

Policy Transmittal Office of Self-Sufficiency Programs



Heather Miles, SSP Program Manager

Authorized signature

Number: SS-PT-21-006

Issue date: 3/18/2021

Topic: Other

Due date: 3/18/2021

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 and Aging & People with Disabilities Programs		
Policy/rule number(s):	Various (see below)	Release number:	
Effective date:	April 1, 2021 unless otherwise noted	Expiration date:	N/A
References:			
Web address:	enter web address here		

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 April 1, 2021, unless otherwise noted or further edited. Any final rule changes will be included in the rules site by April 1, 2021, and will also be at <https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter=90>

AMEND: 461-120-0125

RULE TITLE: Alien Status

Temporary Effective 3/12/2021

RULE SUMMARY: OAR 461-120-0125 about alien status is being amended to designate citizens of Compact of Free Association States (i.e., Federated States of Micronesia, Republic of the Marshall Islands, and the Republic of Palau) as qualified non-citizens for the OSIPM and QMB programs and include them in the category of individuals who meet the non-citizen requirements for Medicaid. This amendment is retroactively effective December 28, 2020.

AMEND: 461-130-0305

RULE TITLE: General Provisions; Employment Programs

RULE SUMMARY: OAR 461-130-0305 about General Provisions; Employment Programs, is being changed to remove mentions of the Post-TANF program and to make clear information about employment programs.

AMEND: 461-130-0310

RULE TITLE: Participation Classifications: Exempt, Mandatory, and Volunteer

RULE SUMMARY: OAR 461-130-0310 about Participation Classifications: Exempt, Mandatory, and Volunteer, is being amended to remove the Post-TANF program.

AMEND: 461-135-0075

RULE TITLE: TANF Time Limit; Exemptions

RULE SUMMARY: OAR 461-135-0075 about TANF Time Limit; Exemptions, is being amended to remove the Post-TANF program.

AMEND: 461-135-0220

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

RULE SUMMARY: 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, to make clear how certain REF program payments shall be made, and to amend certain REF program eligibility limit provisions for individuals meeting certain criteria. The rule is also being amended to expand the definition of client error overpayment for the REF program and to adopt changes to the REF, REFM, and TANF programs due to COVID-19.

AMEND: 461-135-0440

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

Temporary Effective 1/25/2021

RULE SUMMARY: OAR 461-135-0440 about Child Care Benefit Eligibility and Payment; COVID-19, is being amended to put in rule the continuation of the \$0 monthly child care copay.

Permanently Effective 4/01/2021

RULE SUMMARY: OAR 461-135-0440 about Child Care Benefit Eligibility and Payment; COVID-19, is being changed to extend the \$0 monthly child care copay, to make it more clear that a provision in the rule is for COVID-19 related circumstances, and to place into rule the provisions regarding the Oregon wildfires that occurred during the pandemic. The rule is also being amended to adopt the one time payment provisions, the changes around training and certification requirements when not offered in the preferred language of the provider, and to make clear when providers may receive retroactive payment. The rule is also being changed to adopt changes to Child Care Benefit Eligibility and Payment due to COVID-19.

AMEND: 461-135-0475

RULE TITLE: Specific Requirements; Pre-TANF Program

RULE SUMMARY: OAR 461-135-0475 about Specific Requirements; Pre-TANF Program, is being amended to remove the Post-TANF program.

AMEND: 461-135-0493

RULE TITLE: Eligibility and Benefit Amount for DSNAP

RULE SUMMARY: OAR 461-135-0493 about Eligibility and Benefit Amount for DSNAP, is being amended to remove the COVID-19 specific rule suspensions adopted temporarily in October. It is also being amended to permanently adopt the Food Distribution Program limitations, the meaning of liquid resource accessibility, the correction of the disaster related expenses provisions, the inclusion of damaged fuel, and the clarification of the disaster benefit period.

AMEND: 461-135-0494

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

RULE SUMMARY: OAR 461-135-0494 about DSNAP Treatment of Households Already Certified and Receiving SNAP Benefits, is being amended to remove text regarding the COVID-19 emergency supplement and to add text about how those receiving SNAP benefits may apply for DSNAP. The rule is also being amended to make terms clearer.

AMEND: 461-135-0520

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

Temporary Effective 1/25/2021

RULE SUMMARY: OAR 461-135-0520 about Time Limit and Special Requirements for ABAWD; SNAP, is being amended to put ODHS policies implemented as early as October 1, 2020, into rule. These provisions remove any Oregon counties from being considered "SNAP time-limit areas" and establishes all Oregon counties as "exempt areas." These amendments were made due to the following: States may request Food and Nutrition Services approval to temporarily waive the time limit for a group of individuals in the State in the area in which the individuals reside. To be considered for approval, the request must be supported by corresponding data or evidence demonstrating that the requested area: (i) Has an unemployment rate of over 10 percent; or (ii) Does not have a sufficient number of jobs to provide employment for the individuals. A state may support a claim of insufficient jobs by submitting evidence that the State qualifies for extended unemployment benefits within the past 12 months. The Department of Labor's Trigger Notice No. 2020 – 17 shows the State's 13-week insured unemployment rate (IUR) was: (1) 5.56 percent and (2) 349 percent of the 13-week rate for the corresponding period in the two preceding years, making the State eligible for extended unemployment benefits, and thus also eligible to request a statewide waiver.

