

Policy Transmittal

Office of Self-Sufficiency Programs



Heather Miles, SSP Program Manager

Authorized signature

Number: SS-PT-23-003

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:	July 1, 2023	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 summaries and text edits for administrative rules changes related to the Employment Related Day Care (ERDC) program moving from Oregon Department of Human

Services (ODHS) to Department of Early Learning Care (DELIC) made effective July 1, 2023.

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

For the ODHS managed Chapter 461 site, please see [here](#).

For the DELIC ERDC proposed Chapter 414 rules, please see [here](#).

For the tracked change versions of the below rules, please see these filings:

- [Rule Changes to Chapter 461 Divisions 025-140 Moving ERDC Governance from ODHS to DELIC](#)
- [Rule Changes to Chapter 461 Division 145 to Move ERDC Governance from ODHS to DELIC](#)
- [Rule Changes to Chapter 461 Divisions 150-195 to Move ERDC from ODHS to DELIC](#)

RULE SUMMARY FOR RULES LISTED BELOW: This rule is being amended to remove the ERDC program from Chapter 461 to transfer it from ODHS to DELIC as required by House Bill 3073 (2021 regular session).

461-025-0301: Lay Representation in Contested Case Hearings

461-025-0310: Hearing Requests

461-025-0311: Continuation of Benefits

461-025-0316: Intentional Program Violation (IPV) Hearings; ERDC, REF, REFM, SFPSS, SNAP, and TANF programs

461-105-0006: Business Continuity Provisions

461-105-0410: Requirement to Cooperate in Quality Control Review; REF, REFM, SNAP, and TANF

461-110-0210: Household Group

461-110-0530: Financial Group

461-110-0630: Need Group

461-115-0030: Date of Request

461-115-0050: When an Application Must Be Filed

461-115-0071: Who Must Sign the Application and Complete the Application Process

461-115-0230: Interviews

461-115-0430: Periodic Redeterminations or Renewal; Not EA, SNAP, or TA-DVS

461-120-0210: Requirement to Provide Social Security Number (SSN)

461-120-0330: Requirement to Pursue Assets

461-120-0510: Age Requirements for Individuals to Receive Benefits

461-120-0630: Requirement to Live with a Caretaker or Caretaker Relative

461-135-0505: Categorical Eligibility for SNAP

461-140-0040: Determining Availability of Income

461-140-0110: Treatment of Periodic Income

461-140-0120: Availability and Treatment of Lump-Sum Income

461-140-0210: Asset Transfer; General Information and Timelines

REPEAL RULE SUMMARY FOR RULES LISTED BELOW: The rule is being repealed to move the ERDC program from the authority of the ODHS to the DELC, as required by House Bill 3073 (2021 regular session).

461-110-0350: Filing Group; ERDC

461-115-0016: Application Process; Reservation List for ERDC

461-135-0400: Specific Requirements; ERDC

461-135-0405: Children in the Head Start Program; ERDC

461-135-0415: Requirement to Make Copay or Satisfactory Arrangements; ERDC

461-135-0440: Child Care Benefit Eligibility and Payment; COVID-19

AMEND: 461-120-0110

RULE TITLE: Citizenship and Noncitizen Status Requirements

RULE SUMMARY: OAR 461-120-0110 is 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). It is also being amended to make clear that citizens of federally-recognized, sovereign American Indian and Alaska Native nations as defined in section (4)(e) of the Indian Self-Determination and Education Act (25 U.S.C. 450b(e)), are citizens of their sovereign nation and of the United States.

AMEND: 461-120-0125

RULE TITLE: Noncitizen Status Requirements

RULE SUMMARY: OAR 461-120-0125 is 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). It is also being amended to refer to Indigenous, First Nation, Inuit, Métis, and Aboriginal individuals born in Canada in a more respectful way and to remove reference to American Indian and Alaska Native tribal nation members from the noncitizen section of the rule as these individuals are United States citizens, and citizens of their sovereign tribal nation.

