

Policy Transmittal

Office of Self-Sufficiency Programs



Heather Miles, SSP Program Manager

Authorized signature

Number: SS-PT-23-002

Issue date: 07/14/2023

Topic: Other

Due date: 07/01/2023

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 (please specify): |
| <input type="checkbox"/> ODDS Children’s Residential Services | |
| <input type="checkbox"/> Child Welfare Programs | |

Policy/rule title:	Administrative Rules for Various Self-Sufficiency and Aging & People with Disabilities Programs		
Policy/rule number(s):	Various (see below)	Release number:	
Effective date:	April 7 - July 1, 2023 as noted	Expiration date:	N/A
References:			
Web address:	Office of Self-Sufficiency Programs - Recent Permanent and Temporary Rulemaking Website: http://www.dhs.state.or.us/policy/selfsufficiency/ar_recent.htm		

Discussion/interpretation:

Chapter 461 administrative rules govern Self-Sufficiency Programs (SSP) and Aging and People with Disabilities (APD) medical program eligibility. This transmittal provides administrative rules changes effective April 7, 2023 through July 1, 2023.

- For the official Chapter 461 website of the Secretary of State, please click [here](#).

- For the Oregon Department of Human Services (ODHS) managed Chapter 461 website, please click [here](#).

For the tracked change versions of the below rules, please see the [Chapter 461 Recent Permanent and Temporary Rulemaking website](#) or these filings:

- [Temporary Rules Changes: Corrections to YEHP Direct Cash Transfer Rule](#) - Temporary 04/18/2023 - 10/03/2023
- [Temporary Rules Changes: Noncitizen Benefit Eligibility, YEHP Payments, GA Payment Standards, ERDC Monthly Copay](#) - Temporary 04/07/2023 - 10/03/2023
- [Permanent Changes about Eligibility for Afghan Refugees, Post-Partum Medical Coverage, and Patient Liability](#) - Permanent 05/01/2023
- [Adopting Rules to Establish and Implement the Tax Infrastructure Grant Program](#) - Temporary 06/15/2023 - 12/11/2023
- [Correcting the Retroactive Effective Date for the Tax Infrastructure Grant Program](#) - Temporary 06/15/2023 - 12/11/2023
- [Rule Changes about APD Program Eligibility, Payment Standards, Change Reporting, Notice Requirements, and Child Care](#) - Permanent 07/01/2023
- [Rule Changes about Self Sufficiency Program Eligibility, Asset Treatment, and Child Care](#) - Permanent 07/01/2023
- [Re-Establishing a Temporary Rule Effective April 7 through October 3 about Noncitizen Status Eligibility](#) - Temporary 07/01/2023 - 10/03/2023
- [Temporary Rules to Expand OSIPM Eligibility for Noncitizens through Healthier Oregon](#) - Temporary 07/01/2023 - 12/27/2023

AMEND: 461-101-0010

RULE TITLE: Program Acronyms and Overview

Effective July 1, 2023

RULE SUMMARY: OAR 461-101-0010 is being amended to clarify who may be covered by Oregon Supplemental Income Program Medical (OSIPM) and to add references to OSIPM subprograms. OAR 461-101-0010 is also being amended to remove the ERDC program from

Chapter 461 to transfer it from ODHS to DELC as required by House Bill 3073. These changes were in two different Notices of Proposed Rulemaking filed 03/27/23 and 04/28/23.

Temporary Change July 1, 2023 through December 27, 2023

RULE SUMMARY: OAR 461-101-0010 is being changed to update program acronyms and overviews for Citizenship Waived Medical and Healthier Oregon.

AMEND: 461-120-0110

RULE TITLE: Citizenship and Noncitizen Status Requirements

Temporary Change July 1, 2023 through December 27, 2023

RULE SUMMARY: OAR 461-120-0110 is being amended to add and update program names and noncitizen status requirements for Citizenship Waived Medical and Healthier Oregon.

