is required to have a representative payee because of a drug addiction or alcoholism use disorder, the retroactive payments may be required to be made in installments. If the payments are made in installments, the total of the benefits to be paid in installments is considered unearned income in the month in which the first installment is made.¶¶

(d) Except in the QMB-BAS, QMB-SMB, and QMB-SMF programs, any remaining amount from a retroactive payment after the month of receipt is excluded as a resource for nine calendar months following the month in which the payment is received. After the nine-month period, any remaining amount is a countable (see OAR 461-001-0000) resource.

Statutory/Other Authority: ORS 409.050, 410.070, 411.060, 411.070, 411.083, 411.404, 411.816, 412.014, 412.049, 413.085, 414.685, ORS 329A.500

Statutes/Other Implemented: ORS 409.010, 409.050, 410.070, 411.060, 411.070, 411.083, 411.404, 411.816, 412.014, 412.049, 413.085, 414.685, 414.839, ORS 329A.500

AMEND: 461-145-0510

RULE SUMMARY: OAR 461-145-0510 is being changed to exclude the representative payee fee in the REF, REFM, TA-DVS, and TANF programs for individuals who the Social Security Administration has determined must have a representative payee for Supplemental Security Income (SSI) benefits.

CHANGES TO RULE:

461-145-0510

Supplemental Security Income (SSI) ¶¶

(1) In the ERDC and SNAP, REF, REFM, SNAP, TA-DVS, and TANF programs, if an individual is required by law to receive an Supplemental Security Income (SSI) benefit through a representative payee, the representative's fee is excluded.¶¶

(2) In the ERDC program:¶¶

(a) A monthly SSI payment is counted as unearned income.¶¶

(b) Lump-sum SSI payments are counted according to OAR 461-140-0120.¶¶

(3) In the OSIP, OSIPM, and QMB-DW programs:¶¶

(a) A retroactive SSI payment is excluded as a resource for nine months after the month of receipt. After the nine-month period, any remaining amount is a countable (see OAR 461-001-0000) resource. For the purposes of this section, a payment is retroactive if it is issued in any month after the calendar month for which it is intended.¶¶

(b) All SSI payments received by members of the financial group (see OAR 461-110-0530) are counted as unearned income in the month received.¶¶

(4) In the QMB-BAS, QMB-SMB, and QMB-SMF programs, all SSI payments received by members of the financial group are counted as unearned income in the month received.¶¶

(5) In the REF, REFM, and TANF programs:¶¶

(a) SSI monthly and lump-sum payments are excluded if the recipient will be removed from the financial group (see OAR 461-110-0530) the month following receipt of the payment.¶¶

(b) An SSI lump-sum payment is excluded in the month received and the next month.¶¶

(6) In the SNAP program:¶¶

(a) A monthly SSI payment is counted as unearned income.¶¶

(b) A lump-sum SSI payment is excluded.

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 411.083, 411.404, 411.816, 412.049, 413.085, 414.685

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

AMEND: 461-155-0670

RULE SUMMARY: OAR 461-155-0670 is being changed to remove the REF, REFM, SFPSS and TANF programs from the rule as the Department made a decision a while ago that these programs would not allow the special diet payment but this rule was not identified for an update at that time.

CHANGES TO RULE:

461-155-0670

Special Need; Special Diet Allowance ¶¶

(1) In the OSIPM, ~~REF, REFM, SFPSS, and TANF~~ programs, a ~~client~~ individual receiving any of the following is ineligible for a special diet allowance:¶¶

- (a) Room and board.¶¶
- (b) Residential care facility services or assisted living facility services.¶¶
- (c) Nursing facility services.¶¶
- (d) Adult foster care services.¶¶
- (e) An allowance for restaurant meals.¶¶
- (f) A commercial food preparation diet.¶¶

(2) An ~~REF, REFM, SFPSS, or TANF client~~ or individual in the OSIPM program, a ~~client~~ receiving SSI, having an adjusted income less than the OSIPM program income standard under OAR 461-155-0250, or receiving in-home services under OAR 411-030 --- is eligible for a special diet allowance if all of the following requirements are met:¶¶

(a) The Department must receive verification, as documented by a Department-approved medical authority (see OAR 461-125-0830), of the following: ¶¶

- (A) That the individual must adhere to a special diet.¶¶
 - (B) The individual's specific nutritional need (such as low carbohydrates, high protein); and¶¶
 - (C) That the individual would be in an imminent life-threatening situation without the special diet.¶¶
- (b) A licensed dietitian must provide written documentation of the following, and a copy must be provided to the Department:¶¶

- (A) The individual's current diet items being replaced or removed, if any;¶¶
- (B) The special diet items being added, relating to the individual's specific nutritional need described in paragraph (a)(B) of this section; and¶¶
- (C) The recommended quantity of each special diet item.¶¶

(c) The individual requesting a special diet allowance must provide to the Department:¶¶

- (A) Verification of the monthly cost for any current diet item being replaced or removed: and¶¶
- (B) The monthly cost of any special diet item being added.¶¶

(3) The amount of a special diet allowance is calculated as follows:¶¶

(a) The special diet allowance is the monthly cost of the special diet items, less the monthly cost of the current diet items being replaced or removed. If no items are being replaced or removed, the allowance is the actual monthly cost of the special diet items.¶¶

(b) In the OSIPM program, a monthly amount over \$300.00 must be authorized by the APD Medicaid Eligibility Unit.¶¶

(4) Local management staff must approve or deny any request for a special diet allowance provided under subsection (3)(a) of this rule.¶¶

(5) Each special diet allowance must be reviewed and reauthorized annually.¶¶

(6) Special diet items must be purchased at the lowest cost available for that item.

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

Statutes/Other Implemented: ORS 411.060, 411.070, 411.404, 411.706, 412.014, 412.049, 413.085, 414.685

AMEND: 461-170-0011

RULE SUMMARY: OAR 461-170-0011 is being changed to update an income limit reference for the ERDC program, increase the SNAP CRS earned and unearned income reporting limits to \$125, and to correct the SNAP lottery and gambling winnings reporting limit.

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~~ 250 percent FPL or 85 percent state median income (SMI), whichever is higher, as defined in OAR 461-155-0150(5)(b)80, that is expected to continue.¶
 - (b) In the SNAP program:¶
 - (A) An ABAWD residing in one of the SNAP time limit areas (see OAR 461-135-0520), who is working, paid or unpaid, and assigned to CRS, SRS, or TBA must report a change in work hours when work hours 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~~ Retroactively effective October 1, 2021, a change in earned income of more than \$10025.¶
 - (ii) ~~A~~ Retroactively effective October 1, 2021, a change in unearned income of more than \$1250.¶
 - (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 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.¶
 - (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~~ the amount listed as the resource limit in OAR 461-160-0015(7)(a).¶
 - (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) 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 a resident of a public institution (see OAR 461-135-0950) whose medical benefits have been suspended (see under 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