

CAF Self-Sufficiency Programs

**Number:** SS-PT-04-021

**Authorized Signature**
**Issue Date:** 10/01/04

**Topic:** CAF Self-Sufficiency Programs Administrative Rules Manual Updates (including some Seniors and People with Disabilities programs)

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

- New Policy   
  Policy Change   
  Policy Clarification   
  Executive Letter  
 Administrative Rule   
  Manual Update   
 Other: CAF Administrative Rules Manual Update

**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        | <input type="checkbox"/> Health Services   |
| <input checked="" type="checkbox"/> Children, Adults and Families | <input checked="" type="checkbox"/> Seniors and People with Disabilities   |
| <input type="checkbox"/> County DD Program Managers               | <input checked="" type="checkbox"/> Other (please specify): All Users of the CAF Self-Sufficiency Programs Administrative Rules Manual |

Policy/Rule Title:	Various Self-Sufficiency and Seniors and People with Disabilities programs Administrative Rules		
Policy/Rule Number(s):	See Below	Release No:	ARM-32
Effective Date:	10/01/04	Expiration:	N/A
References:			
Web Address:	<a href="http://www.dhs.state.or.us/policy/selfsufficiency/">http://www.dhs.state.or.us/policy/selfsufficiency/</a>		

**Discussion/Interpretation:**

Rules 461-101-0010, 461-110-0410, 461-110-0610, 461-120-0510, 461-135-0875, 461-135-0990, 461-145-0540, 461-155-0360, 461-160-0030, 461-160-0055, 461-160-0540, 461-160-0610, 461-165-0100, 461-170-0120, and 461-180-0065 are being amended and rules 461-135-0720, 461-135-0721, 461-155-0110, 461-160-0080 and 461-175-0330 are being repealed to remove all reference to the Oregon Supplemental Income Program Medical – Medically Needy (OSIPM-MN) program, because the program ended January 31, 2003.

Rules 461-110-0370, 461-155-0190 and 461-160-0430 are being amended to reflect the annual increase in the standards for the Food Stamp program as published by the Food and Nutrition Service.

Rule 461-110-0410 is also being amended to clarify who is in an OSIPM filing group when children are applying.

Rule 461-115-0050 is being amended to clarify that clients may change between certain medical programs without a new application.

Rule 461-115-0190 is being amended to clarify what exceptions are permitted for extending the time standards for medicaid determinations based on disability made by the state beyond 90 days from the date of application. Adopts language regarding timely determinations for Medicaid from section 435.911 of 42 CFR.

Rules 461-115-0651, 461-160-0030 and 461-160-0055 are being amended as temporary rules because the USDA is allowing FS households with the Medicare-Approved Drug Discount Card to use the pre-discount prescription expense as a medical deduction instead of the actual cost. These changes were effective September 7, 2004.

Rule 461-115-0705 is being amended to clarify that workers are to accept the client's statement when income verification is not available for determining OHP eligibility.

Rule 461-125-0370 is being amended to be in compliance with Section 3272.2 of the State Medicaid Manual which allows a claimant who is receiving Medicaid based on a disabling condition to continue receiving Medicaid provided the claimant has an active SSA administrative appeal of the denial.

Rule 461-125-0510 is being amended so clients with severe mental impairments are evaluated in the same manner as those with severe physical limitations with respect to the vocational rules used to determine eligibility for the General Assistance (GA) program.

Rule 461-135-0301 is being amended to close the Emergency Assistance (EA) program effective May 1, 2004. There will be no EA payments made after April 30, 2004.

Rule 461-135-0405 is being amended to change the duration of protected ERDC eligibility for a child in a Head Start contracted slot.

Rule 461-135-0834 is being amended to include a reference to ORS 93.268, which became effective January 1, 2004.

Rule 461-135-0847 is being amended to remove a reference to "chapter 638, Oregon Laws 2003" and replacing it with a reference to "ORS 411.694."

Rule 461-135-1070 is being amended to clarify that a client whose CAWEM eligibility is based on the OHP-OPU program is subject to OAR 461-135-1102, which closes the OHP-OPU program to new applicants on July 1, 2004.

Rule 461-135-1102 is being adopted to close the OHP-OPU program to new applicants effective July 1, 2004. This rule was included in the July Administrative Rules Manual Release #31 but additional changes were made after it had gone to print -- the on-line version of this rule is and has been up-to-date effective July 1, 2004.

Rule 461-135-1120 is being amended to provide that a client may request a modification to the Oregon Health Plan (OHP) premium requirement based on a disability under Title II of the Americans with Disabilities Act or Section 504 of the Rehabilitation Act.

Rule 461-140-0210 is being amended to require a penalty for a disqualifying transfer of resources when the transfer occurs not only prior to the date of application but also any time after the look back date, including while the client is a Medicaid recipient.

Rule 461-140-0242 is being amended to clarify when transfers of assets are disqualifying. This rule was included in the July Administrative Rules Manual Release #31 but additional changes were made after it had gone to print -- the on-line version of this rule is and has been up-to-date effective July 1, 2004.

Rule 461-140-0296 is being amended to add the amount of the divisor for applications filed on or after October 1, 2004, and to specify that \$3,320 is the divisor to use for applications filed any time prior to October 1, 2000.

Rule 461-145-0001 is being amended to count adoption assistance payments as unearned income for the Food Stamp program.

Rule 461-145-0410 is being amended to count special diet or meal allowance as unearned income for the Food Stamp program.