AMEND: 461-120-0125

RULE TITLE: Noncitizen Status Requirements

Temporary Change April 7, 2023 through June 30, 2023

RULE SUMMARY: OAR 461-120-0125 is being changed to allow more citizens and nationals from Afghanistan, and their children or spouses, to meet the noncitizen requirements for the ERDC, TA-DVS, TANF, OSIPM, QMB, REF, REFM, and SNAP programs. The change includes individuals with the following statuses, but is limited by parole dates, age, marital status, USCIS status type, and more.

Citizens or nationals of Afghanistan granted parole into the U.S., their children, their spouse, and their parent or legal guardian.

Citizens or nationals of Afghanistan granted Special Immigrant Conditional Permanent Resident status or Special Immigrant SQ/SI Parole status., their children, their spouse, and their parent or legal guardian.

The rule is also being changed to remove members of Sovereign Tribal Nations, as defined in section 4(e) of 25 U.S.C. 450b(e), from the list of individuals who meet "the noncitizen status requirements." These individuals are United States citizens, in addition to citizens of Sovereign Tribal Nations, and should not be listed here.

Temporary Change July 1, 2023 through October 3, 2023

RULE SUMMARY: OAR 461-120-0125 is being changed to re-establish a temporary change to the rule effective April 7, 2023 through October 3, 2023, that was ended upon a permanent change to this rule effective July 1, 2023. These changes are put back into place and allow more citizens and nationals from Afghanistan, and their children or spouses, to meet the noncitizen requirements for the TA-DVS, TANF, OSIPM, QMB, REF, REFM, and SNAP programs. The change includes individuals with the following statuses, but is limited by parole dates, age, marital status, USCIS status type, and more.

Citizens or nationals of Afghanistan granted parole into the U.S., their children, their spouse, and their parent or legal guardian.

Citizens or nationals of Afghanistan granted Special Immigrant Conditional Permanent Resident status or Special Immigrant SQ/SI Parole status., their children, their spouse, and their parent or legal guardian.

AMEND: 461-120-0210

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

Temporary Change July 1, 2023 through December 27, 2023

RULE SUMMARY: OAR 461-120-0210 is being changed to add a provision about providing a Social Security Number for Healthier Oregon and to remove the acronym from Citizenship Waived Medical.

AMEND: 461-120-0215

RULE TITLE: Illegal Activity

RULE SUMMARY: OAR 461-120-0215 is being amended to remove references to Temporary Assistance to Needy Families (TANF) child care support services and ERDC copay. Rules governing eligibility for child care benefits for most TANF recipients will transition from the Oregon Department of Human Services (ODHS) to the Department of Early Learning and Care (DELIC) effective July 1, 2023. Beginning July 1, 2023, the ERDC program will support the child care needs of most families receiving TANF.

AMEND: 461-135-0520

RULE TITLE: Time Limit and Special Requirements for ABAWD; SNAP

RULE SUMMARY: OAR 461-135-0520 is being amended to implement a waiver approved by the United States Department of Agriculture Food and Nutrition Services which allows Supplemental Nutrition Assistance Program (SNAP) time limits for Able Bodied Adults Without Dependents (ABAWD) to be waived in some Oregon counties and reservation and trust lands of some Tribal Nations. Additionally, the rule is being amended to establish discretionary exemptions for certain individuals.

AMEND: 461-135-0834

RULE TITLE: Delivery of Required Notices to the Estate Administration Unit

RULE SUMMARY: OAR 461-135-0834 is being amended to change requirements for notices to the Estate Administration Unit regarding wrongful death probates.

AMEND: 461-135-0875

RULE TITLE: Specific Requirements; Retroactive Eligibility

Temporary Change July 1, 2023 through December 27, 2023

RULE SUMMARY: OAR 461-135-0875 is being amended to update retroactive medical program eligibility for Citizenship Waived Medical.

AMEND: 461-135-0930

RULE TITLE: Medical Coverage for Refugees; REFM

Temporary Change July 1, 2023 through December 27, 2023

RULE SUMMARY: OAR 461-135-0930 is being changed to remove the Citizenship Waived Medical program.

