

Policy Transmittal

Office of Self-Sufficiency Programs



Heather Miles, SSP Program Manager

Authorized signature

Number: SS-PT-21-013

Issue date: 6/25/2021

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: Type 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:	July 1, 2021, unless otherwise noted	Expiration date:	N/A
References:			
Web address:			

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 July 1, 2021, unless otherwise noted or further edited. Any final rule changes will be included in the rules site by July 1, 2021, and will also be at

<https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter=90>

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 language and make clear that a JOBS Plus program participant receives their wages from the JOBS Plus employer.

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 provide a more broad overview about Able-Bodied Adults Without Dependents, to remove the TANF-PLS acronym as it is not used, to correct the expansion of the QMB-SMB acronym, and update grammar.

AMEND: 461-110-0530

RULE TITLE: Financial Group

RULE SUMMARY: OAR 461-110-0530 about financial group is being amended to add a section clarifying that married individuals not in the same household group as their spouse who may otherwise be eligible for OSIPM under standard living arrangement rules (i.e. not subject to the 300% SSI income standard) are still subject to the community spouse resource allowance provisions if applying for Long Term Care services.

AMEND: 461-115-0071

RULE TITLE: Who Must Sign the Application and Complete the Application Process

RULE SUMMARY: OAR 461-115-0071 about Who Must Sign the Application and Complete the Application Process, is being amended to update language to be more person-centered.

AMEND: 461-120-0125

RULE TITLE: "Alien" Status

RULE SUMMARY: OAR 461-120-0125 about "alien" status is being amended permanently adopt the temporary rule changes that 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. It is also being amended to update language to be more person-centered, to restructure the rule provisions, and to add language to make the rule more clear. Terms placed into quotation marks are terms the Department has identified as potentially insensitive and outdated. ODHS will work with the communities to which these terms refer to receive guidance in terms that are more respectful.

AMEND: 461-120-0330

RULE TITLE: Requirement to Pursue Assets

Temporary Effective 3/29/2021

RULE SUMMARY: OAR 461-120-0330 about Requirement to Pursue Assets, is being amended to make clear that individuals who apply for or receive REFM must pursue other medical benefits to which they are entitled.

Permanent Effective 7/01/2021

RULE SUMMARY: OAR 461-120-0330 about Requirement to Pursue Assets, is being amended to permanently adopt temporary changes to make clear that individuals who apply for or receive REFM must pursue other medical benefits to which they are entitled. This amendment brings the rule into alignment with and makes clear current policy.

AMEND: 461-120-0350

RULE TITLE: Individuals Excused for Good Cause from Compliance with Requirements to Pursue Child Support, Health Care Coverage, and Medical Support

Temporary Effective 3/29/2021

RULE SUMMARY: OAR 461-120-0350 about Clients Excused for Good Cause from Compliance with Requirements to Pursue Child Support, Health Care Coverage, and Medical Support, is being amended to make clear that all individuals who apply for or receive REFM program benefits do not need to pursue child support or comply with the Division of Child Support.

Permanent Effective 7/01/2021

RULE SUMMARY: OAR 461-120-0350 about Clients Excused for Good Cause from Compliance with Requirements to Pursue Child Support, Health Care Coverage, and Medical Support, , is being amended to adopt temporary changes to make clear that individuals who apply for or receive REFM program benefits do not need to pursue child support or comply with the Division of Child Support.

Temporary Effective 4/02/2021

AMEND: 461-135-0660

RULE TITLE: SNAP; COVID-19

RULE SUMMARY: OAR 461-135-0660 about SNAP; COVID-19, is being temporarily amended to extend the period during which ODHS shall waive the SNAP application interview requirements. It is also being amended to make clear that this waiver is continuously and retroactively effective for SNAP applications with a filing date of March 23, 2020 and after.

Temporary Effective 5/14/2021

RULE SUMMARY: OAR 461-135-0660 about SNAP; COVID-19, is being amended to align rule with recently released federal requirements regarding SNAP emergency allotments. These changes retroactively increase the minimum emergency allotment for certain benefit groups to \$95 monthly, beginning April 2021. These changes also end emergency allotments to benefit groups whose regular SNAP allotment is \$0 monthly, beginning May 2021.

AMEND: 461-135-0880

RULE TITLE: OSIPM and QMB Programs; COVID-19

Temporary Effective 3/25/2021

RULE SUMMARY: OAR 461-135-0880 about OSIPM and QMB Programs; COVID-19, is being amended to remove the following actions from the list of prohibited adverse actions during the COVID-19 emergency period - client liability increases; Employed Persons with Disabilities (EPD) participant fee increases; closure of medical benefits opened in error due to agency error, convicted client fraud, or client abuse; reductions to or closure of special needs payments; and suspensions due to an individual becoming a resident of a correctional facility. It is also being amended to remove the provision allowing electronic signature on all forms related to OSIPM and QMB program eligibility and to make clear the requirements for those who need to verify US citizenship, US national, or qualified non-US citizen status.

