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 Manager

**Authorized Signature**

**Number:** SS-PT-09-040

**Issue Date:** 12/15/2009

**Topic:** CAF Self-Sufficiency Programs Administrative Rules Advance Copy (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: \_\_\_\_\_

**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:	Various Self-Sufficiency and Seniors and People with Disabilities programs Administrative Rules		
Policy/Rule Number(s):	Various (see below)	Release No:	
Effective Date:	January 1, 2010 (unless otherwise noted)	Expiration:	N/A
References:			
Web Address:	<a href="#">Advance Copy of Rules</a>		

**Discussion/Interpretation:**

OAR 461-025-0310 about hearing requests is being amended to correct a rule reference and remove outdated language in connection with service reassessments of clients in the Seniors and People with Disabilities Division.

OAR 461-101-0010 about the program acronyms the Department uses in the chapter 461 rules is being amended to include the acronyms for the Continuous Eligibility for OHP-CHP (CEC) and Continuous Eligibility for Medicaid (CEM) programs. The Department is amending this rule to implement the recent Healthy Kids legislation (2009 Or. Laws ch. 867). The legislation required the Department to put new programs into place effective October 1, 2009 to ensure eligible children in Oregon have health insurance coverage available. This rule is part of the implementation of the Department's Continuous Eligibility for OHP-CHP (CEC) and Continuous Eligibility for Medicaid (CEM) programs to expand health insurance coverage for Oregon children. This rule change also makes permanent the changes made by temporary rule effective October 1, 2009. This rule also is being amended to reflect that the name of the Food Stamp (FS) Program is changing to the Supplemental Nutrition Assistance Program (SNAP) to implement recent legislation (2009 Or. Laws ch. 599).

OAR 461-105-0006 is being adopted to make permanent a temporary rule adopted on October 1, 2009 and set out the exceptions to rules in Chapter 461 that may apply during a business continuity disruption, what a business continuity disruption is, and how the exception process is authorized.

OAR 461-110-0210 about how the Department determines the composition of a household group (the individuals who live together with or without benefit of a dwelling) is being amended to state when a child in the Continuous Eligibility for OHP-CHP (CEC) and Continuous Eligibility for Medicaid (CEM) programs still is considered to be in the household group. The Department is amending this rule this rule to implement the recent Healthy Kids legislation (2009 Or. Laws ch. 867). The legislation required the Department to put new programs into place effective October 1, 2009 to ensure eligible children in Oregon have health insurance coverage available. This rule is part of the implementation of the Department's Continuous Eligibility for OHP-CHP (CEC) and Continuous Eligibility for Medicaid (CEM) programs to expand health insurance coverage for Oregon children. This rule change also makes permanent the changes made by temporary rule effective October 1, 2009. This rule also is being amended to comply with recent legislation (2009 Or. Laws ch. 599) changing the name of the Food Stamp (FS) program to SNAP.

OAR 461-110-0370 about filing group (the individuals from the household group whose circumstances are considered in the eligibility determination process) composition in the Supplemental Nutrition Assistance Program (SNAP) program is being amended to state when an individual is excluded from the SNAP program filing group when that individual already received SNAP program benefits in another household that month. This rule also is being amended to comply with recent legislation (2009 Or. Laws ch. 599) changing the name of the Food Stamp (FS) program to SNAP.

OAR 461-110-0430 about the composition of a filing group (individuals from the household group whose circumstances are considered in the eligibility determination process) in the Department's Refugee (REF) and Refugee Medical (REFM) programs is being amended to state when the Department allows a separate filing group to be formed when a newly arriving refugee is joining a household group with his or her spouse or the parent of a common child.

OAR 461-115-0030 about how the Department determines the date a client requested program benefits is being amended to make permanent temporary rule changes adopted on August 28, 2009 that restate how the date of request is determined for an Oregon Health Plan - Standard (OHP-OPU) program reservation list applicant.

OAR 461-115-0050 about when an application for program benefits must be filed is being amended in response to House Bill 2116 (2009) to make permanent temporary rule changes adopted on August 1, 2009 that state that the Department may redetermine the eligibility of a child under 19 years of age for Extended Medical Assistance (EXT), Medical Assistance Assumed (MAA), Medical Assistance to Families (MAF), Oregon Health Plan (OHP), Oregon Supplemental Income Program Medical (OSIPM), Qualified Medicare Beneficiaries (QMB), or Medical Coverage for Children in Substitute or Adoptive Care (SAC) program benefits using the administrative rules in effect on October 1, 2009 and January 1, 2010 when the child applied for and was denied EXT, MAA, MAF, OHP, OSIPM, QMB, or SAC program benefits between July 1, 2009 and December 31, 2009 for a reason other than failing to complete the application. This rule also is being amended, in response to House Bill 2116 (2009), to allow clients in the EXT, MAA, MAF and OHP (except Oregon Health Plan Adults (OHP-OPU) who must use a Department specified application form), programs to change programs using the current application under certain conditions. This rule also is being amended to remove the requirement that OHP Standard Reservation List applicants must apply for OHP Standard using only the OHP 7210R application. This rule also is being amended to comply with recent legislation (2009 Or. Laws ch. 599) changing the name of the Food Stamp (FS) program to SNAP.

