

Robert Trachtenberg, Hearings and Rules Administrator

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Number: SS-PT-12-022

Issue date: 09/14/2012

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:	October 1, 2012 (unless otherwise noted)	Expiration:	N/A
References:			
Web address:	Advance Copy of Rules		

Discussion/interpretation:

OAR 461-001-0000 defining many terms used in the eligibility rules is being amended to change the definition of "caretaker relative" in the Pre-TANF, REF, SFPSS, and TANF programs so this definition follows state statute (ORS 412.001) and so other rules that use this term also follow state statute. Under this change the term caretaker relative no longer includes any blood relative, including great and great-great grandparents. This amendment also makes permanent a temporary rule change adopted on May 1, 2012.

OAR 461-110-0340 (about filing groups), 461-110-0530 (about financial groups), and 461-110-0630 (about need groups) are being amended to provide a more understandable and streamlined explanation of steps to follow in determining medical eligibility. Although these revisions will not change the outcome of a medical eligibility determination, the changes are intended to provide a smoother process and understanding of the Medical Assistance to Families (MAF) eligibility groups for eligibility staff and the public. OAR 461-145-0870 about deemed assets and spouses of non-parent caretaker relatives and 461-160-0120 about deemed assets, ineligible non-citizens, and

fathers of an unborn are being amended to clarify how to treat the deemed income for the Medical Assistance for Families (MAF) eligibility groups. These amendments clarify what amount to deduct from an individual's income when they are no longer in the MAF filing group but the individual's income must be deemed back in. Although these revisions will not change the outcome of a medical eligibility determination, the changes are intended to provide a smoother process and understanding of the Medical Assistance to Families (MAF) eligibility groups for eligibility staff and the public. These rules are also being amended to make permanent changes adopted by temporary rule on May 1, 2012.

OAR 461-110-0370 about which members of a household are considered together to determine eligibility for the SNAP program is being amended to reflect the annual federal poverty level change for 165 percent of the federal poverty limit. Elderly household individuals with permanent and severe disabling conditions may be eligible to file separately from people in their household who purchase and prepare meals together as long as the other household members income is below 165 percent of the federal poverty level.

OAR 461-110-0430 about filing groups in the Refugee Assistance and Refugee Assistance Medical programs is being amended to clarify the policy and clearly lay out the circumstances in which a separate filing group may be created in a refugee household group. The filing group consists of individuals from the household group whose circumstances are considered in the eligibility process.

OAR 461-125-0170 about determining deprivation based on under or unemployment in the TANF and Medical Assistance Assumed (MAA) programs and OAR 461-135-0070 about eligibility requirements in the TANF, MAA, and MAF (Medical Assistance to Families) programs are being amended to implement Senate Bill 1579, Section 81 (2012) and as part of the state's budget shortfall strategy. These amendments make a family ineligible for TANF program benefits for 120 days if the caretaker relative left employment for a reason without good cause. Prior to these amendments, the period of ineligibility had been 60 days. These amendments also make permanent changes adopted by temporary rule on May 1, 2012.

OAR 461-135-0075 is being amended to address budget constraints and implement SB 1579 (2012) by changing how time on TANF is counted toward the 60-month time limit for eligibility. Under this amendment, months may be counted and are no longer exempt when the Oregon unemployment rate is equal to or greater than seven percent. Additionally, two-parent households funded with state funds will now accumulate time toward time limits. This amendment also clarifies that adults and minor parent heads of households with 60 countable months in any state will no longer be eligible for TANF, unless subject to certain exemptions. This rule is also being amended to state that months in which individuals receive a Jobs Participation Incentive food benefit do no count toward time limits. This rule is also being amended to make permanent the temporary rule changes adopted on May 1, 2012.

OAR 461-135-1175 about the Senior Farm Direct Nutrition Program is being repealed 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. This repeal makes permanent the suspension of this rule that occurred on June 8, 2012.

OAR 461-135-1250 about specific client eligibility and participation requirements in the Post-Temporary Assistance for Needy Families (Post-TANF) program is being amended to state that program funding ended on April 30, 2012 there are no benefits after that date. This amendment also does not allow continuing benefits in the Post-TANF program after April 30, 2012 for pending or submitted hearing requests. This amendment makes permanent temporary rule changes adopted on April 12 and April 13, 2012.

OAR 461-135-1260 about the specific requirements for the Job Participation Incentive (a \$10 monthly food benefit) and OAR 461-170-0011 about changes that must be reported for the Job Participation Incentive are being amended to allow SNAP cases to be considered without being restricted by the reporting system. OAR 461-135-1260 is also being amended to clarify and expand the kinds of employment and self-employment that are counted to be eligible for JPI. OAR 461-135-1260 is also being amended to remove redundant requirements. These amendment also make permanent the temporary rule changes that were effective on May 1, 2012 and May 24, 2012.

OAR 461-140-0296 about the length of disqualification due to asset transfers in the General Assistance, General Assistance Medical, Oregon Supplemental Income Program, and Oregon Supplemental Income Program Medical programs is being amended to adjust its standard to reflect the annual federal cost of care cost-of-living adjustments that happen every other October. These amendments keep Oregon in line with current federal standards for Department Medicaid programs and changes in the cost of living.

OAR 461-145-0080 about the treatment of child support and cash medical support to determine eligibility for the Department's public assistance, medical and SNAP programs is being amended to clarify how to count in-kind income when child support payments are made directly to the financial group or to a third-party for rent, mortgage, utilities, or child care.

