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Number: SS-PT-12-016
Issue date: 06/15/12

Topic: Office of Self-Sufficiency Programs Administrative Rules Advance Copy (including some Aging 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):

- | | |
|--|---|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County DD Program Managers |
| <input checked="" type="checkbox"/> Area Agencies on Aging | <input type="checkbox"/> County Mental Health Directors |
| <input checked="" type="checkbox"/> Aging and People with Disabilities | <input type="checkbox"/> Health Services |
| <input checked="" type="checkbox"/> Children, Adults and Families | <input type="checkbox"/> Other (please specify): |

Policy/rule title:	Various Self-Sufficiency and Aging & People with Disabilities programs Administrative Rules		
Policy/rule number(s):	Various (see below)	Release no:	
Effective date:	July 1, 2012 (unless otherwise noted)	Expiration:	N/A
References:			
Web address:	Advance Copy of Rules		

Discussion/interpretation:

OAR 461-025-0300 about contested case hearings is being amended to continue certain current contested case procedures by opting out as permitted from new statewide rules on the topics of requests for admission, interrogatories, and disclosure of witness addresses and telephone numbers. Under this amendment, witness addresses and phone numbers will not be disclosed to clients not represented by an attorney. Witness addresses and phone numbers will also not be disclosed to clients represented by an attorney if the Department has concerns that the release of the information may affect the safety of the witness. This rule is also being amended to state that requests for admission and interrogatories would only be permitted when the Department of Justice is representing the Department of Human Services.

OAR 461-025-0310 about hearing requests is being amended to indicate that a client has a right to a hearing when there is a decision notice or contested case notice from the Department that denies in part a claim that the Department previously underissued public assistance or SNAP program benefits as well as when the Department modifies a grant of aid or public assistance. This rule is also being

amended to continue current contested case procedures under which the timeliness of a hearing request is based on the date the Department receives it, not the date of the postmark. This rule is also being amended to implement ORS 411.103 by setting out the Department's policy when a hearing request is late because a notice was not received and there was no actual knowledge of it. This rule is also being amended to change the policy for allowing late hearing requests. Under this change, a much wider array of reasons for being late would be allowed but the rule would set a firm deadline for late hearing requests, after which no late hearing requests would be allowed other than those for liable adults who were not sent an overpayment notice.

OAR 461-025-0315 about expedited hearings is being amended to update the rule by revising the methods by which clients are notified of hearings and by changing its description of what triggers a face-to-face hearing.

OAR 461-115-0090 about authorized representatives is being amended to allow the Department in all programs except SNAP to deny the client's selection of an authorized representative if the authorized representative has a conflict of interest. This rule is also being amended to clarify its requirements for the SNAP program by expressly stating requirements in federal regulations instead of cross-referencing the regulation and by stating when other rules and other sections of this rule apply.

OAR 461-115-0140 about authorized representatives in the SNAP program is amended to revise the policy about when an individual serving an Intentional Program Violation may serve as an authorized representative. This rule is also being amended to state when and how employees of the Department or contractor involved in the certification and issuance processes for SNAP benefits may serve as authorized representatives.

OAR 461-115-0230 about interviews in the application process is being amended to state that the ERDC program requires an interview to process an initial application and a renewal of benefits. This is a federal requirement for the ERDC program, but the requirement had only been stated in the Family Services Manual. This rule amendment also makes permanent a temporary rule change adopted on February 29, 2012.

OAR 461-120-0210 about requirements to provide social security numbers is being amended to fit current practice and indicate that the exception which allows benefits for a newborn in the SNAP program includes new benefit groups, not just existing ones.

OAR 461-130-0330 about disqualifications in the SNAP, REF, and TANF programs is being amended to clarify the first level of disqualification in the REF and TANF programs. The current rule states the penalty for the first level of disqualification is for three months. Because the disqualification could be removed at any point during the three months if the client completed the cooperation requirement, or REF or TANF closes, the amendment will provide that the penalty at the first level is for up to three months or until the client has completed the two consecutive week cooperation period.