Permanent Effective 7/01/2021

RULE SUMMARY: OAR 461-135-0880 about OSIPM and QMB Programs; COVID-19 is being amended to permanently remove the following actions from the list of prohibited adverse actions during the COVID-19 emergency period - client liability increases; Employed Persons with Disabilities (EPD) participant fee increases; closure of medical benefits opened in error due to agency error; when a court determines the individual made a false or misleading statement, or misrepresented, concealed, or withheld a fact for the purpose of establishing or maintaining eligibility; and reductions to or closure of special needs payments. It is also being amended to remove the provision allowing electronic signature on all forms related to OSIPM and QMB program eligibility.

AMEND: 461-135-0930

RULE TITLE: Medical Coverage for Refugees; REFM

Temporary Effective 3/29/2021

RULE SUMMARY: OAR 461-135-0930 about Medical Coverage for Refugees; REFM, is being amended to make clear when an individual receiving REFM, or their newborn child, may continue receiving REFM. It is also being amended to make clear that individuals who apply are receiving Medicare may not also receive REFM benefits.

Permanent Effective 7/01/2021

RULE SUMMARY: OAR 461-135-0930 about Medical Coverage for Refugees; REFM, is being amended to make permanent temporary rule changes that make clear when an individual receiving REFM, or their newborn child, may continue receiving REFM. It is also being amended permanently to make clear that individuals who are receiving Medicare may not also receive REFM benefits.

AMEND: 461-135-0950

RULE TITLE: Eligibility for Inmates and Residents of Public Institutions

RULE SUMMARY: OAR 461-135-0950 about eligibility for residents of public institutions is being amended to change the length of time GA recipients who become incarcerated can

continue to receive housing assistance benefits from two calendar months following the month of incarceration to one calendar month. It is also being amended to change language to more respectful, inclusive, and person-centered terms by removing gendered words and verbiage such as "inmate," "prisoner," and "offender."

Temporary Effective 6/03/2021

AMEND: 461-135-1270

RULE TITLE: Specific Requirements; Employment Payments

RULE SUMMARY: OAR 461-135-1270 about Specific Requirements; Employment Payments, is being amended to expand eligibility for TANF program employment payments to JOBS Volunteers who meet specific criteria.

AMEND: 461-155-0180

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

RULE SUMMARY: OAR 461-155-0180 about Income Standards; Not OSIP, OSIPM, QMB, is being amended to permanently adopt the March 1, 2021, amendment to 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 permanently adopt 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.

AMEND: 461-155-0190

RULE TITLE: Income and Payment Standards; SNAP and DSNAP

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

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 about income deductions and client liability for long-term care services and waived services is being amended to update the minimum community spouse income allowance (Minimum Monthly Maintenance Needs Allowance or MMMNA) and the community spouse monthly housing allowance which are published by the federal government each year. This amendment keeps Oregon in line with current federal standards for Department Medicaid programs and changes to the MMMNA and community spouse monthly housing allowance under the Spousal Impoverishment laws.

AMEND: 461-165-0230

RULE TITLE: Replacing SNAP Program Benefits and EBT Cards

RULE SUMMARY: OAR 461-165-0230 about Replacing SNAP Program Benefits and EBT Cards is being amended to remove a duplicate word, and to permanently 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. The permanent amendment ends the temporary acceptance of verbal attestation for benefit loss.

AMEND: 461-190-0401

RULE TITLE: Applicability

RULE SUMMARY: OAR 461-190-0401 about Applicability, is being amended to update language and make clear that a JOBS Plus program participant receives their wages from the JOBS Plus employer. It is also being updated to make the rule title more clear.

AMEND: 461-190-0406

RULE TITLE: Eligibility of Clients

RULE SUMMARY: OAR 461-190-0406 about Eligibility of Clients, is being amended to update language, to make clear an individual must be in the TANF benefit group to volunteer to participate in the JOBS Plus program, and to remove the Department's right to select an individual from the group to participate if no one has volunteered. It is also being updated to make the title more clear.

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

In the JOBS, Pre-TANF, and TANF programs, the following definitions apply to rules in OAR chapter 461 unless the context indicates otherwise.

