

# Policy Transmittal Office of Self-Sufficiency Programs



Heather Miles, SSP Program Manager

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**Number:** SS-PT-20-030

**Issue date:** 12/15/2020

**Topic:** Other

**Due date:**

**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                           |   |

<b>Policy/rule title:</b>	Administrative Rules for Various Self-Sufficiency and Aging & People with Disabilities Programs		
<b>Policy/rule number(s):</b>	Various (see below)	<b>Release number:</b>	
<b>Effective date:</b>	January 1, 2021 unless otherwise noted	<b>Expiration date:</b>	N/A
<b>References:</b>			
<b>Web address:</b>	<a href="http://www.dhs.state.or.us/policy/selfsufficiency/publications/ss-pt-20-030-rules.pdf">http://www.dhs.state.or.us/policy/selfsufficiency/publications/ss-pt-20-030-rules.pdf</a>		

**Discussion/interpretation:**

This transmittal provides a draft advance summary and link to SSP administrative rules (including many that apply to Aging and People with Disabilities (APD) programs) that will be effective January 1, 2021, unless otherwise noted or further edited. Any final rule changes will be included in the rules site by January 1, 2021, and will also be at <https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter=90>

**AMEND: 461-001-0000**

**RULE TITLE: Definitions for Chapter 461**

**RULE SUMMARY:** OAR 461-001-0000 about definitions for Chapter 461, is being amended to include new or more respectful terminology and update program names and information. It is also being amended to remove references to “microenterprise” and the Post-TANF program, as well as to update definitions, including “caretaker relative” and “signature.”

**AMEND: 461-001-0025**

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

**RULE SUMMARY:** OAR 461-001-0025 about Definitions of Terms, Components, and Activities; JOBS, Pre-TANF, TANF; is being amended to update terminology, remove microenterprise, UN work program, and work supplementation; as they are obsolete services. It is also being amended to add JOBS Program activities that were previously not defined in rule and correct activity names.

**AMEND: 461-101-0010**

**RULE TITLE: Program Acronyms and Overview**

**RULE SUMMARY:** OAR 461-101-0010 about Program Acronyms and Overview, is being amended to update terminology, to add a few previously excluded acronyms, and to correct information provided for a of couple acronyms.

**AMEND: 461-110-0210**

**RULE TITLE: Household Group**

**RULE SUMMARY:** OAR 461-110-0210 about household group, is being amended to make clear how the household group is formed for individuals that are experiencing homelessness. It is also being amended to add more respectful terminology for this population.

**AMEND: 461-120-0340**

**RULE TITLE: Caretaker Relative Required to Help Division of Child Support Obtain Support from Noncustodial Parent; TANF**

**RULE SUMMARY:** OAR 461-120-0340 about Caretaker Relative Required to Help Division of Child Support Obtain Support from Noncustodial Parent; TANF; is being changed to remove effective date verbiage. It is also being changed to simplify language, remove repetition, use consistent terms, and to permanently adopt temporary provisions. The temporary amendment adjusted the requirement to cooperate with child support to a requirement to agree to cooperate with the Division of Child Support and updated some language to more current and accurate terminology.

**AMEND: 461-135-0220**

**RULE TITLE: REF, REFM, and TANF Programs; COVID-19**

**RULE SUMMARY for change effective 12/01/2020:** OAR 461-135-0220 about REF, REFM, and TANF Programs; COVID-19, is being amended to extend COVID-19 resource limit provisions past November 30, 2020; and to extend the eight month REF program eligibility limit and allow limited retroactive REF benefits for individuals meeting certain criteria. The rule is also being amended to expand the definition of client error overpayment for the REF program.

**AMEND: 461-135-0440**

**RULE TITLE: Child Care Benefit Eligibility and Payment; COVID-19**

**RULE SUMMARY for change effective 12/01/2020:** OAR 461-135-0440 about Child Care Benefit Eligibility and Payment; COVID-19, is being changed to reduce copays for additional qualifying families, to allow a one-time supplemental payment of Coronavirus Relief Funds to qualifying providers, and to temporarily amend training requirements when the trainings are not available in the individual's preferred language.

**RULE SUMMARY for change effective 12/04/2020:** OAR 461-135-0440 about Child Care Benefit Eligibility and Payment; COVID-19, is being amended to expand eligibility for the one-time supplemental payment to providers who received a payment from the Department for child care provided in October or November and met the other rule provisions.