OAR 461-115-0071 about authorized representatives is being amended to indicate that an authorized representative may sign the application in the Oregon Supplemental Income Program and Oregon Supplemental Income Program-Medical. This rule also is being amended to comply with recent legislation (2009 Or. Laws ch. 599) changing the name of the Food Stamp (FS) program to SNAP.

OAR 461-115-0090 about application processing requirements is being amended to allow an applicant to designate an authorized representative of his or her choice without written documentation and to indicate when the Department is not required to accept the choice of authorized representative. This rule also is being amended to comply with recent legislation (2009 Or. Laws ch. 599) changing the name of the Food Stamp (FS) program to SNAP.

OAR 461-115-0705 about required verification is being amended to state that the Department verifies income in the Oregon Health Plan program for the month prior to the budget month, the income already received in the budget month, and the income reasonably anticipated to be received in the budget month. The Department is amending this rule to implement the recent Healthy Kids legislation (2009 Or. Laws ch. 867). The legislation required the Department to put new programs into place effective October 1, 2009 to ensure eligible children in Oregon have health insurance coverage available. This rule is part of the implementation of the Department's Continuous Eligibility for OHP-CHP (CEC) and Continuous Eligibility for Medicaid (CEM) programs to expand health insurance coverage for Oregon children. This rule change also makes permanent the changes made by temporary rule effective October 1, 2009.

OAR 461-120-0125 about the alien status requirements is being amended to state that in the Department's medical assistance programs a qualified non-citizen meets the alien status requirements if he or she is under 19 years of age, add the alien status requirements for the Continuous Eligibility for OHP-CHP (CEC), Continuous Eligibility for Medicaid (CEM), and Extended Medical Assistance (EXT) programs, and extend Food Stamp (FS) program eligibility for Afghan special immigrants to eight months. The Department is amending this rule to implement the recent Healthy Kids legislation (2009 Or. Laws ch. 867). The legislation required the Department to put new programs into place effective October 1, 2009 to ensure eligible children in Oregon have health insurance coverage available. This rule is part of the implementation of the Department's Continuous Eligibility for OHP-CHP (CEC) and Continuous Eligibility for Medicaid (CEM) programs to expand health insurance coverage for Oregon children. This rule change also makes permanent the changes made by temporary rule effective October 1, 2009. The Department also is amending this rule to comply with recent federal legislation (The Afghan Allies Protection Act of 2009 under the Omnibus Appropriations Act of 2009 (Section 602, Division F of Public Law 111-08)) extending Supplemental Nutrition Assistance Program (SNAP) eligibility to eight months and removing the September 30, 2009 restriction on SNAP program eligibility for Afghan special immigrants and removing the September 30, 2008 restriction on SNAP program eligibility for Iraqi special immigrants. This rule also is being amended to comply with recent legislation (2009 Or. Laws ch. 599) changing the name of the Food Stamp (FS) program to SNAP.

OAR 461-120-0210 about when a client in the Department's programs must provide or apply for a social security number (SSN) is being amended to state when a client in the Continuous Eligibility for OHP-CHP (CEC) or Continuous Eligibility for Medicaid (CEM) program may not be required to provide the SSN due to religious objections or may delay supplying the SSN due to being a newborn child. The Department is amending this rule to implement the recent Healthy Kids legislation (2009 Or. Laws ch. 867). The legislation required the Department to put new programs into place effective October 1, 2009 to ensure eligible children in Oregon have health insurance coverage available. This rule is part of the implementation of the Department's Continuous Eligibility for OHP-CHP (CEC) and Continuous Eligibility for Medicaid (CEM) programs to expand health insurance coverage for Oregon children. This rule change also makes permanent the changes made by temporary rule effective October 1, 2009. This rule also is being amended to comply with recent legislation (2009 Or. Laws ch. 599) changing the name of the Food Stamp (FS) program to SNAP.

OAR 461-120-0310 about assignment of support rights is being amended to clarify that to be eligible to receive services funded with federal grants under Title IV-A (TANF) of the Social Security Act, a filing group must assign to the state child support that accrues during any time period that the filing group receives assistance. The filing group is no longer required to assign child support that accrues during any period that the filing group did not receive assistance funded with federal grants under Title IV-A (TANF) of the Social Security Act. This rule is also being amended to make permanent October 1, 2009 temporary rule changes that state that its

provisions do not apply to clients in the Continuous Eligibility for OHP-CHP (CEC) program and state when clients in the Continuous Eligibility for Medicaid (CEM) program must assign the right to child support to the state. This rule also is being amended to comply with recent legislation (2009 Or. Laws ch. 599) changing the name of the Food Stamp (FS) program to SNAP.