OAR 461-135-0010 about assumed eligibility for medical programs is being amended to indicate that children who are born to a mother eligible for and receiving OHP-CHP benefits (OHP coverage for persons under 19 years of age who qualify under the 201 percent income standard) are assumed eligible to receive medical benefits until the end of the month the child turns one year of age. This amendment makes permanent the temporary rule change adopted on January 13, 2012.

OAR 461-135-1175 about the Senior Farm Direct Nutrition Program is being suspended because this program has been transferred to the Oregon Health Authority, Public Health Division, and its policies are set out at OAR 333-052-0030, 333-052-0040, 333-052-0041, 333-052-0042, 333-052-0100. (Temporary effective 6-8-12)

OAR 461-140-0120 about the availability and treatment of lump-sum income is being amended to clarify one situation in which lump-sum income is not counted in the EA (currently closed), MAA, MAF, REF, REFM, SAC, and TANF programs. The current rule states that lump-sum income is unavailable if a financial group "...spends the lump-sum income on an emergency, such as a natural disaster or the serious injury or death of a household member." The amendment broadens the exemption to cover spending on an immediate basic need and removes the specific emergency examples.

OAR 461-145-0190 about the Senior Farm Direct Nutrition Program is being amended to update a rule cross reference. This technical rule change is made under ORS 183.335(7). (Effective 6-13-12)

OAR 461-150-0080 about prospective budgeting of variable income in the context of determining if clients meet income eligibility requirements is being amended to make the rule consistent with current prospective budgeting practices in the SNAP program by removing the statement that a financial group with variable income in the SNAP program may choose to have its benefit level changed from month to month.

OAR 461-155-0250 about income and payment standards in the Oregon Supplemental Income Program Medical (OSIPM) is being amended to clarify current policy regarding income standards for certain clients in nonstandard living arrangements (NSLA). This amendment clarifies that the 300 percent of the full SSI standard only applies to clients in an NSLA who also meet the requirements of OAR 461-135-0750 for certain individuals in long-term care or waived services. This amendment also clarifies that a qualifying trust exemption applies to that standard. This amendment makes permanent temporary changes that became effective February 1, 2012.

OAR 461-165-0035 about alternate payees in the context of electronic benefit transfers is being amended to state who may not be an alternate payee. This amendment prohibits Department-approved child care providers from being assigned as an alternate payee for child care benefits in the ERDC, JOBS, JOBS Plus, and TANF programs. This rule is also being amended to make permanent temporary rule changes adopted on February 27, 2012.

OAR 461-165-0180 about eligibility of child care providers is being amended to update policies as part of the implementation of the new Child Care Billing and Attendance Tracking (CCBAT) system. This amendment indicates which written attendance records providers will be required to keep and the deadline for providers to complete registration for the CCBAT system. Registration is a requirement, and once the CCBAT system is implemented, providers must use the CCBAT system to receive child care subsidy payments.

OAR 461-175-0200 about the types of notices of rights to a hearing that the Department sends in connection with various decisions is being amended to indicate that the Department will send a decision notice when the Department adjusts previously underissued cash assistance or SNAP benefits.

OAR 461-175-0210 about how the Department treats notice situations when clients move and whereabouts are unknown is being amended to follow SNAP reporting requirements. This rule currently allows the closure of cases without a notice for all SNAP reporting systems, when clients move and their whereabouts are unknown. Under the amended rule, only SNAP cases in CRS (Change Reporting System) can be closed for returned mail with no forwarding address or whereabouts unknown. This rule is being amended to make permanent the temporary rule changes that were effective January 1, 2012. (Effective 6-30-12)

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 July's OSSP 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://apps.state.or.us/caf/fsm/01in-c.htm)		
Phone:		Fax:	
Email:			