AMEND: 461-135-1070

**RULE TITLE: Specific Requirements; Citizenship Waived Medical (CWM)
Temporary Change July 1, 2023 through December 27, 2023**

RULE SUMMARY: OAR 461-135-1070 is being changed to remove the Citizenship Waived Medical acronym, to update the program's benefit limitations, and to end the program June 30, 2023.

AMEND: 461-135-1080

**RULE TITLE: Specific Requirements for Healthier Oregon; OSIPM
Temporary Change July 1, 2023 through December 27, 2023**

RULE SUMMARY: OAR 461-135-1080 is being amended to expand Healthier Oregon - OSIPM, to individuals age 26 through 54 who meet all financial and non-financial eligibility requirements for OSIPM except citizen and noncitizen status requirements. It is also being amended to update Healthier Oregon benefits information and to make clear which individuals will be transitioned automatically from Citizenship Waived Medical to Healthier Oregon effective July 1, 2023.

AMEND: 461-140-0296

RULE TITLE: Length of Disqualification Due to an Asset Transfer; OSIP and OSIPM

RULE SUMMARY: OAR 461-140-0296 is being amended to end the disqualification of individuals from Oregon Supplemental Income Program (OSIP) and Oregon Supplemental Income Program Medical (OSIPM) when income cap trusts accumulate funds in excess of the applicable dollar amount in section (2) of the rule.

AMEND: 461-145-0090

RULE TITLE: Disability Benefit

RULE SUMMARY: OAR 461-145-0090 is being amended to address income from the Paid Leave Oregon program. This rule amendment makes clear that OAR 461-145-0090 does not cover how to treat income from the Paid Leave Oregon program and directs readers to a new administrative rule that establishes how the Department treats this income when determining eligibility for programs in OAR Chapter 461. OAR 461-145-0090 is also being amended to remove rule provisions regarding how assets are treated when determining eligibility for the ERDC program. The authority and administration of the ERDC program is being transferred from ODHS to DELC beginning July 1, 2023, as required by House Bill 3073 (regular session). These changes were in two different Notices of Proposed Rulemaking filed 03/27/23 and 04/28/23.

ADOPT: 461-145-0254

**RULE TITLE: Youth Experiencing Homelessness Program Direct Cash Transfer
Payments**

Temporary Change April 7, 2023 through April 17, 2023

RULE SUMMARY: OAR 461-145-0254 is being adopted to establish how Chapter 461 programs will treat Youth Experiencing Homelessness Program Direct Cash Transfer Payments.

Temporary Change April 18, 2023 through October 3, 2023

RULE SUMMARY: OAR 461-145-0254 is being amended to add a program that was mistakenly absent from the first filing and make clear the rule's provisions are retroactively effective.

Permanent July 1, 2023

RULE SUMMARY: OAR 461-145-0254 is being adopted to establish how Chapter 461 programs will treat the Youth Experiencing Homeless Program Direct Cash Transfer (DCT) payments when determining eligibility for programs in OAR Chapter 461. It is also being amended effective 07/01/2023 to remove the Employment Related Day Care (ERDC) program. House Bill 3073 transfers the governance of the ERDC program rules from ODHS to DELC.

ADOPT: 461-145-0375

RULE TITLE: Paid Leave Oregon

RULE SUMMARY: OAR 461-145-0375 is being adopted to establish how the Department treats payments from Paid Leave Oregon when determining eligibility for programs in OAR Chapter 461.

AMEND: 461-145-0380

RULE TITLE: Pension and Retirement Plans

RULE SUMMARY: OAR 461-145-0380 is being amended to align the way benefits from pension and retirement plans are treated in the Refugee Assistance/Refugee Assistance Medical (REF/REFM) and TANF programs.