OAR 461-120-0315 about the assignment of the right to reimbursement for health care costs for clients in the Department medical programs is being amended to state that clients in the Continuous Eligibility for OHP-CHP (CEC) and Continuous Eligibility for Medicaid (CEM) programs must agree to turn over their right to reimbursement for health care costs to the Department. The Department is amending this rule to implement the recent Healthy Kids legislation (2009 Or. Laws ch. 867). The legislation required the Department to put new programs into place effective October 1, 2009 to ensure eligible children in Oregon have health insurance coverage available. This rule is part of the implementation of the Department's Continuous Eligibility for OHP-CHP (CEC) and Continuous Eligibility for Medicaid (CEM) programs to expand health insurance coverage for Oregon children. This rule change also makes permanent the changes made by temporary rule effective October 1, 2009. This rule also is being amended to state that failure to assign the rights to reimbursement to the Department makes a client ineligible for medical program benefits. The rule also is being amended to state that in all programs, except the Program for All-Inclusive Care for the Elderly, a client in a nursing facility who is receiving long-term care insurance payments may meet the requirement to assign rights for medical care reimbursements to the Department by assigning them to the long-term care facility or immediately turning them over to the long-term care facility if received directly. In addition, this rule is being amended to state that the Department establishes an overpayment if it is discovered after-the-fact that during any period of time a client or another individual submitting long term care insurance claims on the client's behalf received long term care insurance payments that were not turned over to the long term care facility.

OAR 461-120-0345 about the obligation of clients in the Department's medical assistance programs, except the Continuous Eligibility for OHP-CHP (CEC) and Refugee Medical (REFM) programs, to obtain health care coverage and cash medical support for members of the benefit group is being amended to state that its provisions apply to clients in the Continuous Eligibility for Medicaid (CEM) program. The Department is amending this rule to implement the recent Healthy Kids legislation (2009 Or. Laws ch. 867). The legislation required the Department to put new programs into place effective October 1, 2009 to ensure eligible children in Oregon have health insurance coverage available. This rule is part of the implementation of the Department's Continuous Eligibility for OHP-CHP (CEC) and Continuous Eligibility for Medicaid (CEM) programs to expand health insurance coverage for Oregon children. This rule change also makes permanent the changes made by temporary rule effective October 1, 2009.

OAR 461-120-0510 about the age requirements for clients to receive benefits is being amended to state the age requirement to receive benefits for clients in the Continuous Eligibility for OHP-CHP (CEC) and Continuous Eligibility for Medicaid (CEM) programs. The Department is amending this rule to implement the recent Healthy Kids legislation (2009 Or. Laws ch. 867). The legislation required the Department to put new programs into place effective October 1, 2009 to ensure eligible children in Oregon have health insurance coverage available. This rule is part of the implementation of the Department's Continuous Eligibility for OHP-CHP (CEC) and Continuous Eligibility for Medicaid (CEM) programs to expand health insurance coverage for Oregon children. This rule change also makes permanent the changes made by temporary rule effective October 1, 2009.

OAR 461-125-0170 about when deprivation exists based on the unemployment or underemployment of a primary wage earner (PWE) in the Temporary Assistance for Needy Families (TANF) program is being amended to state the definition for the term "most recent employment", affecting the eligibility of two-parent families in which the PWE separated from his or her most recent employment. This rule is also being amended to state when a need group is not subject to the provision excluding clients from TANF program benefits when they leave a job for a reason that would otherwise disqualify them from TANF program benefits under the provisions of this rule.

OAR 461-125-0310 about the basis of need for clients of the Oregon Supplemental Income Program Medical (OSIPM) is being amended to remove references to the Oregon Supplemental Income Program (OSIP) and the OSIP supplemental income payment as the payments are being discontinued effective January 1, 2010 in response to HB 3065 (2009).

OAR 461-135-0095 about the specific eligibility requirements for the Extended Medical Assistance (EXT) program is being amended to make permanent temporary rule changes adopted on October 1, 2009 that allow the Department to provide EXT program benefits to an eligible filing group for a longer initial period and remove the requirement that a filing group have been eligible for and received Medical Assistance Assumed (MAA) or Medical Assistance to Families (MAF) program benefits for at least three of the six months prior to the beginning of the EXT program benefit eligibility period.

OAR 461-135-0096 about Extended Medical Assistance (EXT) program eligibility periods is being amended to make permanent temporary rule changes adopted on October 1, 2009 that remove the prohibition against extending medical eligibility beyond four months for clients eligible for EXT due to increased child support and to state that the initial EXT eligibility period is twelve months for clients eligible for EXT due to an increase in the earnings of the caretaker relative.

OAR 461-135-0780 about eligibility for Pickle Amendment clients in the Oregon Supplemental Income Program Medical (OSIPM) program and OAR 461-160-0580 about the excluded resource - community spouse provision in the OSIP and OSIPM programs except OSIP-EPD (Employed Persons with Disabilities) and OSIPM-EPD are being amended to adjust these standards to reflect the annual federal cost of living adjustments which will be effective January 1, 2010.

