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Authorized Signature

Number: SS-PT-12-003
Issue Date: 3/15/2012

Topic: Office of 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:	April 1, 2012 (unless otherwise noted)	Expiration:	N/A
References:			
Web Address:	Advance Copy of Rules		

Discussion/Interpretation:

OAR 461-101-0010 about program acronyms and overview is being amended to add JPI as the acronym for the Job Participation Incentive program, an additional \$10 food benefit to help increase the ability of single parents with small children -- who meet federal TANF participation requirements -- to provide for the nutritional needs of their families.

OAR 461-115-0705 is being amended to make permanent a temporary rule change effective January 1, 2012 and reflect the elimination of OHP-OPU Student Status eligibility criteria. The rule as amended no longer refers to the higher education student requirements provided in OAR 461-135-1110, which is being repealed.

OAR 461-120-0010 about residency requirements is being amended to include exceptions that have been set out in other rules.

OAR 461-120-0030 about the state of residence for an individual in a medical facility is being amended to indicate that the rule only applies to medical programs and to follow federal regulations that apply individuals placed in a medical facility in Oregon by a state agency in another state to indicate that they are still considered residents of the placing state.

OAR 461-120-0050 setting out which individuals are considered incapable for forming an intent to reside is being amended to indicate that the rule applies to the Healthy Kids Connect (HKC) program and state in the rule how the Department interprets some of its policies.

OAR 461-120-0110 about residency requirements is being amended to clarify the rule by citing exceptions to its policies that are set out in other rules and by using standard terminology.

OAR 461-120-0120 about the alien status requirements for the Refugee Assistance (REF) and Refugee Assistance Medical (REFM) programs is being repealed and its policy will be set out in OAR 461-120-0125.

OAR 461-120-0125 about the alien status requirements for programs other than the Refugee Assistance (REF) and Refugee Assistance Medical (REFM) programs is being amended to include REF and REFM. This rule is also being amended to clarify how it applies to the Temporary Assistance for Domestic Violence Survivors (TA-DVS) program and to update its terminology.

OAR 461-120-0130 about declaring citizenship or alien status is being amended to align policy for all programs. The rule change will allow one adult member of the filing group or an authorized representative to sign the statement attesting to citizenship for everyone in the filing group.

OAR 461-120-0210 about the requirement to provide Social Security Numbers (SSN) is being amended to clarify the programs covered some of the requirements of the rule. No changes in policy are being made.

OAR 461-120-0315 about medical assignment is being amended to clarify in various medical programs to whom the requirement applies to turn over to the Department reimbursements for medical costs.

OAR 461-120-0330 about the requirement to pursue assets is being amended to clarify the rule by updating terminology, adding cross-references, and specifying programs more precisely.

OAR 461-120-0340 about the requirement to obtain child support from a non-custodial parent is being amended to state that a caretaker relative is excused from the requirement to pursue support if the filing group is a two-parent family for whom deprivation is based on the unemployment or underemployment of the primary wage earner. This rule is also being amended to make permanent the temporary rule changes adopted October 5, 2011.

OAR 461-120-0350 about clients excused for good cause from compliance with the requirements to pursue child support, medical support, and health care coverage is being amended to clarify the rule by making its title more descriptive, adding cross-references, and removing inapplicable cross-references.

OAR 461-120-0510 about age requirements for clients to receive benefits is being amended and OAR 461-120-0530 about regular school attendance is being repealed to include the policy about regular school attendance (for 18-year olds to be eligible for certain programs) within OAR 461-120-0510.

OAR 461-120-0630 about the requirement to live with a caretaker or a caretaker relative is being amended to clarify how it applies to the Temporary Assistance for Domestic Violence Survivors (TA-DVS) program, update its terminology and to remove an exemption that applied to the Refugee Assistance Medical (REFM) program for eligible children in the custody of a public or private agency.

OAR 461-135-0075 about the limitation on the eligibility period for Temporary Assistance for Needy Families (TANF) is being amended to state that months beginning October 1, 2011 in which a filing group is a two-parent family eligible for cash assistance based on the unemployment or underemployment of the primary wage earner do not count towards the 60-month limitation on the

TANF eligibility period. This rule is also being amended to make permanent temporary rule changes adopted on November 1, 2011.

The Department is filing OAR 461-135-0082, 461-135-0900, and 461-193-0031 to update rule cross references. These technical rule changes are being made under ORS 183.335(7).