Permanently Effective 4/01/2021

RULE SUMMARY: OAR 461-135-0520 about Time Limit and Special Requirements for ABAWD; SNAP, is being amended to put ODHS policies implemented as early as October 1, 2020, into permanent rule. These provisions remove any Oregon counties from being considered "SNAP time-limit areas" and establishes all Oregon counties as "exempt areas." These amendments were made due to the following: States may request Food and Nutrition Services approval to temporarily waive the time limit for a group of individuals in the State in the area in which the individuals reside. To be considered for approval, the request must be supported by corresponding data or evidence demonstrating that the requested area: (i) Has an unemployment rate of over 10 percent; or (ii) Does not have a sufficient number of jobs to provide employment for the individuals. A state may support a claim of insufficient jobs by submitting evidence that the State qualifies for extended unemployment benefits within the past 12 months. The Department of Labor's Trigger Notice No. 2020 – 17 shows the State's 13-week insured unemployment rate (IUR) was: (1) 5.56 percent and (2) 349 percent of the 13-week rate for the corresponding period in the two preceding years, making the State eligible for extended unemployment benefits, and thus also eligible to request a statewide waiver. The rule is also being amended to remove gendered language.

AMEND: 461-135-0660

RULE TITLE: SNAP; COVID-19

RULE SUMMARY: OAR 461-135-0660 about SNAP; COVID-19, is being permanently 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. The rule is also being amended to adopt changes to the SNAP

program due to COVID-19 regarding the Department extending certification periods, the Department waiving periodic reviews, and additional eligibility for students of higher education.

AMEND: 461-135-0950

RULE TITLE: Eligibility for Inmates and Residents of Public Institutions

RULE SUMMARY: OAR 461-135-0950 about Eligibility for Inmates and Residents of Public Institutions, is being amended to make general text corrections, and to change when an individual in a supervised community residential facility is considered an individual living in a public institution. It is also being amended to remove gendered language.

AMEND: 461-135-1250

RULE TITLE: Closure of Post-TANF Program

RULE SUMMARY: OAR 461-135-1250 about Specific Requirements; Post-TANF, is being amended to remove all Post-TANF specific requirements and to change the title of the rule to make clear the Post-TANF program has closed.

AMEND: 461-135-1260

RULE TITLE: Specific Requirements: Job Participation Incentive

RULE SUMMARY: OAR 461-135-1260 about Specific Requirements: Job Participation Incentive, is being amended to remove the Post-TANF program. It may also be amended to clarify Job Participation Incentive.

AMEND: 461-145-0087

**RULE TITLE: Coronavirus Aid, Relief, and Economic Security (CARES) Act
Temporary Effective 1/25/2021**

RULE SUMMARY: OAR 461-145-0087 about Coronavirus Aid, Relief, and Economic Security (CARES) Act, is being amended to retroactively amend how Federal Pandemic Compensation payments are treated for certain programs.

Permanently Effective 4/01/2021

RULE SUMMARY: OAR 461-145-0087 about Coronavirus Aid, Relief, and Economic Security (CARES) Act, is being amended to permanently adopt the changes in how Federal Pandemic Compensation payments are treated for certain programs.

AMEND: 461-145-0320

RULE TITLE: Life Insurance

RULE SUMMARY: OAR 461-145-0320 about Life Insurance, is being amended to remove retroactive text and the Post-TANF program.

AMEND: 461-145-0410

RULE TITLE: Program Benefits

RULE SUMMARY: OAR 461-145-0410 about Program Benefits, is being amended to remove the Post-TANF program and to make a program name clearer.

AMEND: 461-155-0180

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

Temporary Effective 3/01/2021

RULE SUMMARY: OAR 461-155-0180 about Income Standards; Not OSIP, OSIPM, QMB, is being amended to adjust the 185 percent, 200 percent, and 250 percent income standards to reflect the annual update to the Federal Poverty Level. It is also being amended to adjust the 85 percent income standard to reflect the annual update to the state median income. These amendments keep Oregon in line with current federal and state standards for Department Self-Sufficiency Programs. These amendments will take effect March 1, 2021.

AMEND: 461-155-0190

RULE TITLE: Income and Payment Standards; SNAP and DSNAP

Temporary Effective 1/01/2021

RULE SUMMARY: OAR 461-155-0190 about Income and Payment Standards; SNAP and DSNAP, is being amended to increase the SNAP payment standard in accordance with the Consolidated Appropriations Act (H.R. 133). This change increases the SNAP payment standard to 115% of the June 2020 Thrifty Food Plan payment standard.

AMEND: 461-155-0290

RULE TITLE: Income Standard; QMB-BAS

Permanent Effective 3/01/2021

RULE SUMMARY: OAR 461-155-0290 about income standards for QMB-BAS, is being amended to adjust these standards to reflect the annual updates to the Federal Poverty Level (FPL) that happens every March. These amendments keep Oregon in line with current federal standards for Department Medicaid programs and changes in the FPL. These amendments will take effect March 1, 2021.