OAR 461-135-0835 about the limits on claims against an estate the Department may make in the Breast and Cervical Cancer Medical (BCCM), General Assistance (GA), General Assistance Medical (GAM), Oregon Health Plan (OHP), Oregon Supplemental Income Program (OSIP), Oregon Supplemental Income Program Medical (OSIPM), and Qualified Medicare Beneficiaries (QMB) programs is being amended to comply with recent federal legislation (Pub. Law 110-275, sec. 115) by removing language allowing claims against an estate for Medicare cost sharing for Medicare premium payments, co-payments, and deductibles made under the QMB program.

OAR 461-135-0990 about when the Department reimburses a client for cost-effective employer-sponsored health insurance premiums is being amended to state that its provisions apply to clients in the Continuous Eligibility for Medicaid (CEM) program. The Department is amending this rule to implement the recent Healthy Kids legislation (2009 Or. Laws ch. 867). The legislation required the Department to put new programs into place effective October 1, 2009 to ensure eligible children in Oregon have health insurance coverage available. This rule is part of the implementation of the Department's Continuous Eligibility for OHP-CHP (CEC) and Continuous Eligibility for Medicaid (CEM) programs to expand health insurance coverage for Oregon children. This rule change also makes permanent the changes made by temporary rule effective October 1, 2009.

OAR 461-135-1100 about the specific eligibility requirements for the Oregon Health Plan (OHP) program is being amended to state that its definition of private major medical health insurance also applies to OAR 461-135-1149 (a new rule about the specific eligibility requirements in the Continuous Eligibility for OHP-CHP (CEC) and Continuous Eligibility for Medicaid (CEM) programs for ensuring continuous eligibility for non-Citizen/Alien-Waived Emergent Medical program children). OAR 461-135-1100 also is being amended to state that to be eligible for the Oregon Health Plan - Persons Under 19 (OHP-CHP) program a client cannot have had private major medical health insurance during the preceding two months and must have lost the health insurance coverage due to a loss of employment, and to remove language stating a client had to meet a resource limit. The Department is amending this rule to implement the recent Healthy Kids legislation (2009 Or. Laws ch. 867). The legislation required the Department to put new programs into place effective October 1, 2009 to ensure

eligible children in Oregon have health insurance coverage available. This rule is part of the implementation of the Department's Continuous Eligibility for OHP-CHP (CEC) and Continuous Eligibility for Medicaid (CEM) programs to expand health insurance coverage for Oregon children. This rule change also makes permanent the changes made by temporary rule effective October 1, 2009.

OAR 461-135-1125 about how the Department determines eligibility for and manages the Oregon Health Plan - Standard (OHP-OPU) program reservation list is being amended to make permanent temporary rule changes adopted on August 28, 2009 that remove the requirement that an individual selected to be considered for OHP-OPU program benefits submit an OHP 7210R Reservation List Application to qualify for OHP-OPU program benefits.

OAR 461-135-1149 is being adopted to state specific eligibility requirements in the Continuous Eligibility for OHP-CHP (CEC) and Continuous Eligibility for Medicaid (CEM) programs, to state the definition for "continuous eligibility for non-CAWEM children", and how continuous eligibility applies to non-Citizen/Alien-Waived Emergent Medical (CAWEM) program children. The Department is adopting this rule to implement the recent Healthy Kids legislation (2009 Or. Laws ch. 867). The legislation required the Department to put new programs into place effective October 1, 2009 to ensure eligible children in Oregon have health insurance coverage available. This rule is part of the implementation of the Department's Continuous Eligibility for OHP-CHP (CEC) and Continuous Eligibility for Medicaid (CEM) programs to expand health insurance coverage for Oregon children. This rule change also makes permanent the changes made by temporary rule effective October 1, 2009.

OAR 461-135-1180 about the program establishment, eligibility requirements, procedures, benefits, and appeals in the Senior Prescription Drug Assistance Program is being repealed to comply with Senate Bill 154 (2009) ending the program and repealing its statutory authority.

OAR 461-135-1185 about the Low-Income Subsidy (LIS) program, a federal assistance program for Medicare clients who need extra help meeting their Medicare Part D prescription drug costs, is being amended to remove a cross-reference to OAR 461-135-1180 which is being repealed.

OAR 461-135-1225 about the eligibility and verification requirements for a client in the Temporary Assistance for Domestic Violence Survivors (TA-DVS) program is being amended to state that the Temporary Assistance for Needy Families (TANF) program requirement for a caretaker relative in the need group to not have been separated from his or her most recent employment for a reason that would result in a denial of TANF program benefits under OAR [461-135-0070](#) is waived when there is risk of further or future domestic violence against the need group. The rule also is being amended to state that if a client has been arrested for or convicted of an act of domestic violence in the past and if it is uncertain whether the individual is a victim of domestic violence, the Department verifies that the individual is not or was not a perpetrator of domestic violence.

OAR 461-135-1230 about the benefits provided and the benefit periods in the Temporary Assistance for Domestic Violence Survivors (TA-DVS) program is being amended to state that two TA-DVS program 90-day eligibility periods may not overlap and that a TA-DVS program client may not receive benefits in more than four eligibility periods during any 12-month period.