**AMEND: 461-135-0493**

**RULE TITLE: Eligibility and Benefit Amount for DSNAP**

**RULE SUMMARY for change effective 10/16/2020:** OAR 461-135-0493 about Eligibility and Benefit Amount for DSNAP, is being revised to add missing non-financial eligibility requirements. The requirements are connected to receipt of other program benefits funded by UDSA. It also needs to be changed to clarify that full month means 30 days and not a calendar month. These amendments will make the rule more accurate.

**AMEND: 461-135-0494**

**RULE TITLE: DSNAP Treatment of Households Already Certified and Receiving SNAP Benefits**

**RULE SUMMARY for change effective 10/16/2020:** OAR 461-135-0494 about DSNAP Treatment of Households Already Certified and Receiving SNAP Benefits, is being amended to clarify about mass supplementation provisions. It is also being amended to make clear eligibility for those who have already received the COVID SNAP emergency assistance in September and maximum SNAP.

**AMEND: 461-135-0660**

**RULE TITLE: SNAP; COVID-19**

**RULE SUMMARY for change effective 10/22/2020:** OAR 461-135-0660 about SNAP; COVID-19, is being amended to make clear how the emergency allotment (supplement) of SNAP is different than the Supplemental Nutrition Assistance Program, including foundation of law, notice requirements, and hearing rights.

**AMEND: 461-461-135-0700**

**RULE TITLE: Specific Requirements; GA**

**RULE SUMMARY:** OAR 461-135-0700 about Specific Requirements; GA, is being changed to change outdated terminology and clarify and expand what conditions need exist in order to be considered an individual who is homeless for the purposes of this rule. The rule is also being changed to change what steps must be taken in order for the Supplemental Security Income application and Interim Assistance Agreement process to be considered complete. It is also being changed to allow the Department to close GA after a final decision is issued by a Social Security Administration administrative law judge.

**AMEND: 461-135-0780**

**RULE TITLE: Pickle Amendment Clients; OSIPM**

**RULE SUMMARY:** OAR 461-135-0780 about eligibility for Pickle Amendment clients in the OSIPM program is being amended to adjust standards to reflect the annual federal cost of living adjustments that happen every January. These amendments keep Oregon in line with current federal standards for Department Medicaid programs and changes in the cost of living.

**AMEND: 461-135-0832**

**RULE TITLE: Estate Administration; Definitions**

**RULE SUMMARY:** OAR 461-135-0832 about Estate Administration; Definitions, is being changed to delete the definition of "domestic partner" and add a definition for "registered domestic partner."

**AMEND: 461-135-0835**

**RULE TITLE: Limits on Estate Claims**

**RULE SUMMARY:** OAR 461-135-0835 about Limits on Estate Claims, is being amended as the Department is changing the term "domestic partner" to "registered domestic partner" in its Estate Administration rules, OARs 461-135-0832 to 461-135-0847.

**AMEND: 461-135-0845**

**RULE TITLE: Valuation of Life Estate, Reversionary Interest, and Property**

**RULE SUMMARY:** OAR 461-135-0845 about Valuation of Life Estate, Transfer on Death Deeds, Reversionary Interest and Property, is being amended as the Department is changing the term “domestic partner” to “registered domestic partner” in its Estate Administration rules, OARs 461-135-0832 to 461-135-0847.

**AMEND: 461-135-1200**

**RULE TITLE: Specific Requirements; TA-DVS**

**RULE SUMMARY:** OAR 461-135-1200 about Specific Requirements; TA-DVS, is being amended to permanently adopt all temporary changes adopted on September 4, 2020. These amendments allow the ability to establish a filing date, apply for benefits, and sign an application in the TA-DVS program.

**AMEND: 461-140-0296**

**RULE TITLE: Length of Disqualification Due to an Asset Transfer; OSIP and OSIPM**

**RULE SUMMARY:** OAR 461-140-0296 about Length of Disqualification Due to an Asset Transfer; OSIP and OSIPM is being changed to permanently correct the number "one" to "zero."

**AMEND: 461-145-0022**

**RULE TITLE: Annuities; OSIPM**

**RULE SUMMARY:** OAR 461-145-0022 about Annuities; OSIPM, is being amended to permanently add an omission which makes clear that certain types of annuities that list the first remainder beneficiary as the annuitant’s child, must name the Department as the second remainder beneficiary for up to the total amount of medical assistance paid on behalf of the individual, in order for the annuity to be treated as mentioned in that section of the rule. This change aligns the rule text with current policy.