- (1) "Activity" means an action or set of actions to be taken by a participant, as specified in the *case plan* (see section (6) of this rule). An "activity" is intended to reduce barriers and:
 - (a) Increase the likelihood of self-sufficiency, employment, job retention, wage enhancement, and financial independence; or
 - (b) Promote *family stability* (see OAR 461-001-0000).
- (2) "Adult Basic Education" means an *activity* (see section (1) of this rule) in the *basic education* (see section (5) of this rule) *component* (see section (9) of this rule) that involves remedial education coursework intended to ensure functional literacy and numeracy.
- (3) "Assessment" means an *activity* of the *program entry* (see section (30) of this rule) *component* that involves gathering information to identify the strengths, interests, family circumstances, status in the JOBS program, and vocational aptitudes and preferences of the participant and to mutually determine an employment goal, the level of engagement of the participant in the JOBS program, and which *support services* (see section (37) of this rule) are needed. This *activity* includes providing screenings and evaluations (if appropriate) to determine the level of engagement, accommodation, and modification for the participant in the JOBS program. The screenings include, but are not limited to, physical and mental health needs, substance use, *domestic violence* (see OAR 461-001-0000), and learning needs.
- (4) "Barrier" means a personal condition or circumstance that reduces the likelihood the participant will become employed or the ability of the participant to engage in an *activity* listed in the *case plan*.
- (5) "Basic education" means a *component* intended to ensure functional literacy for all JOBS participants. "Basic education" activities are high school attendance, *English language learner* (see section (15) of this rule) instruction, *job skills training* (see section (21) of this rule), *adult basic education* (see section (2) of this rule) instruction, and services that result in obtaining a general equivalency diploma (GED). The *component* is discussed in OAR 461-190-0171 and 461-190-0181.
- (6) "Case plan" (also known as a personal development plan) means a written outline, developed in partnership by the participant and family coach, with input from community partners as appropriate, listing activities and goals for the individual. The "case plan" also identifies the support service payments, accommodations, and modifications to help the

participant complete the plan. The DHS 1543 - Domestic Violence Assistance Agreement - is the "case plan" for participants with safety concerns about *domestic violence*.

- (7) "Child activities" means an *activity* that enables participants to gain skills in successful parenting, balancing work and family, and contributing to the well-being and health of the *child* (see OAR 461-001-0000).
- (8) "Community service program" means an *activity* in the *unpaid employment* (see section (40) of this rule) *component* in which the participant works without pay at a job site to enhance the likelihood the participant will become employed and perform work for the direct benefit of the community. This *activity* is available through nonprofit organizations or public agencies.
- (9) "Component" means a set of one or more activities of the JOBS program including *paid unsubsidized employment* (see section (29) of this rule), *paid subsidized employment* (see section (28) of this rule), *unpaid employment*, *vocational training* (see section (41) of this rule), *job search and readiness* (see section (20) of this rule), and *basic education activities*.
- (10) "Core activities" means federally defined countable work activities including *paid unsubsidized employment*; *paid subsidized employment*; *work experience* (see section (42) of this rule); *job search and readiness*; *community service program* (see section (8) of this rule); *supported work* (see section (38) of this rule); and *vocational training*.
- (11) "Crisis intervention" means short-term services to protect *family stability* and safety due to an immediate crisis need.
- (12) "Drug and alcohol services" means an *activity* in the *job search and readiness component* to help participants identify and overcome addiction and substance use disorders that prevent or limit their employability and self-sufficiency.
- (13) "Employer contact" means participant communication with an employer or employer's representative through a visit, phone call, or mail to request consideration for employment.
- (14) "Employment Payments" means three transitional payments totaling \$225.00 paid as provided in OAR 461-135-1270 to a *benefit group* (see OAR 461-110-0750) with employment income to help transition families off TANF program services.
- (15) "English Language Learner" (also known as English as a Second Language) means an *activity* in the *basic education component*. *English Language Learner* classes are designed to give participants with limited English proficiency better working skills in the language.
- (16) "Fair Labor Standards Act (FLSA)" means the law that applies to subject employers with participants working in the *unpaid employment component*. "FLSA" requires that

participants engaged in *unpaid employment*, in effect, may not work more hours than the combined value of the TANF and SNAP benefits divided by Oregon minimum wage.