OAR 461-145-0130 about how the Department treats earned income in the Medical Assistance Assumed (MAA) and Medical Assistance to Families (MAF) programs is being amended to make permanent temporary rule changes adopted on October 1, 2009 that remove language excluding income that would result in MAA or MAF ineligibility prior to meeting the have been eligible for and received MAA or MAF for three of the prior six months requirement. This rule also is being amended to comply with recent legislation (2009 Or. Laws ch. 599) changing the name of the Food Stamp (FS) program to SNAP.

OAR 461-145-0143 about how the Department treats a \$250 federal economic recovery payment made to a client when determining the client's income and resources is being amended to state how the Medical Assistance Assumed (MAA), Medical Assistance to Families (MAF), Oregon Health Plan (OHP), Oregon Supplemental Income Program Medical (OSIPM), and Qualified Medicare Beneficiaries (QMB) programs treat the income of clients who have and have not received the payment and to comply with the American Recovery and Reinvestment Act of 2009 (Pub. Law 111-5).

OAR 461-145-0220 about the treatment of a client's home when the Department is determining a client's assets for individuals receiving long-term care service is being amended to state when the home is excluded from the client's assets. This rule also is being amended to comply with recent legislation (2009 Or. Laws ch. 599) changing the name of the Food Stamp (FS) program to SNAP.

OAR 461-145-0260 about how the Department treats Indian (Native American) benefits when determining income and resources is being amended to state how the Department treats Individual Indian Money (IIM) accounts in the General Assistance (GA), General Assistance Medical (GAM), Oregon Supplemental Income Program (OSIP), Oregon Supplemental Income Program Medical (OSIPM), and Qualified Medicare Beneficiary (QMB) programs. This rule also is being amended to comply with recent legislation (2009 Or. Laws ch. 599) changing the name of the Food Stamp (FS) program to SNAP.

OAR 461-145-0405 about how the Department treats assets in a client's Plan for Self Support is being amended to state that the assets listed in an approved Plan for Self Support are excluded.

OAR 461-145-0810 about how the Department treats deemed assets is being amended to state that this rule applies only to assets deemed for a sponsored noncitizen.

OAR 461-145-0930 about how the Department determines countable income for self-employed clients is being amended to state more clearly what the term gross sales and receipts encompasses. This rule also is being amended to comply with recent legislation (2009 Or. Laws ch. 599) changing the name of the Food Stamp (FS) program to SNAP.

OAR 461-150-0055 about eligibility and budgeting in the Oregon Health Plan (OHP) program is being amended to revise how the Department averages income when determining eligibility for the OHP program. The Department is amending this rule to implement the recent Healthy Kids legislation (2009 Or. Laws ch. 867). The legislation required the Department to put new programs into place effective October 1, 2009 to ensure eligible children in Oregon have health insurance coverage available. This rule is part of the implementation of the Department's Continuous Eligibility for OHP-CHP (CEC) and Continuous Eligibility for Medicaid (CEM) programs to expand health insurance coverage for Oregon children. This rule change also makes permanent the changes made by temporary rule effective October 1, 2009.

OAR 461-155-0175 about the income standards in the Extended Medical Assistance (EXT) program is being repealed to make permanent the rule suspension adopted on October 1, 2009 because the rule is unnecessary in the context of changes to medical eligibility requirements and the new EXT eligibility period.

OAR 461-155-0225 about the income standards is being amended to state the income standard for the Oregon Health Plan - Persons Under 19 (OHP-CHP) program. The Department is amending this rule to implement the recent Healthy Kids legislation (2009 Or. Laws ch. 867). The legislation required the Department to put new programs into place effective October 1, 2009 to ensure eligible children in Oregon have health insurance coverage available. This rule is part of the implementation of the Department's Continuous Eligibility for OHP-CHP (CEC) and Continuous Eligibility for Medicaid (CEM) programs to expand health insurance coverage for Oregon children. This rule change also makes permanent the changes made by temporary rule effective October 1, 2009.

OAR 461-155-0250 about the income and payment standards for the Oregon Supplemental Income Program (OSIP) and the Oregon Supplemental Income Program Medical (OSIPM) programs is being amended to remove the provisions related to the OSIP program as the Department is ending supplemental income payments in the OSIP program effective January 1, 2010 in response to HB 3065 (2009). This rule also is being amended to state that a client who receives both benefits under Part A of Medicare and SSI is assumed eligible for OSIPM program benefits. This rule also is being amended to state the countable income standard the Department applies to a client in a nonstandard living arrangement.

OAR 461-155-0360 about how the Department determines whether an employer-sponsored health insurance plan is cost effective is being amended to state that its provisions apply to the Continuous Eligibility for Medicaid (CEM) program. The Department is amending this rule to implement the recent Healthy Kids legislation (2009 Or. Laws ch. 867). The legislation required the Department to put new programs into place effective October 1, 2009 to ensure eligible children in Oregon have health insurance coverage available. This rule is part of the implementation of the Department's Continuous Eligibility for OHP-CHP (CEC) and Continuous Eligibility for Medicaid (CEM) programs to expand health insurance coverage for Oregon children. This rule change also makes permanent the changes made by temporary rule effective October 1, 2009.