OAR 461-135-1100 is being amended to make permanent temporary rule changes effective January 1, 2012 and reflect the elimination of OHP-OPU Student Status eligibility criteria and no longer refer to the higher education student requirements that were in OAR 461-135-1110, which is being repealed. OAR 461-135-1100 is also being amended to align it with revisions of OAR 410-120-1960, 461-135-0990 and 461-155-0360 that centralize the Health Insurance Premium Payment (HIPP) program. This amendment clarifies what constitutes major medical insurance by eliminating the \$10,000 coverage minimum and stating what types of benefits an insurance policy must have to be considered major medical.

OAR 461-135-1110 about eligible and ineligible students in the Oregon Health Plan OPU program (coverage for adults who qualify under an income standard based on 100 percent of the federal poverty level) is being repealed to make permanent the suspension of this rule that was effective January 1, 2010. Applicants and recipients will no longer be required to meet the income requirements for a Pell grant (having an estimated family contribution of \$0), or be a student in a program serving displaced workers under section 236 of the Trade Act of 1974 (19 USC 2296).

OAR 461-135-1210 which aligns TA-DVS definitions with TANF definitions is being repealed. The rule is not used because OAR 461-135-1225 already aligns TA-DVS policy with TANF.

OAR 461-135-1260 is being adopted to set out the specific requirements of the Job Participation Incentive (JPI), which is part of the strategy to meet federal requirements related to TANF participation and help increase the ability of single parents with small children provide better nutrition to their families. This rule is also being adopted to make permanent the temporary rule adopted on October 1, 2011.

OAR 461-145-0080 about the treatment of child support and cash medical support in the Department's public assistance, medical, and SNAP programs is being amended to state that, for on-going eligibility and benefit determination for TANF clients for whom deprivation is based on the unemployment or underemployment of the primary wage earner (PWE) in a two-parent household, except for the amount disregarded, child support is considered countable unearned income. This rule is also being amended to make permanent the temporary rule changes adopted October 5, 2011.

OAR 461-145-0410 about how program benefits are treated in the eligibility process is being amended to provide specifics regarding description of the Job Participation Incentive (JPI) benefits and how those benefits will be treated when determining eligibility for other programs. This rule is also being adopted to make permanent the temporary rule adopted on October 1, 2011.

OAR 461-155-0030 about income and payment standards is being amended to change how the rule describes income limits for benefits in the JOBS and TANF programs. This amendment cross-references another rule that displays income limits representing 185 percent of the federal poverty level instead of duplicating the tables.

OAR 461-155-0500 sets out the general eligibility requirements for specific special needs addressed in other rules (OAR 461-155-0510 to 461-155-0710). OAR 461-155-0500 is being amended to remove an obsolete reference to a repealed rule (OAR 461-155-0693), and to add a reference to a

current special needs rule (OAR 461-155-0575). This amendment does not change any of the eligibility requirements for specific special needs.

OAR 461-170-0011 is being amended to set out the reporting requirements for clients receiving the Job Participation Incentive (JPI), aligning these requirements with SNAP cases in SRS. This rule is also being adopted to make permanent the temporary rule adopted on October 1, 2011.

OAR 461-180-0130 is being amended to make permanent temporary changes initially adopted on October 1, 2011 that limit the restoration of benefits period for the Job Participation Incentive (JPI) to four months.

OAR 461-190-0211 about case plan activities and standards for support service payments for the Department's Temporary Assistance for Needy Families Job Opportunity and Basic Skills (JOBS) program is being amended to make permanent temporary rule changes adopted November 1, 2011 that modify program restrictions implemented July 1, 2011 as a result of budget reductions from the 2011 legislative session. The changes include stating the policies that apply to the Pre-TANF program; allowing individuals exempt from JOBS participation because of a child under two to volunteer for the JOBS program as slots are available; extending the length of unpaid work-site agreements from 60 days to four months in order to increase the period of time individuals may participate in work experience and supported work (the extended period could increase the number of employers interested in offering work-site slots, expanding the variety of work experience opportunities available to participants); removing the monthly transportation support services limit of \$50 per month which will allow flexibility to address family needs within the monthly maximum support services limit; increasing the monthly maximum support services limit per family by \$50 which will offset the impact the removal of the \$50 monthly transportation limit will have against child care and other support services within the monthly maximum; allowing Department-approved support services exceptions to be implemented; and aligning changes to meet requirements in ORS 412.124 and clarifying that Post-TANF clients may have a case plan even if otherwise exempt from JOBS if they need additional participation hours to maintain eligibility.

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 or Seniors and People with Disabilities Rules Advisory Committee.

Filing Instructions:

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

If you have any questions about this policy, contact:

Contact(s):	See the Contact List in the Family Services Manual (section C of the Introduction chapter) for the appropriate analyst to contact with policy questions (http://dhsmanuals.hr.state.or.us/EligManual/01in-c.htm).		
Phone:		Fax:	
E-mail:			