

Robert Trachtenberg, Hearings and Rules Administrator

**Authorized signature**
**Number:** SS-PT-12-028

**Issue date:** 12/14/2012

**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):**

- All DHS employees   
  County DD Program Managers  
 Area Agencies on Aging   
  County Mental Health Directors  
 Aging and People with Disabilities   
  Health Services  
 Children, Adults and Families   
  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:	January 1, 2013 (unless otherwise noted)	Expiration:	N/A
References:			
Web address:	<a href="#">Advance Copy of Rules</a>		

**Discussion/interpretation:**

OAR 461-115-0016 about the application process and reservation list for the Employment Related Day Care (ERDC) program is being amended to make permanent the temporary rule changes effective September 1, 2012, adding additional exemptions under which families would not be placed on the reservation list. Under this amendment, new applicants are exempt from the reservation list when the family is eligible for and being placed in a current opening in a contracted slot for the Oregon Program of Quality or the Head Start program. This amendment supports the Oregon Program of Quality initiative to increase the number of ERDC subsidy children who are able to access quality child care. These contracted slots will help Oregon state government prepare for an emerging statewide Tiered Quality Rating and Improvement System (TQRIS) and address Oregon's diverse populations. Oregon State University will be researching how quality and stable child care impact Oregon's low income ERDC subsidy children.

OAR 461-115-0430 about periodic redeterminations of eligibility is being amended to change the redetermination period for clients in the TANF program, depending on their participation in the Job

Opportunity and Basic Skills program. The purpose of this amendment is to treat similarly situated clients comparably and reduce workload on Department staff determining eligibility for the TANF program.

OAR 461-120-0340 about the requirement in the TANF program to obtain child support from a non-custodial parent is being amended to expand the exemption from the requirement that a caretaker relative help the Department establish paternity of each needy child and locate and obtain support payments from the noncustodial parent of each needy child. The exemption would be expanded to any caretaker relative in a filing group that is a two-parent family. This amendment makes permanent the temporary rule change effective July 1, 2012.

OAR 461-130-0330 about disqualifications in the Pre-Temporary Assistance to Needy Families (Pre-TANF), Refugee Assistance (REF), Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance to Needy Families (TANF) programs is being amended to clarify the rule by explaining effects of a disqualification in the Refugee and TANF programs in which the needs of an adult in the family are removed. Because the needs are removed, a different payment standard level is applied, which can cause the family to be over income for the Refugee or TANF programs.

OAR 461-130-0335 about removing disqualifications and the effect on benefits in the Temporary Assistance to Needy Families (TANF) program is being amended to clarify the rule by indicating that a disqualification ends when TANF or Refugee Assistance (REF) benefits are closed for a reason other than closure at the end of the second level of disqualification.

OAR 461-135-0089 about demonstrating compliance with substance abuse and mental health requirements and restoring cash benefits in the Pre-Temporary Assistance to Needy Families (Pre-TANF), Refugee Assistance (REF), and Temporary Assistance to Needy Families (TANF) programs is being amended to clarify that a disqualification ends when TANF or REF benefits are closed for a reason other than closure at the end of the second level of disqualification.

OAR 461-135-0407 about clients in the Employment Related Day Care (ERDC) program who receive Oregon Program of Quality contracted child care is being adopted to make permanent a temporary rule adopted effective September 1, 2012, establishing policies that apply when the Department contracts with Oregon Program of Quality designated child care providers. These contracts offer full time contracted child care slots for eligible ERDC children age zero through six who meet the contracted slot criteria. Children receiving child care under the contract will have protected eligibility for up to twelve months as long as they continue to meet the requirements outlined in this rule. Families with a child receiving child care under the contract will pay the minimum copayment of \$27. This rule also supports the Oregon Program of Quality initiative to increase the number of ERDC subsidy children who are able to access quality child care. These contracted slots will help Oregon state government prepare for an emerging statewide Tiered Quality Rating and Improvement System (TQRIS) and address Oregon's diverse populations. Oregon State University will be researching how quality and stable child care impact Oregon's low income ERDC subsidy children.