OAR 461-155-0530 regarding special need payments for food for guide dogs and special assistance animals to Oregon Supplemental Income Program (OSIP) and Oregon Supplemental Income Program Medical (OSIPM) program clients is being amended to allow OSIP and OSIPM program clients with adjusted income below the OSIPM income standard to be eligible for these payments.

OAR 461-155-0580 about special need payments for laundry allowances made to Oregon Supplemental Income Program (OSIP) and Oregon Supplemental Income Program Medical (OSIPM) program clients who have excessive costs for laundry is being amended to allow OSIP and OSIPM program clients with adjusted income below the OSIPM program income standard to be eligible for these payments.

OAR 461-155-0630 about special need payments for Oregon Supplemental Income Program Medical (OSIPM) program clients in community based care is being amended to state when spouses who each receive SSI and services in a community based care facility are eligible for a special need payment and how the payment amount is determined.

OAR 461-155-0640 about special need payments for restaurant meals made to Oregon Supplemental Income Program (OSIP) and Oregon Supplemental Income Program Medical (OSIPM) program clients who have medical and nutritional needs that cannot be met with meals purchased with Supplemental Nutrition Assistance Program (SNAP) benefits is being amended to allow OSIP and OSIPM program clients with adjusted income below the OSIPM program income standard to be eligible for these payments.

OAR 461-155-0660 about special need payments for accommodation allowances (a payment covering some housing and utility costs of a client) made to Oregon Supplemental Income Program (OSIP) and Oregon Supplemental Income Program Medical (OSIPM) program clients who temporarily leave their home to stay at an adult foster care facility, assisted living facility, group care home, hospital, nursing facility, residential care facility, specialized living facility, or state psychiatric institution is being amended to allow OSIP and OSIPM program clients with adjusted income below the OSIPM program income standard to be eligible for these payments. This rule also is being amended to comply with recent legislation (2009 Or. Laws ch. 599) changing the name of the Food Stamp (FS) program to SNAP.

OAR 461-155-0670 about special need payments for special diet allowances (a payment for a diet needed to prevent imminent life-threatening harm) made to certain Oregon Supplemental Income Program (OSIP) and Oregon Supplemental Income Program Medical (OSIPM) program clients who require a special diet is being amended allow OSIP and OSIPM program clients with adjusted income below the OSIPM program income



standard to be eligible for these payments. This rule also is being amended to comply with recent legislation (2009 Or. Laws ch. 599) changing the name of the Food Stamp (FS) program to SNAP.

OAR 461-155-0680 about special need payments for supplemental telephone allowance to clients in the Oregon Supplemental Income Program Medical (OSIPM) program is being amended to allow these payments for clients with an adjusted income less than the OSIPM program standard.

OAR 461-155-0688 about prescription drug co-payments for individuals in the Oregon Supplemental Income Program-Medical (OSIPM) program who receive SSI as their only income is being adopted to state when the Department makes the co-payments.

OAR 461-155-0693 about transportation services payments for individuals in the Oregon Supplemental Income Program-Medical (OSIPM) program is being adopted to state how the Department makes these payments to these clients.

OAR 461-160-0015 about the resource limits on eligibility for the Department's programs is being amended to state that there is no resource limit for a client applying for Oregon Health Plan - Persons Under 19 (OHP-CHP) program benefits. The Department is amending this rule to implement the recent Healthy Kids legislation (2009 Or. Laws ch. 867). The legislation required the Department to put new programs into place effective October 1, 2009 to ensure eligible children in Oregon have health insurance coverage available. This rule is part of the implementation of the Department's Continuous Eligibility for OHP-CHP (CEC) and Continuous Eligibility for Medicaid (CEM) programs to expand health insurance coverage for Oregon children. This rule change also makes permanent the changes made by temporary rule effective October 1, 2009. This rule also is being amended to comply with recent legislation (2009 Or. Laws ch. 599) changing the name of the Food Stamp (FS) program to SNAP.

OAR 461-160-0580 related to resource assessments is also being amended for married clients in the Oregon Supplemental Income Program (OSIP) and the Oregon Supplemental Income Program Medical (OSIPM). The rule is being amended to make it more abundantly clear that the rule applies only to legally married couples.

OAR 461-160-0610 about the liability payment a client in the Oregon Supplemental Income Program Medical (OSIPM) program must make to remain eligible for long-term care services is being amended to state when in an initial month of a long term care placement a client may be exempt from the payments required under this rule. This rule also is being amended to remove references to the Oregon Supplemental Income Program (OSIP).