OAR 461-145-0240 about income-producing sales contracts is being amended to change current policy regarding the treatment of income-producing sales contracts in the General Assistance (GA), General Assistance Medical (GAM), Oregon Supplemental Income Program Medical (OSIPM), and Qualified Medicare Beneficiary (QMB) programs. This amendment identifies situations when the equity value of an income-producing sales contract is counted as a resource and when it is excluded. Currently the equity value of all income-producing sales contracts is excluded. Additionally, this amendment identifies situations when the equity value of an income-producing sales contract can result in transfer of asset penalties.

OAR 461-145-0460 about the sale of a resource is being amended to change current policy regarding the treatment of the proceeds from the sale of a home in the General Assistance (GA), General Assistance Medical (GAM), Oregon Supplemental Income Program Medical (OSIPM), and Qualified Medicare Beneficiary (QMB) programs. This amendment identifies situations when the proceeds (including principal and interest) are counted as income, resource or excluded. Currently proceeds (regardless of whether they are income or principal) are either excluded or counted as a resource (except for GAM - if the proceeds put the benefit group over the resource limit they are counted as periodic or lump-sum income).

OAR 461-155-0150 about the child care eligibility standard, payment rates, and copayments is being amended to increase the minimum monthly copayment from \$25 to \$27 and to increase copayments by 10 percent for families receiving Employment Related Day Care. This increase addresses part of the Department's shortfall in the current biennium as part of the legislative and Department 2011-13 budget rebalance plan. These amendments make permanent the temporary rule changes to these rates that took effect on May 1, 2012. This rule is also being amended to change how rounding occurs during the calculation of the copayment.

OAR 461-155-0190 about income and payment standards in the SNAP program is being amended to reflect changes in the countable and adjusted income limit, and the SNAP payment standard or Thrifty Food Plan. This rule will also be amended to reflect an increase in the monthly maximum benefit amount, if there is an increase.

OAR 461-155-0680 about the supplemental telephone allowance in the Oregon Supplemental Income Program Medical (OSIPM) is being amended to remove references to Link-Up America, which are no longer applicable, and to clarify that to receive telephone assistance, a client may be either an SSI recipient, a client with an adjusted income less than the OSIPM program standard (under OAR 461-155-0250), or a client receiving in-home services if the client meets certain conditions. This language change clarifies that a client does not have to meet all three conditions in order to be eligible.

OAR 461-160-0420 about the shelter cost calculation for the shelter deduction in the SNAP program is being amended to reflect the new utility standards effective October 1, 2012 for the 2013 federal fiscal year. 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 SNAP Program State Plan. There are four utility allowances. The full utility allowance (FUA) is for any household that is responsible for paying a heating or cooling cost, or receives any benefits from Low Income Heating and Energy Assistance (LIHEAP) programs. The limited utility allowance (LUA) is used for those households with more than one non-heating/cooling cost. The individual utility allowance (IUA) is for households with a single non-heat and non-telephone cost. The telephone utility allowance (TUA) is for households with only a telephone cost.

OAR 461-160-0430 about income deductions in the SNAP program is being amended to reflect the new standard deduction for the 2013 federal fiscal year.

OAR 461-160-0620 about income deductions and liability for OSIPM clients in long-term care is being amended to reflect the federal changes in the amounts used when calculating the maintenance needs allowance and the dependent income allowance deducted from the income of an institutionalized spouse. This amendment makes permanent a temporary rule change effective July 1, 2012.

OAR 461-165-0180 about eligibility of child care providers is being updated to add timelines for providers to return the child care provider listing form to the Department. This change will require the provider to submit a completed listing form within 30 calendar days. This rule is also being amended to indicate that providers must notify the Department before using someone else to supervise a child. The rule had indicated this only applied to temporary changes.

OAR 461-180-0130 about the effective date for restoring benefits is being amended as part of the expansion of JPI. This amendment clarifies that restoration of benefits for JPI is limited to months under which the JPI rule makes the individual eligible. Parents in the newly expanded group will not receive restored JPI benefits prior to May of this year. This amendment also makes permanent the temporary rule changes that were effective on May 24, 2012.

OAR 461-190-0211 about the 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 adjust and clarify program restrictions implemented July 1, 2011 as a result of budget reductions from the 2011 legislative session. The monthly family maximum imposed for support services, including child care, is being removed, including for teen parents. This amendment also clarifies the rule in the context of removing maximum amounts. These amendments also make permanent temporary rule changes adopted on April 6 and May 23, 2012.

OAR 461-193-0031 about eligibility requirements for the Refugee Case Services Project (RCSP) is being amended to clarify when an RCSP case may be opened when a newly arrived adult refugee is rejoining one or more family members in the United States.

OAR 461-193-0240 about exemptions from participating in the New Arrival Employment Services (NAES) program is being amended to update its exempt categories by aligning with the exempt categories that apply in the TANF program in OAR 461-130-0310.

OAR 461-193-0246 about employment and training incentives in the New Arrival Employment Services (NAES) program is being amended to limit the number of incentives presently being provided. The Refugee Program is discontinuing training and 30-day employment incentives.

OAR 461-193-0320 about effective dates for cash assistance in the Refugee Case Service Project is being amended to clarify the dates of cash eligibility, and to comply with 45 CFR 400.77 by specifying the cash eligibility date for an employable applicant who has quit a job or refused a job without good cause within 30 consecutive calendar days prior to the application as well as the cash eligibility date for a benefit recipient whose disqualification is being lifted.

OAR 461-193-0670 is being amended to remove statements about client requirements because its policy about client requirements is redundant and covered in another rule, OAR 461-193-0010.

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 Aged and People with Disabilities Rules Advisory Committee.

Filing instructions:

The filing instructions will be available with October'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:			