

Annette Tesch, Rules Coordinator, CAF Self-Sufficiency Programs

Authorized Signature

Number: SS-PT-04-025

Issue Date: 10/18/04

Topic: CAF Self-Sufficiency Programs Draft Administrative Rules

Transmitting (check the box that best applies):

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

Applies to (check all that apply):

- All DHS employees
 County Mental Health Directors
 Area Agencies on Aging
 Health Services
 Children, Adults and Families
 Seniors and People with Disabilities
 County DD Program Managers
 Other (please specify):

Policy/Rule Title:	Draft Administrative Rules		
Policy/Rule Number(s):		Release No:	
Effective Date:	Planned to become eff. 01-01-05	Expiration:	
References:			
Web Address:	http://www.dhs.state.or.us/policy/selfsufficiency/ar_proposed.htm		

Discussion/Interpretation: This draft rule package is available for review and comment until November 23, 2004.

Rule 461-110-0110 is being amended to add another definition of homeless for the FS program.

Rule 461-110-0750 is being amended to add language stating that additional individuals will be excluded from the GA and GAM benefit groups.

Rule 461-115-0140 is being amended to change the term Division to Department and to expand the limitation for who can be an authorized representative to contractors involved with the eligibility and issuance processes for the Food Stamp Program.

Rule 461-115-0190 is being amended to remove language stating that all medical programs based on a disability may extend the application processing time frame to 90

days and beyond. This specific policy only applies to the OSIPM program when the disability determination is made by the Department.

Rule 461-115-0530 is being amended to establish that the initial certification period for all eligible clients under the Oregon Health Plan (OHP) consists of the month containing the effective date for starting medical benefits and the following six months.

Rules 461-115-0651, 461-160-0030 and 461-160-0055 are being amended 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.

Rule 461-135-0400 is being amended to clarify that both parents must be full time students or employed and meet the requirements of the program.

Rule 461-135-0405 is being amended to clarify policy on specific exceptions to the presumption of eligibility when an ERDC client's child receives child care under a contract between a Head Start agency and the Department.

Rule 461-135-0510 is being amended because federally subsidized housing for the elderly, disabled or blind is not considered an institution for residents who receive benefits under Title I, II, X, XIV or XVI of the Social Security Act.

Rules 461-135-0780, 461-155-0250, 461-155-0270, 461-155-0300, 461-160-0580 and 461-160-0620 are being amended to reflect the Congressionally-approved cost-of-living increase for recipients of Social Security/SSI.

Rule 461-135-0832 is being amended to make the definition of "permanently and totally disabled" the same as ORS 412.510(3).

Rules 461-140-0110, 461-140-0120 and 461-145-0130 are being amended to differentiate among the TANF (TANF-PLS), Tribal TANF and UI (NCP-PLS) JOBS Plus programs.

Rule 461-145-0240 is being amended to add the term "sales" to the rule which is consistent with the State Medicaid Plan amendment approved by the Health Care Financing Administration in Transmittal 89-7, Attachment 2.6A Page 12. The amendment identifies an income producing sales contract as having no countable equity value for medical assistance, however the rule does not include the term "sales" in the title.

Rule 461-145-0320 is being amended to include information on how to count viatical settlements.

Rule 461-145-0330 is being amended to clarify how home equity and reverse annuity

mortgage loans are counted for FS, OSIP, OSIPM and QMB. This rule is also being amended because currently it lends itself to errors of interpretation if the whole rule is not read.

Rule 461-150-0050 is being amended to eliminate contradictory policy related to benefit adjustments for clients that use prospective budgeting. The correct way to treat benefit adjustment is in OAR 461-150-0020.

Rule 461-155-0020 is being amended to clarify that biological or adoptive children are not included in the adjusted number in household for OSIP/OSIPM.

Rule 461-160-0550 is being amended to specify that income deductions are intended for the financial group.

Rule 461-160-0620 is also being amended to add language to define the income deductions allowed for GA and GAM clients in long term care or waived services.

Rule 461-165-0082 is being adopted because Food Stamp households in Clackamas, Columbia, Multnomah and Washington counties are eligible to receive FS as a cash benefit deposited into an EBT account, by direct deposit or by check, if they are 65 years of age or older or are eligible to receive SSI benefits under Title XVI of the Social Security Act.

Rule 461-165-0100 is being amended because the food stamp benefit issuance dates have changed since the advent of Electronic Benefit Transfer (EBT).

Rule 461-170-0010 is being amended to stipulate that anytime a food stamp household reports a change to one program they have reported the change for all programs.

Rule 461-170-0100 is being amended to only allow a food stamp case to use the monthly reporting system when a companion public assistance case is using the monthly reporting system.

Rule 461-170-0101 is being amended to only allow a food stamp case to expand the used of the semi-annual reporting system to more food stamp households including those with zero income, homeless and migrant or seasonal farm workers.

Rule 461-170-0130 is being adopted to establish eligibility time frames for benefit groups during the redetermination process when the Department is required to act on a timely reported change that could end medical benefits or could result in a reduction of medical benefit package.

Rule 461-175-0210 is being amended to remove obsolete policy on holding food stamp benefits.

Rule 461-175-0340 is being amended to indicate the type of notice required when a client requests to withdraw, close or reduce food stamp benefits.

Rule 461-180-0020 is being amended to change the effective date for a reported change that will increase food stamp program benefits.

Rule 461-180-0040 is being amended to replace an obsolete rule reference.

Rule 461-180-0050 is being amended as part of the implementation of HB 2696, which calls for the Department to establish standards for JOBS support service payments. The Department is amending this rule to specify the effective date for closing a JOBS support service payment.

Rule 461-180-0085 is being adopted to establish eligibility time frames for benefit groups when the Department initiates a redetermination of eligibility and needs additional information to determine eligibility.

Rule 461-180-0090 is being amended to change the policy for determining the effective date for starting medical benefits for clients eligible under the OHP-OPU program of the Oregon Health Plan. The OHP-OPU program (also called OHP Standard) provides medical assistance to low-income nonpregnant adults.

Rule 461-180-0125 is being adopted to add new policy on when to reopen food stamp benefits when the case is closed due to mail returned by the post office marked undeliverable, no forwarding address.

Rule 461-195-0531 is being amended to change when an overpayment may be written for an initial month of benefits.

The rules contained in this Notice of Proposed Rulemaking package may also be changed to reflect new Department terminology and to correct formatting and punctuation.

Implementation/Transition Instructions:

Training/Communication Plan:

Local/Branch Action Required:

Central Office Action Required:

Field/Stakeholder review: Yes No

If yes, reviewed by:

Filing Instructions: N/A

If you have any questions about these draft rules, contact:

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