OAR 461-160-0700 about how the Department uses income when determining eligibility for Oregon Health Plan (OHP) program benefits is being amended to state when an Oregon Health Plan - Persons Under 19 (OHP-CHP) program need group member is eligible for OHP despite not meeting the OHP income standard. The Department is amending this rule to implement the recent Healthy Kids legislation (2009 Or. Laws ch. 867). The legislation required the Department to put new programs into place effective October 1, 2009 to ensure eligible children in Oregon have health insurance coverage available. This rule is part of the implementation of the Department's Continuous Eligibility for OHP-CHP (CEC) and Continuous Eligibility for Medicaid (CEM) programs to expand health insurance coverage for Oregon children. This rule change also makes permanent the changes made by temporary rule effective October 1, 2009.

OAR 461-165-0010 about the legal status of benefit payments the Department makes to clients is being amended to state when Temporary Assistance - Domestic Violence Survivors (TA-DVS) program benefit payments become vested in a TA-DVS program client.

OAR 461-165-0200, 461-165-0210, and 461-165-0230 are being amended to allow the Department to restore Supplemental Nutrition Assistance Program (SNAP) benefits used by a former household member when the

Department's failure to cancel the former member's EBT card allows unauthorized access to the household's SNAP program benefits. These rules also are being amended to comply with recent legislation (2009 Or. Laws ch. 599) changing the name of the Food Stamp (FS) program to SNAP.

OAR 461-175-0270 about when a notice is sent to clients assigned to the various Department reporting systems, the type of notice sent, and what the notice must contain is being amended to state the information that is provided in the notice that is sent to clients when an action is taken based on information the client reported on the Monthly Change Report or the Interim Change Report form and that this provision applies to the Supplemental Nutrition Assistance Program (SNAP). This rule also is being amended to comply with recent legislation (2009 Or. Laws ch. 599) changing the name of the Food Stamp (FS) program to SNAP program.

OAR 461-180-0085 about the effective date of redetermination for eligibility for benefits in certain Department medical assistance programs is being amended to state that its provisions apply for the Continuous Eligibility for OHP-CHP (CEC) and Continuous Eligibility for Medicaid (CEM) programs. The Department is amending this rule to implement the recent Healthy Kids legislation (2009 Or. Laws ch. 867). The legislation required the Department to put new programs into place effective October 1, 2009 to ensure eligible children in Oregon have health insurance coverage available. This rule is part of the implementation of the Department's Continuous Eligibility for OHP-CHP (CEC) and Continuous Eligibility for Medicaid (CEM) programs to expand health insurance coverage for Oregon children. This rule change also makes permanent the changes made by temporary rule effective October 1, 2009.

OAR 461-180-0090 about the effective dates for the initial month of medical benefits is being amended to change the effective date for starting the Medicare Savings Programs (MSPs). Starting January of 2010 the Social Security Administration (SSA) will be sending a data feed from the Low Income Subsidy (LIS) applications they process. Oregon will treat this information as a Medicaid application and use the date SSA received the information from the applicant as the protected effective date for starting benefits for eligible applicants, changing how Oregon determines effective dates currently for MSP applications. Oregon had used the date the state receives a request as the date from which to determine eligibility. These two dates (the date the client requests a LIS and the date Oregon receives the request for Medicaid) may be 60 days or more apart as SSA will process the LIS application before they send the data to the states. This change assures the applicant will have the earlier date used for the eligibility date determination. This rule is also being amended to state the effective date for the initial month of benefits in the Continuous Eligibility for OHP-CHP (CEC) and Continuous Eligibility for Medicaid (CEM) programs. The Department is amending this rule to implement the recent Healthy Kids legislation (2009 Or. Laws ch. 867). The legislation required the Department to put new programs into place effective October 1, 2009 to ensure eligible children in Oregon have health insurance coverage available. This rule is part of the implementation of the Department's Continuous Eligibility for OHP-CHP (CEC) and Continuous Eligibility for Medicaid (CEM) programs to expand health insurance coverage for Oregon children. This rule change also makes permanent the changes made by temporary rule effective October 1, 2009.

OAR 461-190-0199 about the operation of and the eligibility, selection, and participation requirements for the Parents as Scholars (PAS) component of the Job Opportunity and Basic Skills (JOBS) program is being amended to state the documentation a PAS participant must provide prior to the start of each academic term.

OAR 461-193-0031 about the eligibility requirements for Refugee Case Services Project (RCSP) program services is being amended to state a client may meet one of its eligibility provisions by also meeting all Refugee (REF) program eligibility requirements.

OAR 461-193-0121 about how the Department handles Refugee (REF) program inquiries and complaints is being repealed because its relevant provisions have been incorporated into other rules in this division of rules.

OAR 461-193-0240 about when a client is exempt from participating in the New Arrival Employment Services (NAES) program is being amended to expand eligibility to those refugees who are not eligible for Refugee Case Services Project (RCSP) due to having been in the United States longer than eight months and to state an exemption from NAES program participation due to a client's medical condition.

OAR 461-193-0920 about how the Department handles a Refugee (REF) program client's request for review of a decision the Department has made is being repealed because its relevant provisions have been incorporated into other rules in this division of rules.