- (17) "Federally required participation rates" means the participation rates required by section 407 of the Social Security Act (42 USC 607).
- (18) "High School or GED Completion Attendance" means an *activity* in the *basic education component* that involves attendance at a secondary school or in a course of study that leads to the completion of the GED.
- (19) "Job search" means an *activity* in the *job search and readiness component* that focuses on participants looking for and obtaining employment designed to improve skills in locating and competing for employment in the local labor market and may include writing resumes, receiving instruction in interviewing skills, and engaging in group and individual "job search". There are two categories of "job search": "initial job search" and "regular job search". "Initial job search" may occur during the Pre-TANF program. "Regular job search" begins not later than the day after the Department finds the individual eligible for TANF benefits.
- (20) "Job search and readiness" means a *component* designed to prepare participants to compete in the local labor market. *Job search* (see section (19) of this rule), *life skills* (see section (23) of this rule), *drug and alcohol services* (see section (12) of this rule), *mental health services* (see section (25) of this rule), and *rehabilitation activities* (see section (32) of this rule) are the activities of the "job search and readiness" *component*.
- (21) "Job skills training" means an *activity* in the *basic education component* in which unpaid training required by an employer is needed to gain the skills necessary to be hired, retain or advance in employment.
- (22) "JOBS Plus program" means an *activity* in the *paid subsidized employment component* that provides ~~an incentive to~~ TANF participants with employment. and The participant receives their TANF and SNAP benefits as wages from the JOBS Plus employer ~~employers through subsidized employment in the public or private sector where the participant is placed on the employer's payroll and TANF and SNAP benefits are on hold~~ (see OAR 461-190-0401 to 461-190-0426).
- (23) "Life skills" means an *activity* of the *job search and readiness component*. The *activity* develops employment-preparation skills and skills and attitudes that are commonly found in the workplace; and offer development of skills that prepare participants to be successful in daily living.
- (24) "Medical Related Services" means activities to assess and address health concerns that prevent or limit employment and self-sufficiency.

- (25) "Mental health services" means an *activity* in the *job search and readiness component* that provides mental health screenings and assessments, counseling, medication management, and support groups.
- (26) "Non-core activities" means federally defined countable work activities that include *job skills training* directly related to employment; education directly related to employment; and satisfactory school attendance at a secondary level or leading to a GED.
- (27) "On-the-Job Training" means an activity for paid employees who are in non-JOBS Plus subsidized employment placement, or for students who are in an unpaid internship or a federal/state funded work study position.
- (28) "Paid subsidized employment" means a *component* in which participants are employed in a subsidized public or private sector job. *JOBS Plus program* (see section (22) of this rule) and *on-the-job training* (see section (27) of this rule) are the activities in the "paid subsidized employment" *component*.
- (29) "Paid unsubsidized employment" means a *component* in which participants are employed full- or part-time in an unsubsidized job and receiving TANF benefits. Unsubsidized employment is a job that is not subsidized by TANF or any other public program. *Working* (see section (42) of this rule) is the activity in the *paid unsubsidized employment component*.
- (30) "Program entry" means an *activity* that captures JOBS appointments, assessments (see section (3) of this rule) to identify a family's needs and strengths, determines JOBS status, and mutually develops a *case plan*.
- (31) "Progress (good or satisfactory)" means, for federal reporting purposes, a participant engaging in an education or training *activity* makes "good progress" or "satisfactory progress" by receiving a passing grade or progressing toward completion of high school or GED completion at no less than the normal rate of a half-time student.
- (32) "Rehabilitation activities" means an *activity* in the *job search and readiness component* that provides medical or therapeutic screenings, assessments, and treatment. This *activity* also includes medical management and support groups.
- (33) "Self-initiated training" means an *activity* in which participants are enrolled in a two or four year program, earning credit toward a college degree.
- (34) "Social Security application" means the activities associated with the process for individuals who are applying for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI).
- (35) "Stabilized living" means an *activity* intended to stabilize participant housing concerns that prevent or limit employment or self-sufficiency.

- (36) "Stabilization, intervention, and other activities" means activities that are non-countable for federal participation purposes including child health and development, *crisis intervention* (see section (11) of this rule), *domestic violence services*, *medical related services* (see section (24) of this rule), retention services, services to child welfare families, *social security application* (see section (34) of this rule), and *stabilized living services* (see section (35) of this rule).
- (37) "Support services" means services that participants need to engage successfully in activities outlined in their *case plan*, seek and maintain employment, or remove barriers.
- (38) "Supported work" means an *activity* in the *unpaid employment component* that gives participants intensive staff support, skill training, intervention, and counseling that will enable them to function independently at work.
- (39) "Transition services" means services offered when the participant becomes employed or becomes ineligible for cash benefits because of an increase in income or resources.
- (40) "Unpaid employment" means a *component* in which a participant is placed in an unpaid job to develop good work habits, training, and knowledge to obtain employment. Employment may be in the private or public sector or through a work simulation program. *Work experience* (see section (42) of this rule), *community service program*, and *supported work* (see section (38) of this rule) are the activities of the "unpaid employment" *component*.
- (41) "Vocational training" means an *activity* and *component* of the JOBS program that provides JOBS participants with up to 18 months access to specific "vocational training" that will lead to a career with an appropriate wage level and opportunity for employment.
- (42) "Work experience" means an *activity* in the *unpaid employment component* in which the participant works without pay at a job site to develop good work habits and basic vocational skills that enhance the likelihood the participant will become employed. "Work experience" is available through private for-profit businesses, nonprofit organizations, or public agencies.
- (43) "Working" means an *activity* in the *unsubsidized employment component* in which a participant is working full- or part-time in the public or private sector.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.878, 412.006, 412.009, 412.016, 412.049

