

Policy Transmittal Office of Self-Sufficiency Programs



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Manager

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Number: SS-PT-20-003

Issue date: 3/13/2020

Topic: Other

Due date:

Subject: Advance Copy of OSSP Administrative Rules that will be effective 04-01-20, unless otherwise noted. These rules will be included in the [SSP rules site](#) by April 1, 2020

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 Mental Health Directors |
| <input checked="" type="checkbox"/> Area Agencies on Aging: Types A and B | <input type="checkbox"/> Health Services |
| <input checked="" type="checkbox"/> Aging and People with Disabilities | <input type="checkbox"/> Office of Developmental Disabilities Services (ODDS) |
| <input checked="" type="checkbox"/> Self Sufficiency Programs | <input type="checkbox"/> ODDS Children’s Intensive In Home Services |
| <input type="checkbox"/> County DD program managers | <input type="checkbox"/> Stabilization and Crisis Unit (SACU) |
| <input type="checkbox"/> Support Service Brokerage Directors | <input type="checkbox"/> Other (please specify): |
| <input type="checkbox"/> ODDS Children’s Residential Services | |
| <input type="checkbox"/> Child Welfare Programs | |

Policy/rule title:	Administrative Rules for Various Self-Sufficiency Programs		
Policy/rule number(s):	Various (see below)	Release number:	
Effective date:	April 1, 2020 unless otherwise noted	Expiration date:	N/A
References:			
Web address:	http://www.dhs.state.or.us/policy/selfsufficiency/publications/ss-pt-20-003-rules.pdf		

Discussion/interpretation:

This transmittal provides a draft advance summary and link to administrative rules that apply to Self-Sufficiency programs that will be effective April 1, 2020, unless otherwise noted or further edited. The public comment and legislative review period end on

March 20, 2020, and comments received may cause further changes to these drafts. The final rule changes will be included in the [SSP rules site](#) by April 1, 2020, and will also be at the [Secretary of State's website](#).

AMEND: 461-001-0025

RULE TITLE: Definitions of Terms, Components, and Activities; JOBS, Pre-TANF, TANF

RULE SUMMARY: OAR 461-001-0025 about definitions, terms, components, and activities in JOBS, Pre-TANF, Post-TANF, and TANF is being amended to change the term “substance use disorder,” remove definition acronyms from the rule, and remove programs references that have been discontinued. These amendments bring the rule into alignment with Integrated Eligibility/ONE, federal language, and state statute; and remove outdated terminology.

AMEND: 461-025-0316

RULE TITLE: Intentional Program Violation (IPV) Hearings; ERDC, REF, REFM, SFPSS, SNAP, and TANF programs

RULE SUMMARY: OAR 461-025-0316 about Intentional Program Violation (IPV) Hearings in the SNAP program is being amended to broaden the rule's provisions to the SNAP, ERDC, TANF, SFPSS, REF, and REFM programs. This amendment creates clarity for the Office of Administrative Hearings, the Department, and claimants, about how IPV Hearings are handled in the SNAP program and non-SNAP programs. This makes permanent the December 17, 2019 temporary amendment changes and adds the ERDC program to the rule.

AMEND: 461-130-0327

RULE TITLE: Good Cause

RULE SUMMARY: OAR 461-130-0327 about good cause is being amended to include language enabling the Department to give good cause for non-cooperation in the JOBS program for any reason the Department determines to be good cause. This amendment allows the Department to grant good cause for reasons other than what is specifically mentioned in (3)(a) through (3)(r) of the rule.

AMEND: 461-135-0070

RULE TITLE: Specific Requirements; TANF

RULE SUMMARY: OAR 461-135-0070 about specific TANF program requirements is being amended to clarify when a caretaker relative is eligible for TANF when a caretaker relative is neither receiving TANF nor applying for TANF for a dependent child. This amendment makes clear the Department's interpretation of the policy and aligns the rule with Integrated Eligibility/ONE.

AMEND: 461-135-0085

RULE TITLE: Requirement to Attend an Assessment or Evaluation, or Seek Medically Appropriate Treatment for Substance Abuse and Mental Health; Disqualification and Penalties; Pre-TANF, REF, TANF

RULE SUMMARY: OAR 461-135-0085 about requirements to attend an assessment or

evaluation, or seek medically appropriate treatment for substance abuse and mental health; including disqualification and penalties for the Pre-TANF and TANF programs is being amended to remove cannabis from the definition of controlled substances for the purposes of this rule. This amendment ensures that Oregonians receiving TANF or Pre-TANF will not be required to attend an assessment for the use of a substance which is not included in Oregon Revised Statute as a controlled substance, aligning the rule with statute.