**AMEND: 461-145-0130**

**RULE TITLE: Earned Income; Treatment**

**RULE SUMMARY:** OAR 461-145-0130 about Earned Income; Treatment, is being amended to update verbiage and remove reference to Non-custodial Parent JOBS Plus Services. These services ended several years ago and this rule was missed when amendments were made at that time.

**AMEND: 461-145-0220**

**RULE TITLE: Home**

**RULE SUMMARY:** OAR 461-145-0220 about treatment of the home, is being amended to adjust standards to reflect the annual federal cost of living adjustments that happen every January. These amendments keep Oregon in line with current federal standards for Department Medicaid programs and changes in the cost of living. These amendments will take effect January 1, 2021.

**AMEND: 461-145-0250**

**RULE TITLE: Income-Producing Property; Not OSIP, OSIPM, or QMB**

**RULE SUMMARY:** OAR 461-145-0250 about Income-Producing Property; Not OSIP, OSIPM, or QMB, is being changed to remove reference to microenterprise.

**AMEND: 461-145-0600**

**RULE TITLE: Work-Related Capital Assets, Equipment, and Inventory**

**RULE SUMMARY:** OAR 461-145-0600 about Work-Related Capital Assets, Equipment, and Inventory, is being changed to remove reference to microenterprise.

**AMEND: 461-145-0910**

**RULE TITLE: Self-Employment; General; Not OSIP, OSIPM, or QMB**

**RULE SUMMARY:** OAR 461-145-0910 about Self-Employment; General; Not OSIP, OSIPM, or QMB, is being changed to remove reference to microenterprise. It is also being amended to remove effective date terminology.

**AMEND: 461-145-0920**

**RULE TITLE: Self-Employment; Costs that are Excluded to Determine Countable Income**

**RULE SUMMARY:** OAR 461-145-0920 about Self-Employment; Costs that are Excluded to Determine Countable Income, is being changed to remove reference to microenterprise. It is also being amended to remove effective date terminology.

**AMEND: 461-145-0930**

**RULE TITLE: Self-Employment; Determination of Countable Income**

**RULE SUMMARY:** OAR 461-145-0930 about Self-Employment; Determination of Countable Income, is being changed to remove microenterprise.

**AMEND: 461-155-0210**

**RULE TITLE: Payment Standards and Methods of Issuance; GA**

**RULE SUMMARY:** OAR 461-155-0210 about Payment Standards and Methods of Issuance; GA, is being changed to make the rule provisions more clear by adding the definition of "eligible spouse," adding the GA payment standard separate from any calculations, and making clear how the payment is arrived at for both one and two people.

**AMEND: 461-155-0250**

**RULE TITLE: Income and Payment Standard; OSIPM**

**RULE SUMMARY:** OAR 461-155-0250 about income and payment standard for OSIPM, is being amended to adjust standards to reflect the annual federal cost of living adjustments that happen every January. These amendments keep Oregon in line with current federal standards for Department Medicaid programs and changes in the cost of living. The rule is also being changed to update the name "Intermediate Care Facility - Mental Retardation" (ICF-MR) to "Intermediate Care Facility - Intellectual Disabilities" (ICF-ID). These amendments will take effect January 1, 2021.

**AMEND: 461-155-0270**

**RULE TITLE: Room and Board Standard; OSIPM**

**RULE SUMMARY:** OAR 461-155-0270 about room and board standards for OSIPM, is being amended to reflect the annual federal cost of living adjustments that happen every January. These amendments keep Oregon in line with current federal standards for Department Medicaid programs and changes in the cost of living. These amendments will take effect January 1, 2021.

**AMEND: 461-160-0160**

**RULE TITLE: Earned Income Deduction; REF, REFM, and TANF**

**RULE SUMMARY:** OAR 461-160-0160 about Earned Income Deduction; REF, REFM, and TANF; is being amended to remove reference to microenterprise and to update verbiage.