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.878, 412.001, 412.006, 412.016, 412.009, 412.049

Program Acronyms and Overview

- (1) Acronyms are frequently used when referring to a program. There is an acronym for each umbrella program and acronyms for each subprogram.
- (2) When no program acronym appears in a rule in chapter 461 of these rules, the rule with no program acronym applies to all programs listed in this rule. If a rule does not apply to all programs, the rule uses program acronyms to identify the programs to which the rule applies.
- (3) Wherever an umbrella acronym appears, that means the rule covers all the subprograms under that code.
- (4) ABAWD; Able-Bodied Adults Without Dependents. The ABAWD employment program is one of the SNAP employment and training programs. Individuals who are identified as ABAWD are subject to the SNAP time limits (see OAR 461-135-0520). Participants ages at least 18 but not yet 50, with no child under 18 in their filing group (see OAR 461-110-0370).
- (5) CAWEM; Citizen/Alien-Waived Emergent Medical. Medicaid coverage of emergent medical needs for individuals who are not eligible for other medical programs solely because they do not meet citizenship or noncitizen status requirements.
- (6) DSNAP; Disaster Supplemental Nutrition Assistance Program. Following a presidential declaration of a major disaster in Oregon, DSNAP provides emergency DSNAP program benefits to victims. OAR 461-135-0491 to 461-135-0497 cover DSNAP eligibility and benefits.
- (7) EA; Emergency Assistance. Emergency cash to families without the resources to meet emergent needs.
- (8) ERDC or ERDC-BAS; Employment Related Day Care-Basic. Helps low-income working families pay the cost of child care.
- (9) GA; General Assistance. Cash assistance to certain low-income individuals with disabilities.
- (10) HSP; Housing Stabilization Program. A program that helps low-income families obtain stable housing. The program is operated through the Housing and Community Services Department through community-based, service-provider agencies. The Department's rules for the program (OAR 461-135-1305 to 461-135-1335) were repealed July 1, 2001.
- (11) JOBS; Job Opportunity and Basic Skills. An employment program for TANF participants. JOBS helps these individuals attain self-sufficiency through training and employment. The program is part of Welfare Reform.

- (12) JOBS Plus. JOBS Plus is a component of the JOBS Program; ~~TANF-PLS is the acronym used for individuals in the JOBS Plus component. Except as provided under OAR 461-190-0416,~~ JOBS Plus provides subsidized jobs, rather than SNAP or TANF benefits, for individuals receiving TANF and determined JOBS eligible. Eligibility for the JOBS Plus component is determined by the Department.
- (13) JPI; Job Participation Incentive. An additional \$10 food benefit to help increase the ability of parents with children, who meet federal TANF participation rate, to meet the nutritional needs of their families.
- (14) LIS; Low-Income Subsidy. The Low-Income Subsidy program is a federal assistance program for Medicare recipients who are eligible for extra help meeting their Medicare Part D prescription drug costs.
- (15) OFSET. The Oregon Food Stamp Employment Transition Program, which helps SNAP program benefit recipients find employment. This program ~~was~~ is mandatory for some SNAP program benefit recipients.
- (16) OSIP; Oregon Supplemental Income Program. Cash supplements and special need payments to individuals who are blind, have a disability, or are 65 years of age or older. When used alone, OSIP refers to all OSIP programs. The following acronyms are used for OSIP subprograms:
 - (a) OSIP-AB; Oregon Supplemental Income Program - Aid to the Blind.
 - (b) OSIP-AD; Oregon Supplemental Income Program - Aid to the Disabled.
 - (c) OSIP-EPD; Oregon Supplemental Income Program - Employed Persons with Disabilities program. This program provides Medicaid coverage for employed persons with disabilities with adjusted income less than 250 percent of the Federal Poverty Level.
 - (d) OSIP-OAA; Oregon Supplemental Income Program - Old Age Assistance.
- (17) OSIPM; Oregon Supplemental Income Program Medical. Medical coverage for individuals who are elderly or who have a disability. When used alone, OSIPM refers to all OSIP-related medical programs. The following codes are used for OSIPM subprograms:
 - (a) OSIPM-AB; Oregon Supplemental Income Program Medical - Aid to the Blind.
 - (b) OSIPM-AD; Oregon Supplemental Income Program Medical - Aid to the Disabled.