AMEND: 461-155-0210

RULE TITLE: Payment Standards and Methods of Issuance; GA

Temporary Change April 7, 2023 through June 30, 2023

RULE SUMMARY: OAR 461-155-0210 is being amended to raise rental, utility and cash assistance benefits for General Assistance consumers by nine percent. In future years, the Department expects to make changes to these benefits that align with the percentage of increase in Social Security Administration (SSA) Supplemental Security Income (SSI) Cost of Living Adjustments (COLA) when they occur.

Permanent July 1, 2023

RULE SUMMARY: OAR 461-155-0210 is being amended to raise rental, utility and cash assistance benefits for General Assistance recipients by 9%. This percentage increase aligns with the current Social Security Administration (SSA) Supplemental Security Income (SSI) cost of living adjustment. In addition, it is being amended to make temporary changes to this rule permanent.

AMEND: 461-160-0015

RULE TITLE: Resource Limits

RULE SUMMARY: OAR 461-160-0015 is being amended to increase the resource limit to \$10,000 for all Refugee Assistance (REF) and Refugee Assistance Medical (REFM) program

applicants and recipients. This aligns the resource limit in the REF and REFM programs with the resource limit for the Temporary Assistance for Needy Families (TANF) program. OAR 461-160-0015 is also being amended to remove the ERDC program from Chapter 461 to transfer it from ODHS to DELC as required by House Bill 3073 (2021 regular session). These changes were in two different Notices of Proposed Rulemaking filed 03/27/23 and 04/28/23.

AMEND: 461-160-0193

RULE TITLE: Support Services Payments; Child Care

RULE SUMMARY: OAR 461-160-0193 is being amended to remove some eligibility provisions for TANF child care support services direct provider payments and to clarify that ODHS will continue to provide TANF child care support services payments for the care of some children who will not be eligible for ERDC child care hours. Most rules governing eligibility for child care benefits will transition from ODHS to DELC effective July 1, 2023 and the ERDC program will support the child care needs of most families receiving TANF. The rule is also being amended to make clear requirements for providers to receive payment and how payments will be made.

AMEND: 461-160-0300

RULE TITLE: Use of Income to Determine Eligibility and Copay Benefits for ERDC Temporary Change April 7, 2023 through October 3, 2023

RULE SUMMARY: OAR 461-160-0300 is being amended to reflect the increased monthly copay income standards for the ERDC program due to recent Federal Poverty Level (FPL) increases. The changes are retroactively effective March 1, 2023, and benefit families.

AMEND: 461-160-0620

RULE TITLE: Income Deductions and Patient Liability; Long-Term Care Services or Home and Community-Based Care; OSIPM

RULE SUMMARY: OAR 461-160-0620 is being amended to reflect annually published federal spousal impoverishment adjustments.

AMEND: 461-170-0011

RULE TITLE: Changes That Must Be Reported

RULE SUMMARY: OAR 461-170-0011 is being amended to clearly indicate that individuals with open TANF, REF, and State Family Pre-SSI Program (SFPSS) benefits must report a change in employment status within ten days if their case is assigned to the Change Report System (CRS). In addition, this rule is being amended to remove the requirement that a resident of a public institution whose medical benefits were suspended must report a change in incarceration status within 10 days and to remove the ERDC program from Chapter 461 to transfer it from ODHS to DELC as required by House Bill 3073 (2021 Regular Session). These changes were in two different Notices of Proposed Rulemaking filed 03/27/23 and 04/28/23.

AMEND: 461-180-0083

RULE TITLE: Effective Dates; Other Changes That Cause Increases; OSIPM and QMB

Temporary Change July 1, 2023 through December 27, 2023

RULE SUMMARY: OAR 461-180-0083 is being amended to remove Citizenship Waived Medical. Citizenship Waived Medical is no longer needed in this rule due to the expansion of Healthier Oregon, which will provide full Medicaid coverage for the age group previously not eligible for Healthier Oregon: certain noncitizens 26 to 54 years of age who would be eligible for OSIPM if not for their noncitizen status.

AMEND: 461-180-0130

RULE TITLE: Effective Dates; Restored Benefits

RULE SUMMARY: OAR 461-180-0130 is being amended to replace “incarcerated” with “resident of a public institution” and to remove reference to time limits for suspension of medical benefits.