AMEND: 461-135-0505

RULE TITLE: Categorical Eligibility for SNAP

RULE SUMMARY: OAR 461-135-0505 about categorical eligibility in the SNAP program is being amended to define which programs fall under Title IV-A of the Social Security Act or by the state as part of the TANF maintenance of effort. It is also being amended to clearly define when a filing group cannot be categorically eligible, which includes participants with lottery or gambling winnings of \$3,500 or above and applicants who lost eligibility for SNAP due to receipt of such lottery or gambling winnings. The amendments also make clear how those participants can regain the ability to be categorically eligible. These changes align rule with federal regulations, bringing Oregon into federal compliance.

AMEND: 461-135-0520

RULE TITLE: Time Limit and Special Requirements for ABAWD; SNAP

RULE SUMMARY: OAR 461-135-0520 about time limits and special requirements for able-bodied adults without dependents (ABAWD) in the SNAP program is being amended to adjust the areas considered "time limit areas" as well as the areas considered "time limit exempt areas." This amendment results in a drastic reduction of exempt counties and an increase to 30 counties being time limit areas. The amendment brings Oregon into alignment with federal changes which ended Oregon's ABAWD time limit area waiver effective March 31, 2020.

AMEND: 461-135-0575

RULE TITLE: SNAP Expedited Services

RULE SUMMARY: OAR 461-135-0575 about SNAP expedited services is being amended to incorporate the definition of "destitute households" in the text of the rule rather than list a reference to the federal regulation. This amendment makes the rule clearer.

AMEND: 461-135-1270

RULE TITLE: Specific Requirements; Employment Payments

RULE SUMMARY: OAR 461-135-0270 about eligibility for Employment Payments is being amended to add that a member of a REF, Pre-TANF, SFPSS, or TANF filing group is not eligible for employment payments and to clarify when loss of unsubsidized employment impacts eligibility. These amendments add clarity to the rule and aligns with Integrated Eligibility/ONE.

Temp 3/01/20 AMEND: 461-155-0180

RULE TITLE: Income Standards; Not OSIP, OSIPM, QMB

RULE SUMMARY: OAR 461-155-0180 is being amended to update federal poverty guidelines and state median income levels. The standards being changed affect benefit decisions in self-sufficiency programs. The Department intends to make this amendment permanent effective July 1, 2020.

AMEND: 461-160-0010

RULE TITLE: Use of Resources in Determining Financial Eligibility

RULE SUMMARY: OAR 461-160-0010 about the use of resources in determining financial eligibility is being amended to make clear who is subject to the resource limit. This amendment makes current policy more understandable and concise.

AMEND: 461-160-0015

RULE TITLE: Resource Limits

RULE SUMMARY: OAR 461-160-0015 about resource limits is being amended to make clear who is subject to the resource limit. This amendment makes current policy more understandable and concise.

AMEND: 461-175-0340

RULE TITLE: Notice Situation; Voluntary Action

RULE SUMMARY: OAR 461-175-0340 about voluntary closure of benefits is being amended to clarify that when a TANF or REF recipient requests closure of program benefits, support services will close in alignment with program benefits. This amendment aligns the rule with current policy and Integrated Eligibility.

AMEND: 461-190-0211

RULE TITLE: Case Plan Activities and Standards for Support Service Payments; JOBS, Pre-TANF, REF, REP, SFPSS, TANF

RULE SUMMARY: OAR 461-190-0211 about case plan activities and standards for support service payments in the JOBS, Post-TANF, Pre-TANF, REF, REP, SFPSS, TADVS, and TANF program is being amended to remove programs that are currently closed or do not offer support services, to make clear that medical payments are not allowed, and to elaborate on parameters around program funding availability. The rule is also being amended to restructure how available support services are listed in the rule, make clear which programs are eligible for support services, give guidance regarding which support payments are available and under which circumstances, and to allow for recurrent fuel and public transportation payments. These amendments allow greater flexibility in some areas and make clear certain limitations and restrictions around payments, participants, and programs. The amendments also bring the rule into alignment with federal requirements and Integrated Eligibility.

Implementation/transition instructions:

Training/communication plan:

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 a Rules Advisory Committee (RAC) for Self-Sufficiency Programs (SSP) or Aging and People with Disabilities (APD)

Filing instructions: N/A

If you have any questions about this policy, contact:

Contact(s): Policy specific questions: Contact the policy box for the specific program. Questions about the rules site, filing dates, or this transmittal: Contact Meorah Solar, SSP and APD Medical Program Hearings & Rules Affairs.

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