**AMEND: 461-160-0580**

**RULE TITLE: Excluded Resource; Community Spouse Provision (OSIPM except OSIPM-EPD)**

**RULE SUMMARY:** OAR 461-160-0580 about excluded resources (community spouse provision) OSIPM program (except OSIP-EPD and OSIPM-EPD), is being amended to adjust these standards to reflect the annual federal cost of living adjustments that happen every January. These amendments keep Oregon in line with current federal standards for Department Medicaid programs and changes in the cost of living. These amendments will take effect January 1, 2021.

**AMEND: 461-160-0620**

**RULE TITLE: Income Deductions and Client Liability; Long-Term Care Services or Home and Community-Based Care; OSIPM**

**RULE SUMMARY:** OAR 461-160-0620 and income deductions and client liability for Long Term Care Services and Waivered Services is being amended to adjust standards to reflect the annual federal cost of living adjustments that happen every January. These amendments keep Oregon in line with current federal standards for Department Medicaid programs and changes in the cost of living. These amendments will take effect January 1, 2021.

**AMEND: 461-165-0010**

**RULE TITLE: Legal Status of Benefit Payments**

**RULE SUMMARY:** OAR 461-165-0010 about Legal Status of Benefit Payments is being amended to update terminology and make clear to whom refunded or rebate benefits are given. It is also being amended to make clear when benefits are considered issued for both EBT and non-EBT.

**AMEND: 461-175-0050**

**RULE TITLE: Notice Period**

**RULE SUMMARY for change effective 10/16/2020:** OAR 461-175-0050 about ODHS Decision Notice Periods is being amended to add the notice period for a few programs, systems, and situations that were not previously mentioned. It is also being amended to absorb the rule provisions in OAR 461-175-0206, which the Department plans on repealing in the future. This amendment brings the rule into alignment with current ODHS practices and makes clear the notice periods for different ODHS systems and programs.

**RULE SUMMARY for change effective 11/18/2020:** OAR 461-175-0050 about Notice Period is being amended to make clear to which APD programs or services the ten calendar day timely continuing benefit decision notice provision in the rule refers. It is also being amended to remove date specific decision notice provisions as that time period has passed. These changes will make the rule more accurate.

**AMEND: 461-175-0206**

**RULE TITLE: Notice Situation; Benefit Standard Changes; Not SNAP**

**RULE SUMMARY:** OAR 461-175-0206 about Notice Situation; Benefit Standard Changes; Not SNAP is being repealed as its provisions are being updated and absorbed into OAR 461-175-0050. This will make the notice situation provisions more accurate, clear, and concise.



**AMEND: 461-180-0040**

**RULE TITLE: Effective Dates; Special and Service Needs**

**RULE SUMMARY for change effective 10/16/2020:** OAR 461-180-0040 about Effective Dates; Special and Service Needs is being amended to update the rule's verbiage to include a defined term and rule reference. These changes make the rule more accurate and clear.

**AMEND: 461-180-0083**

**RULE TITLE: Effective Dates; Other Changes That Cause Increases; OSIP, OSIPM, and QMB**

**RULE SUMMARY:** OAR 461-180-0083 about effective dates; other changes that cause increases in the OSIPM and QMB Programs, is being amended to change the effective date for individuals moving from CAWEM to OSIPM or CAWEM Plus from the day the individual reports the change to the first of the month in which the individual reports the change.

**AMEND: 461-180-0120**

**RULE TITLE: Effective Dates; Removing an Individual**

**RULE SUMMARY for change effective 10/16/2020:** OAR 461-180-0120 about Effective Dates; Removing an Individual is being amended to use more inclusive language and to improve the rule's precision.

**AMEND: 461-190-0197**

**RULE TITLE: Microenterprise Component Closure Effective December 31, 2020**

**RULE SUMMARY:** OAR 461-190-0197 about Microenterprise Component, is being amended to remove all microenterprise information, to add the definition of microenterprise, and to add the microenterprise component ending date.

**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 Services Payments; JOBS, Pre-TANF, REF, REP, SFPSS, TANF; is being amended to change a rule reference and update terminology.

**AMEND: 461-190-0310**

**RULE TITLE: Limits to the SNAP Training and Employment Program**

**RULE SUMMARY:** OAR 461-190-0310 about Limits to the SNAP Training and Employment Program is being amended to adopt new provisions which allow SNAP participants residing in a drug or alcohol treatment facility to participate in the STEP program. It is also being amended

to update terminology.

**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, Manager of SSP and APD Medical Program Hearings & Rules Affairs.

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