

# Policy Transmittal Office of Self-Sufficiency Programs



Heather Miles, SSP Program Manager

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**Number:** SS-PT-23-001

**Issue date:** 03/28/2023

**Topic:** Other

**Due date:**

**Transmitting (check the box that best applies):**

- New policy   
  Policy change   
  Policy clarification   
  Executive letter  
 Administrative Rule   
  Manual update   
  Other:

**Applies to (check all that apply):**

- |  |   |
|--|---|
| <input type="checkbox"/> All DHS employees                             | <input type="checkbox"/> County Mental Health Directors                       |
| <input checked="" type="checkbox"/> Area Agencies on Aging: Type B     | <input type="checkbox"/> Health Services                                      |
| <input checked="" type="checkbox"/> Aging and People with Disabilities | <input type="checkbox"/> Office of Developmental Disabilities Services (ODDS) |
| <input checked="" type="checkbox"/> Self Sufficiency Programs          | <input type="checkbox"/> ODDS Children’s Intensive In Home Services           |
| <input type="checkbox"/> County DD program managers                    | <input type="checkbox"/> Stabilization and Crisis Unit (SACU)                 |
| <input type="checkbox"/> Support Service Brokerage Directors           | <input type="checkbox"/> Other ( <i>please specify</i> ):                     |
| <input type="checkbox"/> ODDS Children’s Residential Services          |   |
| <input type="checkbox"/> Child Welfare Programs                        |   |

<b>Policy/rule title:</b>	Administrative Rules for Various Self-Sufficiency and Aging & People with Disabilities Programs		
<b>Policy/rule number(s):</b>	Various (see below)	<b>Release number:</b>	
<b>Effective date:</b>	April 1, 2023 unless otherwise noted	<b>Expiration date:</b>	N/A
<b>References:</b>			
<b>Web address:</b>	Office of Self-Sufficiency Programs - Recent Permanent and Temporary Rulemaking Website: <a href="http://www.dhs.state.or.us/policy/selfsufficiency/ar_recent.htm">http://www.dhs.state.or.us/policy/selfsufficiency/ar_recent.htm</a>		

**Discussion/interpretation:**

Chapter 461 administrative rules govern Self-Sufficiency Programs (SSP) and Aging and People with Disabilities (APD) medical program eligibility. This transmittal provides summaries and text edits for administrative rules changes made effective April 1, 2023, unless otherwise noted.

For the official Chapter 461 site of the Secretary of State, please click [here](#).  
For the ODHS managed Chapter 461 site, please click [here](#).  
For the track changes version of all below rules, please click [here](#).

**Temporary effective February 15, 2023 to August 13, 2023**

**AMEND: 461-115-0651**

**RULE TITLE: Required Verification and When to Verify; SNAP**

**RULE SUMMARY:** OAR 461-115-0651 is being changed because the Oregon Department of Human Services (ODHS) has chosen the option to exclude legally obligated child support payments paid by an individual applying for or receiving SNAP program benefits to determine countable income for the SNAP program. The payments must be for an individual who is not in the obligor's SNAP filing group. The exclusion includes court ordered child support payments made to a third party, cash medical support, and child support arrearages. The rule is also being changed to standardize language.

**Effective February 1, 2023**

**AMEND: 461-120-0210**

**RULE TITLE: Requirement to Provide Social Security Number (SSN)**

**RULE SUMMARY:** OAR 461-120-0210 is being amended to state that individuals who do not have a Social Security Number (SSN) must provide verification of application for an SSN within six months of their initial TANF approval, rather than the sooner of six months after approval or by the end of the certification period. It is also being amended to make clearer who in which eligibility group must provide verification of application for an SSN for each program.

**Effective February 1, 2023**

**AMEND: 461-130-0330**

**RULE TITLE: Disqualifications; REF, SNAP, TANF**

**RULE SUMMARY:** OAR 461-130-0330 is being amended to remove Pre-TANF from the rule and change how the Department disqualifies individuals in the SNAP and TANF employment programs, including:

Limit the TANF grant subject to a disqualification to 25 percent of the TANF benefit amount, less any overpayment recovered. Under previous rule, the whole TANF grant was subject to disqualification.