- (c) OSIPM-EPD; Oregon Supplemental Income Program Medical - Employed Persons with Disabilities program. This program provides Medicaid coverage for employed persons with disabilities with adjusted income less than 250 percent of the Federal Poverty Level.
 - (d) OSIPM-OAA; Oregon Supplemental Income Program Medical - Old Age Assistance.
 - (e) OSIPM-ICP; Oregon Supplemental Income Program Medical - Independent Choices Program.
- (18) The Post-TANF program provided a monthly transitional payment to employed individuals who were no longer eligible for the Pre-TANF or TANF programs due to earnings, and met the other eligibility requirements.
- (19) The Pre-TANF program is an up-front assessment and resource-search program for TANF applicant families. The intent of the program is to assess the individual's employment potential; determine any barriers to employment or family stability; develop an individualized case plan that promotes family stability and financial independence; help individuals find employment or other alternatives; and provide basic living expenses immediately to families in need.
- (20) QMB; Qualified Medicare Beneficiaries. Programs providing payment of Medicare premiums and one program also providing additional medical coverage for Medicare recipients. Each of these programs also is considered to be a Medicare Savings Program (MSP). When used alone in a rule, QMB refers to all MSP. The following codes are used for QMB subprograms:
- (a) QMB-BAS; Qualified Medicare Beneficiaries - Basic. The basic QMB program.
 - (b) QMB-DW; Qualified Medicare Beneficiaries - Disabled Worker. Payment of the Medicare Part A premium for individuals under age 65 who have lost eligibility for Social Security disability benefits because they have become substantially gainfully employed.
 - (c) QMB-SMB; Qualified Medicare Beneficiaries - Specified Limited-Low-Income Medicare Beneficiary. Payment of the Medicare Part B premium only. There are no medical benefits available through QMB-SMB.
 - (d) QMB-SMF; Qualified Medicare Beneficiaries - Qualified Individuals. Payment of the Medicare Part B premium only. There are no medical benefits available through QMB-SMF. This program has a 100-percent federal match, but also has an allocation that, if reached, results in the closure of the program.
- (21) REF; Refugee Assistance. Cash assistance to low-income refugee singles or married couples, without children, who are not eligible for the TANF program.

- (22) REFM; Refugee Assistance Medical. Medical coverage for low-income refugees who are not eligible for Medicaid.
- (23) REP; Refugee Employment Program. Any self-sufficiency service, employment service, or case plan that is available to or developed for individuals in the REF program.
- (24) The Repatriate Program helps Americans resettle in the United States if they have left a foreign land because of an emergency situation.
- (25) SFDNP; Senior Farm Direct Nutrition Program. Food vouchers for low-income seniors. Funded by a grant from the United States Department of Agriculture.
- (26) SFPSS; State Family Pre-SSI/SSDI Program. A voluntary program providing cash assistance and case management services to families when at least one TANF eligible adult in the household has an impairment (see OAR 461-125-0260) and is or will be applying for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI).
- (27) SNAP; Supplemental Nutrition Assistance Program. Helps low-income households maintain proper nutrition by giving them the means to purchase food. SNAP used to be known as FS or Food Stamps; any reference to SNAP also includes FS and Food Stamps.
- (28) STEP; SNAP Training and Employment Program. A training and employment program for certain SNAP participants.
- (29) TA-DVS; Temporary Assistance for Domestic Violence Survivors. Assistance for families where there is a current or future risk of further domestic violence.
- (30) TANF; Temporary Assistance for Needy Families. Cash assistance for families when children in those families are deprived of parental support because of continued absence, death, incapacity, or unemployment.

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.404, 411.706, 411.816, 412.014, 412.049, 413.085, 414.025, 414.685, 414.826

Statutes/Other Implemented: ORS 329A.500, 409.010, 411.060, 411.404, 411.704, 411.706, 411.816, 412.014, 412.049, 414.025, 414.826, 414.839

