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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

SSP 38-2022

CHAPTER 461

DEPARTMENT OF HUMAN SERVICES

SELF-SUFFICIENCY PROGRAMS

FILED

06/15/2022 5:35 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Extending Refugee Program Eligibility to Twelve Months and Expanding TANF JOBS Support Services

EFFECTIVE DATE: 06/15/2022 THROUGH 12/11/2022

AGENCY APPROVED DATE: 06/15/2022

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NEED FOR THE RULE(S):

OARs 461-001-0025 about Definitions of Terms, Components, and Activities; JOBS, Pre-TANF, TANF and 461-190-0211 about Case Plan Activities and Standards for Support Service Payments; JOBS, Pre-TANF, REF, REP, SFPSS, TANF, need to be changed to implement a recent Department decision that expands support services. Currently, tuition payments are limited to those that are engaged in a vocational training activity or areas in which a JOBS contractor is able to issue support services to assist with tuition cost. This policy is inequitable and does not help families who may be working towards clearing their financial aid standing due to circumstances from the past. This rule change implements the recent decision and expands the activities for which tuition payments can be made, allowing the Department an ability to assist more families in obtaining their employment goals.

OARs 461-135-0900 about Specific Requirements; REF, REFM, 461-135-0920 about Refugees Applying for Supplemental Security Income (SSI), 461-135-0930 about Medical Coverage for Refugees; REFM, and 461-195-0621 about Intentional Program Violations; Penalties and Liability for Overpayments, need to be amended to align with the recent announcement by the Office of Refugee Resettlement (ORR). On March 28, 2022, ORR announced the expansion of the eligibility period for Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA) from eight (8) to twelve (12) months for ORR-eligible populations whose date of eligibility for ORR benefits is on or after October 1, 2021.

OAR 461-135-0900 about Specific Requirements; REF, REFM, also needs to be amended to add specific provisions about when the twelve-month eligibility begins for humanitarian parolees who were paroled into the U.S. on or after February 24, 2022, from Ukraine. The provisions are listed in H.R. 7691, the Additional Ukraine Supplemental Appropriation Act 2022, signed by President Biden on May 21, 2022.

JUSTIFICATION OF TEMPORARY FILING:

The Department finds that failure to act promptly by amending OARs 461-001-0025 and 461-190-0211 will result in serious prejudice to the public interest, the Department, and individuals receiving benefits from or applying for the

impacted ODHS programs. The Department needs to proceed by temporary filing so its rules align with and supports the expansions to tuition payment policy. Failure to amend these rules by June 15, 2022, could create confusion for ODHS staff and the public, or delay the implementation of these expansions at a time when resources and stability are critical to Oregonians. These amendments create clear and accurate guidance in rule and may lessen additional financial hardship and challenges in case planning with families who are pursuing education. Immediate rule change will allow the Department to support families accomplish their goals of advancing their education and achieve economic security more quickly, including enrollment in and payment for tuition for summer terms at institutions of higher education. This change will have a positive outcome for Oregon families participating in the JOBS program.

The Department finds that failure to act promptly by amending OARs OARs 461-135-0900, 461-135-0920, 461-135-0930, and 461-195-0621, will result in serious prejudice to the public interest, the Department, individuals eligible for an extension to their Refugee program benefits, and Ukrainian humanitarian parolees subject to these rules. The Department needs to proceed by temporary filing so its rules align with and supports the Additional Ukraine Supplemental Appropriation Act 2022 and the changes announced by the Office of Refugee Resettlement (ORR). Failure to amend these rules immediately could create confusion for ODHS staff, partner agencies, the public, individuals who were eligible for the Refugee program on or after October 1, 2021, and individuals arriving from Ukraine. It would also delay the implementation of the Act and the changes implemented by the ORR at a crucial time for eligible individuals to receive basic need supports. These amendments create clear and accurate guidance in rule and keep rule aligned with law. Immediate rule change will allow the Department to provide assistance to families who are resettling and qualify for the refugee program.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

For documents relied upon for changes to OARs 461-001-0025 and 461-190-0211, please contact Meorah Solar, the Chapter 461 Rules Coordinator, and request the email titled "RE: Briefing Decision - Tuition Payments" and the Briefing mentioned in the email.