OAR 461-193-0980 about how the Department handles a Refugee (REF) program client's appeal for review of a staffing decision the Department has made is being repealed because its relevant provisions have been incorporated into other rules in this division of rules.

OAR 461-193-1360 about the eligibility requirements for transportation support services payments in the New Arrival Employment Services (NAES) program is being repealed because its relevant provisions have been incorporated into OAR 461-193-1380.

OAR 461-193-1370 about the eligibility requirements for child care support services payments in the New Arrival Employment Services (NAES) program is being repealed because its relevant provisions have been incorporated into OAR 461-193-1380.

OAR 461-193-1380 about the standards and eligibility requirements for support services payments in the New Arrival Employment Services (NAES) program is being amended to state the purpose of the support services payments, how the Department authorizes the payments, the eligibility requirements to receive a payment, when the Department denies or reduces a support service payment, verification requirements, and the requirements to receive each type of payment (child care, housing and utilities, transportation, and other items directly related to participation in NAES program activities).

OAR 461-195-0501 about how the Department defines and categorizes overpayments (benefits paid to a client in error, that the Department generally attempts to recover from the client) for programs administered under chapters 410, 411, and 461 of the Oregon administrative rules is being amended to reflect current Department terminology, policy, and practices and to state the definition of an overpayment, when the Department considers a payment received in the initial month of benefits an overpayment, what the Department does not consider an overpayment, and how a child care provider overpayment is determined. This rule also is being amended to state how the Department determines the category of an overpayment (administrative error, client error, fraud, Supplemental Nutrition Assistance Program (SNAP) program provider error, or child care program provider error), to remove the definition of administrative technical overpayment, and the primary cause of the overpayment when an overpayment is caused by both an administrative and client error in the same month. This rule also is being amended to state what the SNAP programs considers to be trading of a controlled substance and that a Temporary Assistance for Needy Families (TANF) program overpayment is waived if it puts a client at greater risk of domestic violence. This rule also is being amended to comply with recent legislation (2009 Or. Laws ch. 599) changing the name of the Food Stamp (FS) program to SNAP program.

OAR 461-195-0511 about how the Department determined and categorized child care provider overpayments is being repealed as it reflected outdated Department terminology, policy, and practices, and its amended relevant provisions incorporated into OAR 461-195-0501, 461-195-0541 and 461-195-0551.

OAR 461-195-0521 about how the Department calculates the amount of a client or provider's overpayment liability is being amended to reflect current Department terminology, policy, and practices and to state the Department calculates the amount of an overpayment by determining the amount the client received or the payment made by the Department on behalf of the client that exceeds the amount for which the client was eligible. This rule also is being amended to specify how the Department calculates the amount of an

overpayment due to failure to report income or earned income, or incorrect prospective budgeting, when credit against an overpayment is allowed, and how an overpayment affects eligibility for other programs. This rule also is being amended to comply with recent legislation (2009 Or. Laws ch. 599) changing the name of the Food Stamp (FS) program to SNAP program.

OAR 461-195-0531 about how the Department established an overpayment is being repealed as it reflected outdated Department terminology, policy, and practices, and its amended relevant provisions incorporated into OAR 461-195-0501.

OAR 461-195-0541 about the individuals liable for repayment of an overpayment is being amended to reflect current Department terminology, policy, and practices and to state who is liable and who is excepted from liability for overpayments in the Department's programs. This rule also is being amended to comply with recent legislation (2009 Or. Laws ch. 599) changing the name of the Food Stamp (FS) program to SNAP program.

OAR 461-195-0551 about the Department's methodology for recovering overpayments is being amended to reflect current Department terminology, policy, and practices and to state how the Department proceeds to recover an overpayment, when the Department reduces current benefits to collect an overpayment, and when the Department may recover an overpayment by offset. This rule also is being amended to comply with recent legislation (2009 Or. Laws ch. 599) changing the name of the Food Stamp (FS) program to SNAP program.

OAR 461-195-0561 about when and how the Department compromises an overpayment claim is being amended to reflect current Department terminology, policy, and practices and to state this rule applies to all Department programs, remove references to the child support program, the restrictions on compromising a claim, when the Department may allow installment payments of a compromised claim, and when the Department may collect the original full amount of a compromised claim.

**Implementation/Transition Instructions:** N/A

**Training/Communication Plan:** N/A

**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 these rules were reviewed by the CAF Office of Self-Sufficiency Programs Rules Advisory Committee

**Filing Instructions:**

The filing instructions will be available with January's CAF Administrative Rules Manual release.

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

<b>Contact(s):</b>	See the Contact List in the Family Services Manual (section C of the Introduction chapter) for the appropriate analyst to contact with policy questions ( <a href="http://apps.state.or.us/cf1/EligManual/EMnlFrame.htm?Page+ID=01-toc">http://apps.state.or.us/cf1/EligManual/EMnlFrame.htm?Page+ID=01-toc</a> ).		
<b>Phone:</b>		<b>Fax:</b>	
<b>E-mail:</b>			