Financial Group

- (1) Except as provided in section (4) of this rule, the "financial group" consists of the filing group (see OAR 461-110-0310) members whose income and resources the Department considers in determining *eligibility* (see OAR 461-001-0000) and benefits.
- (2) In the ERDC, OSIPM-EPD, QMB, and SNAP programs, the "financial group" consists of each individual in the filing group.
- (3) In the REF and REFM programs, the "financial group" consists of each individual in the filing group, except an individual who is eligible for and receives an SSI cash payment.
- (4) In the OSIPM (except OSIPM-EPD) program:
 - (a) For the purposes of this section of this rule, "ineligible" means an individual not eligible to receive either SSI or TANF program benefits.
 - (b) When an individual lives in a *standard living arrangement* (see OAR 461-001-0000):
 - (A) Except as provided in paragraph (B) of this subsection, each member of the filing group is in the "financial group".
 - (B) When an individual is married, not *assumed eligible* (see OAR 461-135-0010) for OSIPM, and the individual's *spouse* (see OAR 461-001-0000) is considered "ineligible" (see subsection (a) of this section):
 - (i) If the individual's *adjusted income* (see OAR 461-001-0000) using the deductions allowed under OAR 461-160-0550(4), or after being evaluated under certain protected groups (see OAR 461-135-0771 to OAR 461-135-0830), is greater than the OSIPM program *adjusted income* standard for a *need group* of one under OAR 461-155-0250, the individual is in his or her own "financial group" and not eligible for OSIPM.
 - (ii) When there are children in the home, if the *ineligible* spouse's remaining *countable* (see OAR 461-001-0000) income after allocation (see OAR 461-160-0551) to each *ineligible* child is equal to or less than the difference between the couple and the individual SSI standards: the *spouse* is not included in the "financial group" when determining income *eligibility*; however, the *spouse* is included in the "financial group" when determining resource *eligibility*.
 - (iii) When there are no children in the home, if the *ineligible* spouse's *countable* income is less than the difference between the couple

and the individual SSI standards: the *spouse* is not included in the "financial group" when determining income *eligibility*; however, the *spouse* is included in the "financial group" when determining resource *eligibility*.

- (c) When an individual is being evaluated under OAR 461-135-0745 or OAR 461-135-0750, the "financial group" consists only of the individual applying for benefits, except that the *community spouse* (see OAR 461-001-0030) is included in the "financial group" to determine initial *eligibility* as follows:
- (A) At initial *eligibility*, the resources of the *community spouse* are considered and the provisions of OAR 461-160-0580 apply.
- (B) The income of the *community spouse* is not considered in determining initial *eligibility*, and the *community spouse* is not included in any other *eligibility* group.
- (d) When an individual is in a nonstandard living arrangement (see OAR 461-001-0000), the individual is not evaluated under either OAR 461-135-0745 or OAR 461-135-0750, and the *community spouse* is not in the household group; the *community spouse* is included in the "financial group" to determine initial *eligibility* as follows:
- (A) At initial *eligibility*, the resources of the *community spouse* are considered and the provisions of OAR 461-160-0580 apply.
- (B) The income of the *community spouse* is not considered in determining initial *eligibility*, and the *community spouse* is not included in any other *eligibility* group.
- (5) In the TANF program, the "financial group" consists of each individual in the filing group except the following:
- (a) A *caretaker relative*, other than a *parent*, who chooses not to be included in the *need group* and has income less than the *non-needy countable income limit standard* (see OAR 461-155-0030) for the filing group of the *caretaker relative*.
- (b) The *spouse* of a *caretaker relative*, when the *caretaker relative* meets the requirements under subsection (a) of this section.
- (c) A *dependent child* of a *caretaker relative* when the *caretaker relative* meets the requirements under subsection (a) of this section.
- (d) An individual who is eligible for and receives an SSI cash payment.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.006, 412.049, 412.064, 412.124, 413.085, 414.685, 414.712

Stats. Implemented: ORS 409.010, 411.060, 411.070, 411.404, 411.706, 411.816, 412.006, 412.049, 412.064, 412.124, 414.712, 414.826, 414.839

461-110-0530

3

Who Must Sign the Application and Complete the Application Process

- (1) In the ERDC and TANF programs, the following individuals must sign the application and complete the application process:
 - (a) In the ERDC program, a *caretaker* (see OAR 461-001-0000).
 - (b) In the TANF program, at least one *caretaker relative* (see OAR 461-001-0000).
- (2) In the EA program:
 - (a) A *caretaker relative* must sign the application and complete the application process for a *child* (see OAR 461-001-0000). If the *child* is not living with a *caretaker relative*, another adult may act on behalf of the *child*.
 - (b) If the *caretaker relative* lives with a *spouse* (see OAR 461-001-0000), both must sign the application.
 - (c) A dependent *child* 18 years of age who applies must sign the application and complete the application process.
- (3) In the GA, OSIP, OSIPM, and QMB programs,
 - (a) At least one of the following individuals must sign the application and complete the application process:
 - A. A member of the filing group (see OAR 461-110-0310).
 - B. For individuals applying for *long-term care* (see OAR 461-001-0000) services, the individual's *community spouse* (see OAR 461-001-0030) who lives with the individual or who was living with the individual immediately prior to the *continuous period of care* (see OAR 461-001-0030).
 - C. The *authorized representative* (see OAR 461-115-0090).
 - D. If a signature cannot be obtained under paragraphs (A) through (C) of this subsection, anyone 18 years of age or older acting responsibly on behalf of a child under age 18 or an individual who is incapacitated ~~individual~~.
 - (b) If the applicant dies prior to the determination of eligibility for OSIPM, the application may be processed if the Department receives the information required to determine eligibility under OAR 461-115-0190(1).
- (4) In the REF and REFM programs, at least one *adult* (see OAR 461-110-0430) member of the filing group (see OAR 461-110-0430) must sign the application.