Document relied upon for changes to OARs 461-135-0900, 461-135-0920, 461-135-0930, and 461-195-0621:

* Dear Colleague Letter 22-12 from Office of Refugee Resettlement dated March 28, 2022, available here:

<https://www.acf.hhs.gov/sites/default/files/documents/orr/ORR-DCL-22-12-Expansion-of-RCA-and-RMA-Eligibility-Period.pdf>

RULES:

461-001-0025, 461-135-0900, 461-135-0920, 461-135-0930, 461-190-0211, 461-195-0621

AMEND: 461-001-0025

RULE SUMMARY: OAR 461-001-0025 is being changed to clarify that the definition of "progress" extends to all those engaged in an education or training activity, not just those engaged in completion of a high school diploma or GED. It is also being changed to strengthen and align the definition of "progress" with its intent.

CHANGES TO RULE:

461-001-0025

Definitions of Terms, Components, and Activities; JOBS, Pre-TANF, TANF ¶

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 TANF participants 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~~ and progressing toward completion of ~~high school or GED completion~~ their course of study 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: 461-135-0900

RULE SUMMARY: OAR 461-135-0900 is being amended to extend Refugee program eligibility from eight to twelve months. It is also being amended to adopt special provisions about when the twelve-month period begins for individuals who are citizens or nationals of Ukraine, or individuals who last habitually resided in Ukraine, who were paroled into the United States between February 24, 2022, and May 21, 2022

CHANGES TO RULE:

461-135-0900

Specific Requirements; REF, REFM ¶¶

(1) In addition to the eligibility (see OAR 461-001-0000) requirements in other rules in OAR chapter 461, an individual must meet all of the requirements in this rule to be eligible for the REF and REFM programs.¶¶

(2) An individual must meet the ~~an~~noncitizen status requirements of OAR 461-120-0125, except a child (see OAR 461-001-0000) born in the United States to an individual in the REF or REFM program meets the ~~an~~noncitizen status requirements for the REF and REFM programs as long as each parent (see OAR 461-001-0000) in the household group (see OAR 461-110-0210) meets the ~~an~~noncitizen status requirements of OAR 461-120-0125.¶¶

(3) An individual is not eligible to receive REF and REFM program benefits if the individual is a full-time student of "higher education", unless such education is part of a cash assistance case plan. Any education or training allowable under an approved case plan must be less than one year in length. For the purposes of this rule, "higher education" means education that meets the requirements of one of the following subsections:¶¶

(a) Public and private universities and colleges and community colleges that offer degree programs regardless of whether a high school diploma is required for the program. However, GED, ABE, ESL, and high school equivalency programs at these institutions are not considered "higher education".¶¶

(b) Vocational, technical, business, and trade schools that normally require a high school diploma or equivalency certificate for enrollment in the curriculum or in a particular program at the institution. However, programs at those institutions that do not require the diploma or certificate are not considered "higher education".¶¶

(4) Eligibility for REF and REFM program benefits is limited to the first ~~eight~~twelve months from the date the immigration status was granted, except for individuals that meet the criteria of subsection (b) of this section.¶¶

(a) Months in the United States are counted as whole months. There is no prorating of months.¶¶

(b) The twelve-month period begins May 21, 2022, for an individual who is a citizen or national of Ukraine, or an individual who last habitually resided in Ukraine, who was paroled into the United States between February 24, 2022, and May 21, 2022.¶¶

(5) In the REF and REFM programs, if an individual was originally resettled in Oregon through the federal refugee resettlement process, then the individual must provide the name of the local resettlement agency that resettled them.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.116, 411.121, 411.404, 414.685

Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 411.116, 411.121, 411.404, 411.878, 412.049, 414.685, 45 CFR 400, H.R. 7691, 117th Cong. (2021-2022)

AMEND: 461-135-0920

RULE SUMMARY: OAR 461-135-0920 is being amended to extend the REF program eligibility period from eight the twelve months.