AMEND: 461-155-0291

RULE TITLE: Income Standard; QMB-DW

Permanent Effective 3/01/2021

RULE SUMMARY: OAR 461-155-0291 about income standards for QMB-DW, is being amended to adjust these standards to reflect the annual updates to the Federal Poverty Level (FPL) that happens every March. These amendments keep Oregon in line with current federal

standards for Department Medicaid programs and changes in the FPL. These amendments will take effect March 1, 2021.

AMEND: 461-155-0295

RULE TITLE: Income Standard; QMB-SMB, QMB-SMF

Permanent Effective 3/01/2021

RULE SUMMARY: OAR 461-155-0295 about income standards for QMB-SMB and QMB-SMF, is being amended to adjust these standards to reflect the annual updates to the Federal Poverty Level (FPL) that happens every March. These amendments keep Oregon in line with current federal standards for Department Medicaid programs and changes in the FPL. These amendments will take effect March 1, 2021.

AMEND: 461-165-0230

RULE TITLE: Replacing SNAP Program Benefits and EBT Cards

Temporary Effective 2/26/2021

RULE SUMMARY: OAR 461-165-0230 about Replacing SNAP Program Benefits and EBT Cards, is being amended to add the Department's ability to extend the 10 day deadline for SNAP participants requesting a replacement of SNAP benefits, when an extension of this deadline is approved by the Food and Nutrition Service. It is also being amended to allow SNAP participants to verbally attest to the loss.

AMEND: 461-175-0050

RULE TITLE: Notice Period

RULE SUMMARY: OAR 461-175-0050 about Notice Period is being amended to permanently add the notice period for a few programs, systems, and situations that were previously excluded. It is also being amended to permanently absorb the rule provisions in OAR 461-175-0206, which the Department has repealed. These changes will make the rule more accurate. Lastly, it adopts temporary rule changes which made clear to which APD programs or services the ten calendar day timely continuing benefit decision notice provision in the rule refers. This amendment keeps the rule in alignment with current ODHS practices and makes clear the notice periods for different ODHS systems and programs.

AMEND: 461-180-0040

RULE TITLE: Effective Dates; Special and Service Needs

RULE SUMMARY: OAR 461-180-0040 about Effective Dates; Special Needs and Services, is being amended to permanently adopt a temporary update of the rule's verbiage to include a defined term and rule reference. These changes make the rule more accurate and clearer.

AMEND: 461-180-0070

RULE TITLE: Effective Dates; Initial Month Benefits

RULE SUMMARY: OAR 461-180-0070 about Effective Dates; Initial Month Benefits, is being amended to clarify how effective dates for GA initial month's benefits are determined for applicants.

AMEND: 461-180-0120

RULE TITLE: Effective Dates; Removing an Individual

RULE SUMMARY: OAR 461-180-0120 about Effective Dates; Removing an Individual is being amended to permanently adopt more inclusive language and to improve the rule's precision.

AMEND: 461-190-0310

RULE TITLE: Limits to the SNAP Training and Employment Program

Temporary Effective 1/25/2021

RULE SUMMARY: OAR 461-190-0310 about Limits to the SNAP Training and Employment Program, is being amended to expand the SNAP Training and Employment Program to 16 and 17 year olds that were previously excluded from participating.

Permanently Effective 4/01/2021

RULE SUMMARY: OAR 461-190-0310 about Limits to the SNAP Training and Employment Program, is being amended to permanently expand the SNAP Training and Employment Program to 16 and 17 year olds that were previously excluded from participating.

AMEND: 461-195-0501

RULE TITLE: Definitions and Categories of Overpayments

RULE SUMMARY: OAR 461-195-0501 about Definitions and Categories of Overpayments, is being amended to update the name of a medical program, certain eligibility group terms, and general language.

AMEND: 461-195-0521

RULE TITLE: Calculation of Overpayments

RULE SUMMARY: OAR 461-195-0521 about Calculation of Overpayments, is being amended to update a program name, an eligibility group name, and general terminology. It is also being amended to put Department practice regarding overpayment establishment, self-employment related overpayment establishment and calculation, as well as administrative error overpayment establishment and calculation into rule. Lastly, it is being amended to make clear how being categorically eligible for SNAP impacts overpayments in the SNAP program and to remove the Post-TANF program from the rule. These changes bring the rule into alignment with current Department policy and terminology.

AMEND: 461-195-0541

RULE TITLE: Liability for Overpayments

RULE SUMMARY: In OAR 461-195-0541 about Liability for Overpayments, is being amended to update the name of a medical program and an eligibility group.

AMEND: 461-195-0561

RULE TITLE: Compromise of an Overpayment Claim

RULE SUMMARY: OAR 461-195-0561 about Compromise of an Overpayment Claim, is being amended to update a medical program name and an eligibility group name.

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, Chapter 461 Hearings Policy Analyst and Rule Coordinator.

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