RULE SUMMARY FOR RULES LISTED BELOW: The OAR is being amended to remove rule provisions regarding how assets are treated when determining eligibility for the Employment Related Day Care (ERDC) program from Chapter 461 as the authority and administration of the ERDC program is being transferred from the Oregon Department of Human Services (ODHS) to the Department of Early Learning and Care (DELC) as required by House Bill 3073 (2021 regular session).

461-145-0001: Adoption Assistance

461-145-0040: Burial Arrangements and Burial Fund

461-145-0050: Burial Space and Merchandise

461-145-0080: Child Support and Cash Medical Support

461-145-0110: Domestic Volunteer Services Act (VISTA, RSVP) and Small Business Act (SCORE, ACE)

461-145-0130: Earned Income; Treatment

461-145-0150: Educational Income

461-145-0200: Foster Care Payments and Guardianship Assistance Benefits
461-145-0210: Gifts and Winnings
461-145-0230: Housing and Urban Development
461-145-0250: Income-Producing Property; Not OSIPM or QMB
461-145-0260: American Indian and Alaska Native Benefits; Not OSIPM and QMB
461-145-0270: Inheritance
461-145-0320: Life Insurance
461-145-0330: Loans and Interest on Loans
461-145-0360: Motor Vehicle
461-145-0365: National and Community Services Trust Act (NCSTA), including AmeriCorps (other than AmeriCorps VISTA)
461-145-0400: Personal Injury Settlement
461-145-0410: Program Benefits
461-145-0420: Real Property
461-145-0433: Recreational Vehicles
461-145-0440: Reimbursement
461-145-0455: Resettlement and Placement (R&P) Grants
461-145-0460: Sale of a Resource
461-145-0470: Shelter-in-Kind Income
461-145-0490: Social Security Benefits
461-145-0505: Spousal Support
461-145-0510: Supplemental Security Income (SSI)
461-145-0590: Workers Compensation
461-145-0600: Work-Related Capital Assets, Equipment, and Inventory
461-145-0820: Deemed Assets; Noncitizen's Sponsor
461-145-0920: Self-Employment; Costs that are Excluded to Determine Countable Income
461-145-0930: Self-Employment; Determination of Countable Income

461-145-0540

RULE TITLE: Trusts

RULE SUMMARY: OAR 461-145-0540 is being amended to remove rule provisions regarding how assets are treated when determining eligibility for the ERDC program from Chapter 461 as the authority and administration of the ERDC program is being transferred from ODHS to DELC as required by House Bill 3073 (2021 regular session). It is also being amended to address the treatment of revocable trusts in the OSIP, OSIPM, and QMB-DW programs.

461-145-0830

RULE TITLE: When to Deem the Assets of a Sponsor of a Noncitizen and How Income is Deemed

RULE SUMMARY: OAR 461-145-0830 is being amended to remove rule provisions regarding how assets are treated when determining eligibility for the ERDC program from Chapter 461 as the authority and administration of the ERDC program is being transferred from

ODHS to DELC as required by House Bill 3073 (2021 regular session). The rule is also being amended to update the word "battered" and "battery" to "abused" and "abuse," respectively.

461-145-0910

RULE TITLE: Self-Employment; General; Not OSIPM or QMB

RULE SUMMARY: OAR 461-145-0910 is being amended to remove rule provisions regarding how assets are treated when determining eligibility for the ERDC program from Chapter 461 as the authority and administration of the ERDC program is being transferred from ODHS to the Department of Early Learning and Care (DELC) as required by House Bill 3073 (2021 regular session). It is also being amended to change how specific business types are worded, while not changing the policies about how the income from the business types is treated.

RULE SUMMARY FOR THE RULES LISTED BELOW: The rule is 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).