CHANGES TO RULE:

461-135-0920

Refugees Applying for ~~SSI~~Supplemental Security Income (SSI) ¶¶

(1) REF applicants who are age 65 or older or who are blind or have a disability (see OAR 461-001-0000) are referred to Social Security to apply for SSI. REF applicants who are found eligible for the REF program receive REF program benefits until SSI benefits begin or until passage of the ~~eight~~twelve-month time limit for the REF program, whichever occurs first.¶¶

(2) Refugees eligible for SSI are eligible for the OSIPM program.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.706

Statutes/Other Implemented: ORS 409.050, 411.060, 411.070, 411.706, 45 CFR 400

AMEND: 461-135-0930

RULE SUMMARY: OAR 461-135-0930 is being amended to extend the REF program eligibility period from eight the twelve months.

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 CAWEWM 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 CAWEWM programs, due to income from employment.¶¶

(b) The individual loses eligibility for any Medicaid or CHIP program, except the QMB and CAWEWM 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~~twelve months in the United States; and¶¶

(B) Was found not eligible for any Medicaid or CHIP program other than the CAWEWM 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~~twelve 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 CAWEWM and QMB programs, eligibility for all Medicaid and CHIP programs must be determined prior to determining eligibility for the REFM program.¶¶

(6) 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~~twelve months, as stated in OAR 461-135-0900(4), if the member is determined ineligible for all Medicaid and CHIP programs.¶¶

(b) The newborn may receive REFM program benefits for the remainder of the ~~eight~~twelve months of the benefit group, if the newborn is determined ineligible for all Medicaid 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, 45 CFR 400

AMEND: 461-190-0211

RULE SUMMARY: OAR 461-190-0211 is being amended to expand the activities in which tuition payments are allowable. The additional activities are jobs skills training and self-initiated training. Tuition payments for self-initiated training may be limited to a twelve-month period and must be reviewed on a term by term basis as individuals work toward clearing their financial aid status. Tuition payments for jobs skills training is a short-term activity and will therefore have the existing limitations for vocational training activity.

CHANGES TO RULE:

461-190-0211

Case Plan Activities and Standards for Support Service Payments; JOBS, Pre-TANF, REF, REP, SFPSS, TANF ¶

In the JOBS, Pre-TANF, REF, REP, SFPSS, and TANF programs, notwithstanding any other administrative rule in chapter 461 and subject to the availability of state and federal funding, the following special provisions apply:¶

(1) Support services (see OAR 461-001-0025) payments are available to the following individuals who are eligible (see OAR 461-130-0310) to engage in a case plan (see OAR 461-001-0025):¶

(a) An individual who is an adult parent, needy caretaker relative (see OAR 461-001-0000), teen parent (see OAR 461-001-0000), or a minor parent (see OAR 461-001-0000) who is head of household; receiving TANF who is not otherwise exempt (see OAR 461-130-0305) and in accordance with participation requirements in OAR 461-130-0310.¶

(b) An individual who is a recipient of Pre-TANF or SFPSS programs.¶

(c) An individual who is a JOBS volunteer (see OAR 461-130-0310) and has a JOBS case plan.¶

(d) Subject to the limitations in section (8) of this rule, an individual who is receiving REF and participating in REP, who is not otherwise exempt (see OAR 461-130-0305).¶

(2) In approving JOBS program or REP program support services payments, the Department must consider lower cost alternatives. This rule is not intended to supplant Department funding with other funding that is available in the community. The expectation of the Department is that Department staff and individuals work collaboratively to seek resources that are reasonably available to the individual in order to participate in activities.¶

