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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 461
DEPARTMENT OF HUMAN SERVICES
SELF-SUFFICIENCY PROGRAMS

FILED

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ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Proposing Annual Income Standard Changes for Aging and People with Disabilities and Self Sufficiency Programs

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/22/2024 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.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S)

OAR 461-155-0180 about Income Standards; Not OSIPM or QMB, OAR 461-155-0290 about Income Standard; QMB-BAS, OAR 461-155-0291 about Income Standard; QMB-DW, and OAR 461-155-0295 about Income Standard; QMB-SMB, QMB-SMF need to be amended to keep the rules in line with federal poverty level income standards that are published annually. Changes to the income standards ensures these rules are in compliance with federal guidelines.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

United States Department of Health and Human Services Poverty Guidelines:
<https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>

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

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The Department estimates no impact to racial equity in Oregon for any rule amendments in this filing.

FISCAL AND ECONOMIC IMPACT:

The Department is unable to estimate the fiscal impact of amending OAR 461-155-0290, 461-155-0291, and 461-155-0295 on the Department and individuals receiving or applying for services because the federal poverty level amounts are not yet known. In 2013, 2016, and 2017 the overall percentage of the federal poverty level increase exceeded the cost-of-living adjustment increases. In 2019 – 2021, the results depended upon the household size. In 2022 and 2023, the overall federal poverty levels increased less than the Social Security Administration cost of living adjustment

increase. In light of that, it is unclear whether the amendments will result in individual's being eligible for a Medicare Savings Program (MSP) for the first time, if they will be eligible for better MSP benefits, or whether their benefits will be closed or reduced. Any newly eligible recipients will result in a negative fiscal impact on the Department, while reduced or closed benefits will result in a positive fiscal impact on the Department. The Department estimates that these amendments will have no fiscal impact on other state agencies, local government, and business including small business. There is no cost of compliance for small business.

The Department is unable to estimate the fiscal impact of amending OAR 461-155-0180 on individuals receiving or applying for Self Sufficiency Program benefits because annual federal adjustments are not yet known. If there is an increase in the federal poverty levels, households that were over the old income standard but are under the new income standard, could be positively impacted if they choose to apply. The Department estimates that these amendments will have no fiscal impact on the Department, other state agencies, local government, and business including small business. There is no cost of compliance for small business.

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 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?

Rule changes in this filing are the result of federal cost of living adjustments or federal poverty level amendments.

RULES PROPOSED:

461-155-0180, 461-155-0290, 461-155-0291, 461-155-0295

AMEND: 461-155-0180

RULE SUMMARY: OAR 461-155-0180 is being amended to update federal poverty level standards that are published annually.

CHANGES TO RULE:

461-155-0180

Income Standards; Not OSIPM or QMB ¶

THIS RULE WILL BE AMENDED TO REFLECT FEDERAL POVERTY LEVEL STANDARDS PUBLISHED ANNUALLY¶

(1) A Department program may cite this rule if the program uses a monthly income standard based on the federal poverty level.¶

(2) A monthly income standard set at 100 percent of the 2023 federal poverty level, and updated every October, is set at the following amounts: ¶

Size of Group&&&&Standard ¶

1&&&&&&&&&\$ 1,215¶

2&&&&&&&&& 1,644¶

3&&&&&&&&& 2,072¶
 4&&&&&&&&& 2,500¶
 5&&&&&&&&& 2,929¶
 6&&&&&&&&& 3,357¶
 7&&&&&&&&& 3,785¶
 8&&&&&&&&& 4,214¶
 9&&&&&&&&& 4,643¶
 10&&&&&&&&&... 5,072¶
 +1&&&&&&&&&... +429¶

(3) A monthly income standard set at 130 percent of the 2023 federal poverty level, and updated every October is set at the following amounts:¶