Change the progressive TANF benefit penalty from 25 percent, 50 percent, 75 percent, 100 percent, and then a two-month closure; to 6.25 percent, 12.5 percent, 18.75 percent, and 25 percent with no closure.

Requiring later TANF disqualifications that happen after an individual has ended a disqualification, to begin at the first level. Under previous rule, the later disqualification began at the penalty level from the earlier disqualification.

Update SNAP employment program disqualification language to remove an old and inactive program, OFSET; to make language around ABAWD disqualifications more accurate, and to remove language about lifting the disqualification as these provisions should be in OAR 461-

130-0335.

**Effective February 1, 2023**

**AMEND: 461-130-0335**

**RULE TITLE: Removing Disqualifications and Effect on Benefits**

**RULE SUMMARY:** OAR 461-130-0335 is being amended to change how the Department removes disqualifications and how the removal impacts benefits, including:

- To change when and why a TANF disqualification ends and allow immediate TANF benefit restoration on the date the disqualification is ended,
- To discontinue the provision that made a TANF employment program disqualification follow the individual and impact the TANF benefits of any new TANF group they joined,
- To require that after a TANF disqualification is ended, the later TANF disqualifications begin at the first level,
- To remove TANF benefit closure after the fourth level of disqualification,
- To end the requirement that a TANF disqualified individual show two consecutive weeks of participation before removing the TANF disqualification, and
- To standardize how disqualified individuals who fail to comply with the SNAP employment program become eligible for SNAP benefits. Under previous rule, each local office was able to define and create their own participant requirements, resulting in inequity across the state. The new rule provisions will allow for SNAP eligibility after individuals serve their applicable disqualification period and agree to the general work requirements.

**Effective February 1, 2023**

**AMEND: 461-135-0070**

**RULE TITLE: Specific Requirements; TANF**

**RULE SUMMARY:** OAR 461-135-0070 is being changed by permanent filing to adopt temporary changes from October 15, 2022, which allows members of The Confederated Tribes of Siletz Indians who live in their service area, the choice to apply for and receive ODHS TANF benefits when there are safety concerns in pursuing TANF from The Confederated Tribes of Siletz Indians. It is also being changed to remove the requirement for an individual to complete two-weeks of cooperation when applying for TANF program benefits as the Department will no longer close TANF benefits when there is an active Job Opportunity and Basic Skills (JOBS) program disqualification.

**AMEND: 461-135-0070**

**RULE TITLE: Specific Requirements; TANF**

**RULE SUMMARY:** OAR 461-135-0070 is being changed to make clear that, in the TANF program, the requirement for a pregnant individual to reach late pregnancy to be eligible for benefits is waived if the applicant is at risk of further or future domestic violence. This waiver is already in OAR 461-135-1200(5), a TA-DVS rule, but is being repeated in OAR 461-135-0070 to make sure readers are aware the waiver applies to the TANF program.

**Effective February 1, 2023**

**AMEND: 461-135-0085**

**RULE TITLE: Requirement to Attend an Assessment or Evaluation, or Seek Medically Appropriate Treatment for Substance Abuse and Mental Health; Disqualification and Penalties; TANF**

**RULE SUMMARY:** OAR 461-135-0085 is being amended to change how a disqualification related to alcohol and drug assessment and treatment, and mental health treatment, impacts a participant in the TANF program. Only individuals who are eligible to participate in the Job Opportunity and Basic Skills (JOBS) program (also called JOBS mandatory in rule) will be subject to a disqualification. The rule is also being changed to remove references in the title and body to the Pre-TANF program and in the title to the REF program.

**Effective February 1, 2023**

**AMEND: 461-135-0089**

**RULE TITLE: Demonstrating Compliance with Substance Abuse and Mental Health Requirements; Restoring Cash Benefits; TANF**

**RULE SUMMARY:** OAR 461-135-0089 is being amended to remove references to the Pre-TANF program and to change when and why a disqualification ends. It is also being changed to require that after a disqualification is ended, later disqualifications begin at the first level.