(3) Payment for support services are provided when:¶

(a) Necessary to participate in an approved activity (see OAR 461-001-0025) specified in the individual's case plan;¶

(b) Authorized in advance; and¶

(c) All other provisions of this rule are met.¶

(4) A Department approved activity is eligible for support services payments, except for the following activities:¶

(a) Family Support & Connections,¶

(b) Retention services,¶

(c) Microenterprise (see OAR 461-190-0197), and¶

(d) Stabilized living (see OAR 461-001-0025).¶

(5) In the JOBS, Pre-TANF, SFPSS, and TANF programs, the Department may provide payments for support services for eligible individuals engaged in an approved activity specified in the individual's case plan, subject to provisions in sections (1)(a) through (1)(d) of this rule. Support services payment types are described as follows and are subject to the following limitations:¶

(a) JOBS Incidentals: In kind goods or items provided to individuals by the office to support the goals of the family while participating in the JOBS program.¶

(b) Bus Pass/Tickets: Bus tickets or pass that are issued in person out of office.¶

(c) Bus Payment: Payments issued to the individual to pay for public transportation. Requests for recurring bus payments may not exceed six consecutive months of issuance per request. If the individual's eligibility changes during the six months of recurring payments, timely continuing benefit decision notice (see OAR 461-001-0000) must be sent.¶

(d) Gas Payment: Payments for an individual to pay for transportation costs incurred in travel to and from an approved activity. Requests for recurring gas payments may not exceed six consecutive months of issuance per request. If the individual's eligibility changes during the six months of recurring payments, timely continuing benefit decision notice (see OAR 461-001-0000) must be sent.¶

(e) Child Care: Payments for child care, as limited by OAR 461-160-0040, if necessary to enable individuals to participate in an approved activity specified in the individual's case plan. If authorized, payment for child care is:¶

(A) The lesser of the actual rate charged by the care provider and the rate established in OAR 461-155-0150. The Department rate for children in care less than 158 hours in a month is limited by OAR 461-155-0150.¶

(B) The minimum hours necessary, including meal and commute time, for the individual to participate in an

approved activity.¶

(f) Clothing: Payments for clothing items to support the individual to engage in an approved activity.¶

(g) Moving Expense/Relocation: Payments for housing and utilities expenses. Payments are subject to the following:¶

(A) Except as provided in paragraph (C) and (D) of this subsection, each payment type (such as rent, mortgage, utility bill, storage fees) is limited to two months per benefit group (see OAR 461-110-0750).¶

(B) Except as provided in paragraph (C) and (D) of this subsection, this payment is limited to \$3,000 per benefit group for each three-month period.¶

(C) Except as provided in paragraph (D) of this subsection, internet service payments are limited to four months per benefit group.¶

(D) With prior manager approval, and upon verification that an individual has greater needs to stabilize a living situation or prevent loss of housing, the Department may approve payments that exceed the limits in paragraphs (A), (B), and (C) of this subsection.¶

(h) Grooming Needs: Payments for grooming needs for an approved activity.¶

(i) Professional Fees: Payments for professional fees to support the case plan.¶

(j) Tools/Equipment: Payments for equipment or tools an individual needs to accept a job offer, or for a work-related activity.¶

(k) Books/Supplies: Payments for books and supplies an individual needs to engage in an educational activity, including vocational training (see OAR 461-001-0025).¶

(l) Vocational Training: Payment for tuition and other educational costs for vocational training and self-initiated training (see OAR 461-001-0025), excluding payments for books and supplies. Payments are subject to the following:¶

(A) Tuition payments for a vocational training activity or a jobs skills training (see OAR 461-001-0025) activity are limited to single payments by session as defined by the educational or vocational training entity, such as a term, semester, or quarter.¶

(B) Tuition payments for a self-initiated training activity ~~are~~ may be limited to payment no more than a twelve-month period provided through the Education and Training Pilot Program established in HB 2032. These payments will be issued via the contracted partner period per individual and shall be reviewed on a term-by-term basis. Individuals must show that they are making satisfactory progress (see OAR 461-001-0025) in their program and working towards receiving or clearing their standing to receive financial aid.¶