AMEND: 461-190-0211

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

RULE SUMMARY: OAR 461-190-0211 is being amended to remove some eligibility provisions for TANF child care support services payments and to clarify that ODHS will continue to provide TANF child care support services payments for the care of some children. Most rules governing eligibility for child care benefits will transition from the ODHS to DELC effective July 1, 2023 and the ERDC program will support the child care needs of most families receiving TANF. Additionally, OAR 461-190-0211 is being amended to clarify who is eligible for support services, to add new support services for eyeglasses, to change the term ‘Moving Expense/Relocation’ to ‘Housing/Utilities’ and to clarify that eye exams are not eligible for payment.

ADOPT: 461-194-0000

RULE TITLE: Purpose and Objectives

Temporary Adopt June 15, 2023 through June 15, 2023

RULE SUMMARY: OAR 461-194-0000 is being adopted to establish and implement the Tax Infrastructure Grant Program, which carries out the Department’s responsibility under House Bill 4117 (2022 short session). The grant program provides funding to certain organizations and tribal governments that are engaged in income tax benefits education, navigation, and return preparation.

Temporary Adopt June 15, 2023 through December 11, 2023

RULE SUMMARY: OAR 461-194-0000 is being amended to correct the rule's retroactive effective date to January 12, 2023.

ADOPT: 461-194-0010

RULE TITLE: Definitions

Temporary Adopt June 15, 2023 through June 15, 2023

RULE SUMMARY: OAR 461-194-0010 is being adopted to establish definitions for the Tax Infrastructure Grant Program, which carries out the Department’s responsibility under House

Bill 4117 (2022 short session). The grant program provides funding to certain organizations and tribal governments that are engaged in income tax benefits education, navigation, and return preparation.

Temporary Adopt June 15, 2023 through December 11, 2023

RULE SUMMARY: OAR 461-194-0010 is being amended to correct the rule's retroactive effective date to January 12, 2023.

ADOPT: 461-194-0020

RULE TITLE: Administration

Temporary Adopt June 15, 2023 through June 15, 2023

RULE SUMMARY: OAR 461-194-0020 is being adopted to establish and administer the Tax Infrastructure Grant Program, which carries out the Department's responsibility under House Bill 4117 (2022 short session). The grant program provides funding to certain organizations and tribal governments that are engaged in income tax benefits education, navigation, and return preparation.

Temporary Adopt June 15, 2023 through December 11, 2023

RULE SUMMARY: OAR 461-194-0020 is being amended to correct the rule's retroactive effective date to January 12, 2023.

ADOPT: 461-194-0030

RULE TITLE: Eligible Activities

Temporary Adopt June 15, 2023 through June 15, 2023

RULE SUMMARY: OAR 461-194-0030 is being adopted to establish eligible activities for Tax Infrastructure Grant Program grant recipients, which carries out the Department's responsibility under House Bill 4117 (2022 short session). The grant program provides funding to certain organizations and tribal governments that are engaged in income tax benefits education, navigation, and return preparation.

Temporary Adopt June 15, 2023 through December 11, 2023

RULE SUMMARY: OAR 461-194-0030 is being amended to correct the rule's retroactive effective date to January 12, 2023.

ADOPT: 461-194-0040

RULE TITLE: Monitoring and Reporting Requirements

Temporary Adopt June 15, 2023 through June 15, 2023

RULE SUMMARY: OAR 461-194-0040 is being adopted to establish requirements for Tax Infrastructure Grant Program grant recipients, which carries out the Department's responsibility under House Bill 4117 (2022 short session). The grant program provides funding to certain organizations and tribal governments that are engaged in income tax benefits education, navigation, and return preparation.

Temporary Adopt June 15, 2023 through December 11, 2023

RULE SUMMARY: OAR 461-194-0040 is being amended to correct the rule's retroactive effective date to January 12, 2023.

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 Rules Coordinators.

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