**AMEND: 461-135-0880**

**RULE TITLE: OSIPM and QMB Programs; COVID-19**

**RULE SUMMARY:** OAR 461-135-0880 is being amended to comply with the Consolidated Appropriations Act, ending the continuous Medicaid enrollment provisions established by the FCCRA during the COVID-19 Public Health Emergency and adopting a staggered renewal process with additional allowances for response and timely notice.

**AMEND: 461-135-0950**

**RULE TITLE: Eligibility for Residents of Public Institutions**

**RULE SUMMARY:** OAR 461-135-0950 is being amended to allow more immediate access to medical benefits for individuals whose benefits were suspended when they became a resident of a public institution. Suspended medical benefits will now be restored as soon as the department learns an individual is no longer a resident of a public institution, or has entered a period of hospitalization, without requiring the individual to complete the full eligibility determination process. Once medical benefits are restored, ongoing eligibility will be redetermined. It is also being amended to remove the 10-day reporting requirement and allow restoration of benefits when the individual fails to report to the Department.

**Temporary effective February 15, 2023 to August 13, 2023**

**ADOPT: 461-140-0265**

**RULE TITLE: Court Ordered Child Support Exclusion; SNAP**

**RULE SUMMARY:** OAR 461-140-0265 is being adopted because the Oregon Department of Human Services (ODHS) has chosen the option to exclude legally obligated child support payments paid by an individual applying for or receiving SNAP program benefits to determine countable income for the SNAP program. The payments must be for an individual who is not in the obligor's SNAP filing group.

**AMEND: 461-140-0296**

**RULE TITLE: Length of Disqualification Due to an Asset Transfer; OSIP and OSIPM Permanent Effective April 1, 2023**

**RULE SUMMARY:** OAR 461-140-0296 about the divisor for the computation of periods of disqualification from the Oregon Supplemental Income Program (OSIP) and the Oregon Supplemental Income Program Medical (OSIPM) due to disqualifying transfers of assets is being amended to provide a new divisor for those transfers where the initial month is on or after October 1, 2022. This change is made to reflect an increase in the average monthly cost to a private patient of nursing facility services in Oregon, as required by 42 U.S.C. §1396(p)(c)(1)(E). This amount is calculated by using the average monthly cost to a private patient of nursing facility services in Oregon.

**Temporary Effective April 1, 2023**

**RULE SUMMARY:** OAR 461-140-0296 is being amended to remove the disqualification period from the Oregon Supplemental Income Program (OSIP) and the Oregon Supplemental Income Program Medical (OSIPM) due to the accumulation of funds in excess of the applicable dollar amount listed in section (2) of the rule for income cap trusts.

**AMEND: 461-145-0300**

**RULE TITLE: Workforce Innovation and Opportunity Act**

**RULE SUMMARY:** OAR 461-145-0300 is being amended to remove “Workforce Investment Act (WIA),” leaving just the current name, “Workforce Innovation Opportunity Act (WIOA).” The OAR is also being amended to exclude income from Title I-B WIOA for REF, REFM, and TANF program eligibility, regardless of the age of the individual. Additionally, the rule is being amended to exclude support service payments made under Title I-B of WIOA for both ERDC, REF, REFM, and TANF. Minor edits are also being made to the rule to update general words, like “client” to “individual.”

**AMEND: 461-155-0150**

**RULE TITLE: Child Care Provider Eligibility Standard, Payment Rates, Payment Limits, and Payable Hours**

**RULE SUMMARY:** OAR 461-155-0150 is being changed in permanent rule filing to correct child care coverage for working shift hours and sleep hours when there is more than one caretaker. The language for this provision was not accurate as filed in the January 1, 2023, permanent rule change and was corrected in a January 9, 2023, temporary rule change.

**Effective March 1, 2023**

**AMEND: 461-155-0180**

**RULE TITLE: Income Standards; Not OSIP, OSIPM, QMB**

**RULE SUMMARY:** OAR 461-155-0180 is being amended to adjust the 185 percent, 200 percent, 250 percent, and 350 percent income standards to reflect the annual update to the Federal Poverty Level (FPL). It is also being amended to adjust 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.