(C) For tuition payments, lower cost alternatives, as described in section (2) of this rule, must be explored, including the individual pursuing financial aid and other sources of assistance.¶

(m) Auto Expenses: Payments for auto expenses, repairs, or car insurance to support the goals specified in the individual's case plan. Payments for auto expenses are subject to the following limitations:¶

(A) Payments for vehicle repairs may be authorized at the discretion of the district if the cost to repair the individual's vehicle is reasonable in relation to the value of the vehicle and the minimum necessary repairs.¶

(B) Payments for car insurance may be authorized for no more than two months in a 12-month period.¶

(n) Other Payments: When the need is identified and no other sources are available, the Department may provide other payments needed --¶

(A) To look for work.¶

(B) To accept a job offer.¶

(C) To attain a high school diploma or GED.¶

(D) That are not otherwise restricted, with manager approval.¶

(o) None of the following payments are allowed:¶

(A) Medical Assistance or medical services.¶

(B) Mental health services.¶

(C) Alcohol and drug treatment services.¶

(D) Professional Services.¶

(E) Non-essential items.¶

(F) Television and cable.¶

(G) Fines, reinstatement fees, restitution, legal fees, civil fees, court costs, or other costs associated with a penalty.¶

(H) Purchase of a car, recreational vehicle, or motor home.¶

(I) Any payments described in this rule for individuals employed in, seeking employment in, or engaged in an illegal activity (see OAR 461-120-0215).¶

(J) Pet-related costs.¶

(K) ERDC co-payments.¶

(6) The Department may require an individual to provide verification of a need for, or costs associated with, support services prior to approval and issuance of payments if verification is reasonably available.¶

(7) The Department may reduce, close, or deny in whole or in part a request for support services payments in the following circumstances:¶¶

(a) The purpose for the payments is not related to the individual's case plan.¶¶

(b) The individual is failing to comply with the case plan or disqualified, unless the payments in question are necessary for the individual to demonstrate cooperation with the individual's case plan.¶¶

(c) The individual disagrees with support services payments offered or made by the Department as outlined in the individual's case plan.¶¶

(8) In the REF and REP programs, the Department may provide payments for support services for individuals eligible for REP engaged in an approved activity specified in the individual's case plan, subject to provisions in section (1)(e). Support services are subject to the following limitations:¶¶

(a) Transportation. The Department may provide payments to an individual when transportation costs is for travel to and from an approved REP activity. Payments are only for the cost of public transportation or fuel costs. For fuel costs the individual providing the transportation must report having a valid driver's license and vehicle insurance..¶¶

(b) Other Payments. When the need is identified and no other sources are available, the Department may provide other payments needed -¶¶

(A) To accept a job offer.¶¶

(B) For books and supplies to complete a an approved educational activity.¶¶

(c) All other payments are not allowed.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.121, 412.006, 412.009, 412.014, 412.049, 412.124

Statutes/Other Implemented: ORS 412.016, 412.049, 412.084, 412.124, ORS 291.003, 409.010, 409.040, 411.060, 411.070, 411.121, 412.001, 412.002, 412.006, 412.009, 412.011, 412.014, 45 CFR 233.20

AMEND: 461-195-0621

RULE SUMMARY: OAR 461-195-0621 is being amended to extend the REF program eligibility period from eight to twelve months.