OAR 461-135-1102 about effective dates for the Oregon Health Plan OPU program is being amended to allow recipients from the Family Health Insurance Assistance Program (FHIAP) to transition into OHP Standard if they are notified by FHIAP that their FHIAP subsidy will end on or after November 30, 2012, determined by FHIAP to be eligible for OHP Standard; and, agree to move to OHP Standard. Without this rule amendment, approximately 800 individuals would lose their FHIAP subsidy due to budget constraints, requiring them to choose between loss of their current health coverage or paying the full premium to continue their health coverage. (Effective 12-1-12)

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 expand the types of two parent families in the TANF program for whom, for on-going eligibility and benefit determination, child support is considered countable unearned income. This amendment counts child support for all two-parent families, reducing the amount of the cash assistance grant. This amendment makes permanent the temporary rule change effective July 1, 2012.

OAR 461-145-0260 about the treatment of Indian (Native American) benefits in the determination of benefits for various self-sufficiency programs is being amended to change its statement of policy for the SNAP program in the treatment of payments made under Public Law 93-134, Public Law 97-458, and Public Law 103-66. The rule had been incorrect under 25 USC 1408 by including an exclusion for income received in excess of \$2,000 per year per individual from interest in certain trust and restricted lands. This amendment states that such income is counted in the SNAP program. This amendment makes permanent a temporary rule change effective August 7, 2012.

OAR 461-145-0580 about the treatment of veterans benefits in the determination of benefits for various self-sufficiency programs is being amended to make permanent a temporary rule change effective July 11, 2012, changing policy for the SNAP program in the treatment of veterans' aid and attendance payments. Aid and attendance payments are made when a veteran requires the aid of another person in order to perform his or her activities of daily living, such as bathing, feeding, dressing, attending to the wants of nature, adjusting prosthetic devices, or protecting himself or herself from the hazards of his or her daily environment, or the veteran is bedridden, blind or in a nursing home. Previously, aid and attendance payments were counted as unearned income and the client was allowed a medical deduction. Under this amendment, the aid and attendance payment is excluded as long as it is being used for the identified purpose. Any income that is remaining is counted as unearned income.

OAR 461-160-0015 about resource limits in used to determine eligibility for various Department programs is being amended to clarify the resource limit of \$2,500 for clients who are not progressing in an activity of their case plan or serving a current Job Opportunity and Basic Skills (JOBS) program disqualification.

OAR 461-160-0055 about medical costs that are deductible when benefits are calculated and which describes medical costs for clients in the SNAP program who are elderly or have disabilities is being amended to disallow deductions for any costs related to the medical use of marijuana for these SNAP clients, making permanent temporary rule changes effective July 12, 2012.

OAR 461-160-0580 about resource assessments for married OSIPM (Oregon Supplemental Income Program Medical) clients in long-term care is being amended to reflect the federal changes in the amounts used when calculating the resource assessment.

OAR 461-160-0620 about the community spouse income allowance for married OSIPM clients in long-term care is being amended to reflect the federal changes in the cap used when calculating the community spouse income allowance. During 2012, this cap was set at \$2,841.

OAR 461-165-0010 about the legal status of benefit payments is being amended to comply with federal law and state that cash benefits may not be used in any electronic benefit transfer transaction in casinos, gaming establishments, adult entertainment establishments, or liquor stores. This amendment also adopts the federal definitions of these terms.

OAR 461-165-0060 about minimum benefit amounts is being amended so the text more clearly matches federal law and the current practices for issuing SNAP benefits. The amendment clarifies

that the minimum SNAP monthly benefit for an eligible one or two person benefit group is eight percent of the Thrifty Food Plan, except when a benefit month is prorated per OAR 461-160-0070.

OAR 461-180-0100 about the effective date for eligibility following closure in some Department programs is being amended to clarify the date for eligibility following closure in the TANF program.

**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 January's OSSP 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/caf/fsm/01in-c.htm">http://apps.state.or.us/caf/fsm/01in-c.htm</a> )
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