Size of Group&&&&Standard¶

1&&&&&&&&&\$ 1,580¶
 2&&&&&&&&& 2,137¶
 3&&&&&&&&& 2,694¶
 4&&&&&&&&& 3,250¶
 5&&&&&&&&& 3,807¶
 6&&&&&&&&& 4,364¶
 7&&&&&&&&& 4,921¶
 8&&&&&&&&& 5,478¶
 9&&&&&&&&& 6,035¶
 10&&&&&&&&&... 6,592¶
 +1&&&&&&&&&... +557¶

(4) A monthly income standard set at 165 percent of the 2023 federal poverty level, and updated every October, is set at the following amounts: ¶

Size of Group&&&&Standard¶

1&&&&&&&&&\$ 2,005¶
 2&&&&&&&&& 2,712¶
 3&&&&&&&&& 3,419¶
 4&&&&&&&&& 4,125¶
 5&&&&&&&&& 4,832¶
 6&&&&&&&&& 5,539¶
 7&&&&&&&&& 6,246¶
 8&&&&&&&&& 6,952¶
 +1&&&&&&&&&... +707¶

(5) A monthly income standard set at 185 percent of the 2023⁴ federal poverty level, and updated every March, is set at the following amounts: ¶

Size of Group&&&&Standard¶

1&&&&&&&&&\$ 2,248TBD¶
 2&&&&&&&&& 3,041TBD¶
 3&&&&&&&&& 3,833TBD¶
 4&&&&&&&&& 4,625TBD¶
 5&&&&&&&&& 5,418TBD¶
 6&&&&&&&&& 6,210TBD¶
 7&&&&&&&&& 7,003TBD¶
 8&&&&&&&&& 7,795TBD¶
 9&&&&&&&&& 8,588TBD¶
 10&&&&&&&&&... 9,381TBD¶
 +1&&&&&&&&&... + 793TBD¶

(6) A monthly income standard set at 200 percent of the 2023⁴ federal poverty level, and updated every March, is set at the following amounts: ¶

Size of Group&&&&Standard¶

1&&&&&&&&&\$ 2,430TBD¶
 2&&&&&&&&& 3,287TBD¶
 3&&&&&&&&& 4,144TBD¶
 4&&&&&&&&& 5,000TBD¶
 5&&&&&&&&& 5,857TBD¶
 6&&&&&&&&& 6,714TBD¶
 7&&&&&&&&& 7,570TBD¶

8,427

+1857

(7) A monthly income standard set at 250 percent of the 2023⁴ federal poverty level, and updated every March, is set at the following amounts:

Size of Group Standard

1 \$ 3,038

2 4,109

3 5,180

4 6,250

5 7,321

6 8,392

7 9,463

8 10,534

+18,071

(8) A monthly income standard set at 350 percent of the 2023⁴ federal poverty level, and updated every March beginning 2023, is set at the following amounts:

Size of Group Standard

1 \$ 4,253

2 5,752

3 7,251

4 8,750

5 10,250

6 11,749

7 13,248

8 14,747

9 16,247

10 17,745

+18,500

(9) A monthly Disaster Supplemental Nutrition Assistance Program (DSNAP) income standard, updated every October, is set at the following amounts for the household (see OAR 461-135-0491):

Size of Group Standard

1 \$ 2,085

2 2,514

3 2,942

4 3,380

5 3,845

6 4,308

7 4,736

8 5,165

+18,429

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.816, 412.049

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

AMEND: 461-155-0290

RULE SUMMARY: OAR 461-155-0290 is being amended to update federal poverty level standards that are published annually.

CHANGES TO RULE:

461-155-0290

Income Standard; QMB-BAS ¶¶

~~The adjusted income standard for the~~ HIS RULE WILL BE AMENDED TO REFLECT FEDERAL POVERTY LEVEL STANDARDS PUBLISHED ANNUALLY¶¶

The adjusted income standard for the Qualified Medicare Beneficiaries - Basic (QMB-BAS) program is 100 percent of the 2023~~4~~ federal poverty level.¶¶