CHANGES TO RULE:

461-195-0621

Intentional Program Violations; Penalties and Liability for Overpayments ¶¶

(1) Disqualification penalties resulting from intentional program violations and other violations of law are listed in this rule. An individual may be subject to disqualification for an intentional program violation (IPV) (see OAR 461-195-0601) only if the individual was advised of the disqualification penalties prior to committing the IPV. A disqualification established in another state or established in the Food Distribution Program on Indian Reservations continues in effect in Oregon.¶¶

(2) In the ERDC program, if an IPV is established against an individual through a contested case hearing, a waiver of the right to hearing, or by a state or federal court, that individual is liable for repayment to the Department of the full amount of overpayment (see OAR 461-195-0501) the Department has established. The amount of restitution to the Department ordered by a court as part of a criminal proceeding does not lower the amount owed to the Department. Payments of restitution to the Department are credited against the amount owed. A client is not subject to an IPV disqualification but is still required to repay overpayment amounts.¶¶

(3) A child care provider found to have committed an IPV is ineligible for payment for child care as follows:¶¶

(a) A child care provider with an IPV established between April 1, 2001 and September 30, 2005 is permanently disqualified to receive payment.¶¶

(b) A child care provider who has incurred an overpayment established as an IPV claim after September 30, 2005 is ineligible for payment---¶¶

(A) For six months and until the full amount of the overpayment is paid; or¶¶

(B) Permanently, if the Child Care Program Manager finds that such ineligibility is in the public interest. The following is a non-exclusive list of reasons that support a determination of permanent ineligibility: safety concerns; or, the likelihood of future violations; or, the degree of egregiousness of any of the established IPV's; or, the degree of primary involvement in the violation by the provider.¶¶

(4) In the REF, REFM, SNAP, and TANF programs, when an IPV is established against an individual through a contested case hearing, a waiver of the right to hearing, or by a state or federal court:¶¶

(a) That individual is liable for repayment to the Department of the full amount of overpayment the Department has established, regardless of any restitution ordered by a court.¶¶

(b) Except as otherwise set forth in this section, the individual is disqualified from receiving benefits in the program in which the IPV was committed for a period of 12 calendar months for the first IPV, 24 calendar months for the second IPV, and permanently for the third IPV.¶¶

(c) In the REF and REFM programs, the individual is disqualified from receiving benefits in the program in which the IPV was committed for the remaining ~~eight~~twelve months of eligibility.¶¶

(d) An individual found by a federal, state, or local court to have traded a controlled substance for SNAP benefits is disqualified from participation in the SNAP program as follows:¶¶

(A) For a period of two years upon the first occasion.¶¶

(B) Permanently upon the second occasion.¶¶

(e) An individual found by a federal, state, or local court to have traded firearms, ammunition, or explosives for SNAP benefits is permanently disqualified from participation in the SNAP program.¶¶

(f) An individual convicted of trafficking (see OAR 461-195-0601) benefits for a value of \$500 or more is permanently disqualified from participation in the SNAP program.¶¶

(g) An individual is disqualified for a 10-year period, except if permanently disqualified under subsection (b) of this section, from receiving benefits in the program in which the individual committed fraud if the individual --¶¶

(A) In TANF program:¶¶

(i) Is convicted in state or federal court of having made a fraudulent statement or representation with respect to the place of residence of the individual in order to receive assistance simultaneously from two or more states under programs that are funded under Title IV or XIX of the Social Security Act; or¶¶

(ii) Is found in an IPV hearing or admits, in a written waiver of the right to an IPV hearing, to having made a fraudulent statement or representation with respect to the identity or place of residence of the individual in order to receive benefits simultaneously from two or more states.¶¶

(B) In the SNAP program, is found to have or admits to having made a fraudulent statement or representation with respect to the identity or place of residence of the individual in order to receive multiple SNAP benefits simultaneously.¶¶

(5) If the TANF grant is affected by the IPV penalty imposed under this rule, eligibility (see OAR 461-001-0000) for and the level of SNAP benefits are determined in accordance with OAR 461-145-0105.¶

(6) Once a disqualification period begins, it continues uninterrupted until completed, regardless of the eligibility of the filing group (see OAR 461-110-0310) of the disqualified individual.

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

Statutes/Other Implemented: 409.010, 411.060, 411.816, 412.049, ORS 329A.500, 7 CFR 273.16, 7 CFR 273.18, 45 CFR 400