Rule 461-155-0225 is amended to clarify the Oregon Health Plan (OHP) \$10,000 gross income standard that is applied when a principal of a business entity is a member of the OHP filing group.

Rule 461-155-0630 is being amended to allow payment of room and board for those who are residing in a residential care facility or assisted living facilities. The room and board payment is prorated from the date of admission through the end of the initial month. The amended rule permits a general fund payment if the recipient has insufficient funds to cover the amount due for the first month of admission.

Rule 461-155-0660 is being amended to limit the definition of who can qualify for a shelter allowance based on their disability. The allowance is based on higher shelter costs associated with their need for special accommodation such as ramps or handrails. The proposed rule will require the individual to demonstrate an identifiable cost in their shelter needs that increases their costs beyond the basic shelter expense allowed in the Medicaid program.

Rule 461-160-0015 is being amended to increase the resource limit from \$5,000 to \$10,000 for children applying for the Children's Health Insurance Program (OHP-CHP) of the Oregon Health Plan.

Rule 461-160-0420 is being amended to reflect the annual change in the Standard Utility Allowances for Food Stamp households. Each year Oregon surveys utility companies and the general public about increases in utility costs. The utility allowances are derived from these surveys and approved by the Food and Nutrition Service in the Food Stamp Program State Plan. Currently there are two utility allowances. The full utility allowance (FUA) is for those households that have heating and cooling costs. The limited utility allowance (LUA) is for those households with non-heating/cooling utility costs. With this amendment, the LUA will be used only when the household has at least two non-heating/cooling costs. A new utility allowance is being created for those households with only one utility non-heating/cooling cost.

Rule 461-160-0580 is being amended for clarification in two areas: that both spouse's resources are considered regardless of whether the couple lives together and that the Department considers available income first prior to allocating additional resources to generate income needed to reach a community spouse's monthly income allowance.

Rule 461-165-0060 is being amended to reflect current federal regulations regarding the amount of food stamp benefits a household of three-persons or greater may receive.

Rules 461-175-0010 and 461-175-0030 are being amended to make minor changes that are not intended to change them substantively. Rule 461-175-0010 is also being amended to explain what information is provided in a mass-change notice.

Rule 461-175-0250 is being amended to bring the rule more in line with the concept of mass-change notices required by the federal Food Stamp regulations.

Rule 461-180-0050 is being amended to correct a spelling error that occurred with the July 1, 2004 permanent rule filing.

Rule 461-195-0511 is being amended to clarify the Department may recover child care overpayments for which the provider is liable from future amounts due. Formerly, the rule appeared to limit the collection only to overpayments caused by provider error or the Department's use of information supplied by the provider.

**Implementation/Transition Instructions:**

**Training/Communication Plan:**

**Local/Branch Action Required:** Review changes with staff who determine eligibility.

**Central Office Action Required:**

**Field/Stakeholder review:**       Yes       No

**If yes, reviewed by:**

**Filing Instructions:**

Please file this material, dated October 1, 2004, in your *CAF Administrative Rules Manual*. Record the insertion date on the ML record sheet.

<b>Remove</b>	<b>Insert</b>
461-101-0010	461-101-0010
461-110-0370	461-110-0370
461-110-0410	461-110-0410
461-110-610	461-110-0610
461-115-0050	461-115-0050
461-115-0190	461-115-0190
461-115-0651	461-115-0651
461-115-0705	461-115-0705
461-120-0510	461-120-0510
461-125-0370 and 461-125-0510	461-125-0370 and 461-125-0510
Division 135 TOC	Division 135 TOC
461-135-0301	461-135-0301
461-135-0405	461-135-0405
461-135-0720 and 461-135-0721	N/A
461-135-0834	461-135-0834

461-135-0834	461-135-0834
461-135-0847	461-135-0847
461-135-0875	461-135-0875
461-135-0990	461-135-0990
461-135-1070	461-135-1070
461-135-1102	461-135-1102
461-135-1120	461-135-1120
Division 140 TOC	Division 140 TOC
461-140-0210	461-140-0210
461-140-0242	461-140-0242
461-140-0296	461-140-0296
461-145-0001	461-145-0001
461-145-0410	461-145-0410
461-145-0540	461-145-0540
Division 155 TOC	Division 155 TOC
461-155-0110	N/A
461-155-0190	461-155-0190
461-155-0225	461-155-0225
461-155-0360	461-155-0360
461-155-620 and 461-155-630	461-155-620 and 461-155-630
461-155-0660	461-155-0660
Division 160 TOC	Division 160 TOC
461-160-0015	461-160-0015
461-160-0030	461-160-0030
461-160-0055	461-160-0055
461-160-0080	N/A
461-160-0420 and 461-160-0430	461-160-0420 and 461-160-0430
461-160-0540	461-160-0540
461-160-0580	461-160-0580
461-160-0610	461-160-0610
461-165-0060	461-165-0060
461-165-100	461-165-0100
461-170-120	461-170-0120
Division 175 TOC	Division 175 TOC
461-175-0010 through 461-175-050	461-175-0010 through 461-175-050
461-175-250	461-175-0250
461-175-330	N/A
461-180-0050	461-180-0050
461-180-0065	461-180-0065
461-195-0511	461-195-0511

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

<b>Contact(s):</b>	See the Contact List in the <i>Family Services Manual</i> (section C of the Introduction chapter) for the appropriate analyst to contact on policy.		
<b>Phone:</b>		<b>Fax:</b>	
<b>E-mail:</b>			