QMB-BAS Adjusted Income Standard¶¶

No. in Need Group	Amount¶¶
1	\$1,215TBD¶¶
2	1,644TBD¶¶
3	2,072TBD¶¶
4	2,500TBD¶¶
5	2,929TBD¶¶
6	3,357TBD¶¶
7	3,785TBD¶¶
8	4,214TBD¶¶
9	4,642TBD¶¶
10	5,070TBD¶¶

Each additional person + 429TBD

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

Statutes/Other Implemented: ORS 411.060, 411.070, 411.404, ORS 409.010, 42 CFR 400.200, 42 USC 1396d(p)

AMEND: 461-155-0291

RULE SUMMARY: OAR 461-155-0291 is being amended to update federal poverty level standards that are published annually.

CHANGES TO RULE:

461-155-0291

Income Standard; QMB-DW ¶¶

~~The adjusted income standard for the~~ HIS RULE WILL BE AMENDED TO REFLECT FEDERAL POVERTY LEVEL STANDARDS PUBLISHED ANNUALLY¶¶

The adjusted income standard for the Qualified Medicare Beneficiaries - Disabled Worker (QMB-DW) program is 200 percent of the 2023~~4~~ federal poverty level (see OAR 461-155-0290).¶¶

QMB-DW Adjusted Income Standard¶¶

No. in Need Group	Amount¶¶
1	\$2,430TBD¶¶
2	3,287TBD¶¶
3	4,144TBD¶¶
4	5,000TBD¶¶
5	5,857TBD¶¶
6	6,714TBD¶¶
7	7,570TBD¶¶
8	8,427TBD¶¶
9	9,284TBD¶¶
10	10,140TBD¶¶

Each additional person + 857TBD

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

Statutes/Other Implemented: ORS 411.060, 411.070, 411.404, ORS 409.010, 42 CFR 400.200, 42 USC 1396d(s)

AMEND: 461-155-0295

RULE SUMMARY: OAR 461-155-0295 is being amended to update federal poverty level standards that are published annually.

CHANGES TO RULE:

461-155-0295

Income Standard; QMB-SMB, QMB-SMF ¶

(1) Eligibility for QMB-SMB THIS RULE WILL BE AMENDED TO REFLECT FEDERAL POVERTY LEVEL STANDARDS PUBLISHED ANNUALLY ¶

(1) Eligibility for Qualified Medicare Beneficiaries - Specified Low Income Medicare Beneficiary (QMB-SMB) requires income greater than 100 percent (see OAR 461-155-0290) but less than 120 percent of the federal poverty level. The adjusted income standard for QMB-SMB is 120 percent of the 2023~~4~~ federal poverty level. ¶
QMB-SMB Adjusted Income Standard ¶

(Case Descriptor SMB) ¶

No. in Need Group	Amount ¶
1	\$1,458TBD ¶
2	1,972TBD ¶
3	2,486TBD ¶
4	3,000TBD ¶
5	3,514TBD ¶
6	4,028TBD ¶
7	4,542TBD ¶
8	5,056TBD ¶
9	5,570TBD ¶
10	6,084TBD ¶

Each additional person + 514TBD ¶

(2) Eligibility for QMB-SMF Qualified Medicare Beneficiaries - Supplemental Medicare Full (QMB-SMF) requires income equal to or greater than 120 percent (see section (1) of this rule) but less than 135 percent of the federal poverty level. The adjusted income standard for QMB-SMF is 135 percent of the 2023~~4~~ federal poverty level. ¶
QMB-SMF Adjusted Income Standard ¶

(Case Descriptor SMF) ¶

No. in Need Group	Amount ¶
1	\$1,641TBD ¶
2	2,219TBD ¶
3	2,797TBD ¶
4	3,375TBD ¶
5	3,954TBD ¶
6	4,532TBD ¶
7	5,110TBD ¶
8	5,688TBD ¶
9	6,267TBD ¶
10	6,845TBD ¶

Each additional person + 579TBD

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

Statutes/Other Implemented: ORS 411.060, 411.070, ORS 409.010, 42 USC 1396a(10)(E)(iii) and (iv)