**Effective March 1, 2023**

**AMEND: 461-155-0290**

**RULE TITLE: Income Standard; QMB-BAS**

**RULE SUMMARY:** OAR 461-155-0290 is being amended to adjust the income standards to reflect the annual updates to the Federal Poverty Level that happens every March.

**Effective March 1, 2023**

**AMEND: 461-155-0291**

**RULE TITLE: Income Standard; QMB-DW**

**RULE SUMMARY:** OAR 461-155-0291 is being amended to adjust the income standards to reflect the annual updates to the Federal Poverty Level that happens every March.

**Effective March 1, 2023**

**AMEND: 461-155-0295**

**RULE TITLE: Income Standard; QMB-SMB, QMB-SMF**

**RULE SUMMARY:** OAR 461-155-0295 is being amended to adjust these income standards to reflect the annual updates to the Federal Poverty Level that happens every March.

**Temporary effective February 15, 2023 to August 13, 2023**

**AMEND: 461-160-0410**

**RULE TITLE: Use of Income and Income Deductions When There Are Ineligible or Disqualified Group Members; SNAP**

**RULE SUMMARY:** OAR 461-160-0410 is being changed because the Oregon Department of Human Services (ODHS) has chosen the option to exclude, rather than deduct, legally obligated child support payments paid by an individual applying for or receiving SNAP program benefits to determine countable income for the SNAP program. The rule is also being changed to update the name of the SNAP Employment and Training program.

**Temporary effective February 15, 2023 to August 13, 2023**

**AMEND: 461-160-0430**

**RULE TITLE: Income Deductions; SNAP**

**RULE SUMMARY:** OAR 461-160-0430 is being amended because the Oregon Department of Human Services (ODHS) has chosen the option to exclude, rather than deduct, legally obligated child support payments paid by an individual applying for or receiving SNAP program benefits to determine countable income for the SNAP program. The rule is also being changed to make clear that the 20 percent earned income deduction shall be applied to excluded child support

paid from earned income.

**Effective February 1, 2023**

**AMEND: 461-190-0231**

**RULE TITLE: Re-engagement; JOBS, REP, SFPSS, TA-DVS**

**RULE SUMMARY:** OAR 461-190-0231 is being amended to remove the Pre-TANF program, remove the inactive Parents as Scholars (PAS) program, and clarify and update re-engagement requirements in the Job Opportunity and Basic Skills (JOBS) program prior to applying a disqualification. The rule is also being amended to update words in the rule to words currently being used by the TANF program.

**AMEND: 461-195-0310**

**RULE TITLE: Notice of Claim or Action by Applicant or Recipient**

**RULE SUMMARY:** OAR 461-195-0310 is being amended to change requirements when the attorney of an applicant or recipient of assistance, or an insurance adjuster notifies the Department that they have a personal injury claim or settlement. The current rule requires that the notice to the Personal Injury Liens (PIL) Unit, OPAR, must be sent by mail or fax. The change to the rule will require attorneys and insurance adjusters to submit the notice via PIL's online portal. The rule is also being amended to update statutes and other laws or regulations the rule is based upon.

**Implementation/transition instructions:**

**Training/communication plan:**

**Local/branch action required:** Review changes with staff who determine eligibility.

**Central office action required:** N/A

**Field/stakeholder review:**  Yes  No

**If yes, reviewed by:** Most of the permanent rules were reviewed by a Rules Advisory Committee (RAC) for Self-Sufficiency Programs (SSP) or Aging and People with Disabilities (APD)

**Filing instructions:** N/A

*If you have any questions about this policy, contact:*

Contact(s): Policy specific questions: Contact the policy box for the specific program. Questions about the rules site, filing dates, or this transmittal: Contact Meorah Solar and Jennifer Lay, Chapter 461 Hearings Policy Analysts and Rule Coordinators.

Phone: (503) 602-7545

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