461-150-0060: Prospective or Retrospective Eligibility and Budgeting; ERDC, REF, REFM, SNAP, TANF

461-150-0090: Prospective Budgeting: Annualizing and Prorating Contracted or Self-employment Income; Not OSIP, OSIPM, or QMB

461-155-0180: Income Standards; Not OSIP, OSIPM, QMB

461-160-0010: Use of Resources in Determining Financial Eligibility

461-160-0040: Dependent Care Costs; Deduction and Coverage

461-160-0060: Use of Rounding in Calculating Benefit Amount

461-165-0030: Concurrent and Duplicate Program Benefits

461-165-0120: Benefits for a Client in an Acute Care Hospital

461-170-0010: Reporting Changes – Overview

461-170-0200: State and Federal Government -Initiated Changes

461-175-0210: Notice Situation; Individual Moved or Whereabouts Unknown

461-175-0222: Notice Situations - Expiration of Certification Period; ERDC, SNAP, TANF

461-175-0270: Notice Situation; SRS or TBA

461-175-0280: Notice Situation; Failure to Submit Report for SRS or ERDC

Reapplication

461-175-0300: Notice Situation; Prior Notice

461-175-0305: Notice Situation; Removing an Individual from a Benefit Group (REF, REFM, SNAP, TANF) or Need Group (ERDC)

461-180-0010: Effective Dates; Adding a New Person to an Open Case

461-180-0020: Effective Dates; Changes in Income or Income Deductions That Cause Increases

461-180-0050: Effective Dates; Suspending or Closing Benefits and JOBS and REP Support Service Payments

461-180-0070: Effective Dates; Initial Month Benefits

461-180-0100: Effective Dates; Eligibility Following Closure

461-180-0120: Effective Dates; Removing an Individual

AMEND: 461-195-0301

RULE TITLE: Definitions

RULE SUMMARY: OAR 461-195-0301 is being amended to add DELC to the definition of "Department" which aligns the rule with DELC and ODHS Office of Payment Accuracy and Recovery Interagency Agreement.

AMEND: 461-195-0501

RULE TITLE: Definitions and Categories of Overpayments

RULE SUMMARY: OAR 461-195-0501 is being amended to add DELC to the definition of "Department" and add DELC Oregon Administrative Rule references, which align the rules with DELC and OPAR Interagency Agreement.

RULE SUMMARY FOR THE RULES LISTED BELOW: The rule is being amended to add DELC Oregon Administrative Rule references, which align the rules with DELC and ODHS Office of Payment Accuracy and Recovery Interagency Agreement.

461-195-0521: Calculation of Overpayments

461-195-0541: Liability for Overpayments

461-195-0561: Compromise or Adjustment of an Overpayment Claim

461-195-0601: Intentional Program Violations; Defined

461-195-0611: Intentional Program Violations; Establishment and Appeal

AMEND: 461-195-0621

RULE TITLE: Intentional Program Violations; Penalties and Liability for Overpayments

RULE SUMMARY: OAR 461-195-0621 is being amended to add reference to DELC, which aligns the rule with DELC and ODHS Office of Payment Accuracy and Recovery Interagency Agreement. OAR 461-195 0621 is also being amended to prevent the Department from establishing an overpayment for an amount above restitution ordered by a court.

REPEAL RULE SUMMARY FOR RULES LISTED BELOW: The rule is being repealed to move the ERDC program from the authority of the ODHS to the DELC, as required by House Bill 3073 (2021 regular session).

461-155-0150: Child Care Provider Eligibility Standard, Payment Rates, Payment Limits and Payable Hours

461-155-0151: High Special Needs; Child Care

461-160-0300: Use of Income to Determine Eligibility and Copay Benefits for ERDC

461-165-0160: Direct Provider Payments; General Information

461-165-0171: Direct Provider Payments; Payment Forms

461-165-0180: Eligibility of Child Care Providers

461-165-0410: Provider Listing; Disqualifying Criminal History

461-165-0420: Provider Listing; Disqualifying Child Protective Service History
461-165-0430: Child Care Provider Hearings
461-170-0150: Certification Period; ERDC
461-170-0160: When a Reapplication Form is Considered Complete or Not Received; ERDC
461-175-0207: Child Care Benefit Calculation notice
461-180-0005: Effective Dates; Acting on Changes; ERDC

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: All rules were reviewed by a Rules Advisory Committee.

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.

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