- (5) In the SNAP program at least one of the following individuals must sign the application and complete the application process:
- (a) An *adult* (see OAR 461-110-0370) or *primary person* (see OAR 461-001-0015) in the filing group (see OAR 461-110-0370).
 - (b) An *adult* or *primary person* excluded from the filing group under OAR 461-110-0370(8)(b).
 - (c) The *authorized representative* (see OAR 461-001-0000, 461-115-0090, and 461-135-0510) of the filing group.
- (6) An individual required to sign the application but unable to sign may sign with a mark, witnessed by an employee of the:
- (a) *Branch office* (see OAR 461-001-0000); or
 - (b) *Public institution* (see OAR 461-135-0950), when the individual applying is an ~~an~~ *inmate-resident of a public institution* (see OAR 461-135-0950) and is applying for benefits under the OSIPM program.

Statutory/Other Authority: ORS 411.060, 411.070, 411.404, 411.816, 412.049

Statutes/Other Implemented: ORS 411.060, 411.070, 411.081, 411.087, 411.400, 411.404, 411.816, 412.049, 42 CFR 435.907

“Alien” Status Requirements

An individual who must meet “alien” status requirements under OAR 461-120-0110, must meet the “alien” status requirements of the program for which they are applying. The requirements are listed in sections (2) through (6) of this rule.

- (1) For purposes of this chapter of rules,
 - (a) In all programs, an individual is a "qualified non-citizen" if the individual is any of the following:
 - (A) An individual ~~non-citizen~~ who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA) (8 U.S.C. 1101 et seq). This includes:
 - (B~~i~~) An Iraqi or Afghan ~~alien-individual~~ granted special immigrant visa status (SIV) under section 101(a)(27) of the INA. These individuals are lawfully admitted for permanent residence under the INA.
 - (C~~ii~~) An individual who is an “Amerasian” who is granted immigration status under section 584 of Public Law 100-202; the Foreign Operations, Export Financing, and Related Program Appropriations Act of 1988; as amended by Public Law 100-461. These individuals are lawfully admitted for permanent residence under the INA. ~~Amerasian granted immigration status under section 584(a) of the Foreign Operations, Export Financing and Related Program Appropriations Act of 1988.~~
 - (D~~B~~) An individual ~~refugee~~ who is admitted to the United States as a refugee under section 207 of the INA (8 U.S.C. 1157).
 - (E~~C~~) An individual ~~non-citizen~~ who is granted asylum under section 208 of the INA (8 U.S.C. 1158).
 - (F) An individual who is a "Cuban or Haitian entrant" (as defined in section 501(3) of the Refugee Education Assistance Act of 1980).
 - (G) An individual who is a "victim of a severe form of trafficking in persons" certified under the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7101 to 7112).
 - (H) An individual who is a family member of a victim of a severe form of trafficking in persons who holds a visa for family members authorized by the Trafficking Victims Protection Reauthorization Act of 2003 (22 U.S.C. 7101 to 7112).

(~~ID~~) An individual non-citizen whose deportation is being withheld under section 243(h) of the INA (8 U.S.C. 1253(h)) (as in effect immediately before April 1, 1997) or section 241(b)(3) of the INA (8 U.S.C. 1231(b)(3)) (as amended by section 305(a) of division C of the Omnibus Consolidated Appropriations Act of 1997, Pub. L. No. 104-208, 110 Stat. 3009-597 (1996)).

(~~JE~~) An individual non-citizen who is paroled into the United States under section 212(d)(5) of the INA (8 U.S.C. 1182(d)(5)) for a period of at least one year.

(~~KF~~) An individual non-citizen who is granted conditional entry pursuant to section 203(a)(7) of the INA (8 U.S.C. 1153(a)(7)) as in effect prior to April 1, 1980.

~~(G) — A non-citizen who is a "Cuban and Haitian entrant" (as defined in section 501(3) of the Refugee Education Assistance Act of 1980).~~

(~~LH~~) An individual who is a battered spouse or dependent child who meets the requirements of 8 U.S.C. 1641(c), as determined by the U.S. Citizenship and Immigration Services (USCIS).

~~(I) — A non-citizen who is a "victim of a severe form of trafficking in persons" certified under the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7101 to 7112).~~

~~(J) — A non-citizen who is a family member of a victim of a severe form of trafficking in persons who holds a visa for family members authorized by the Trafficking Victims Protection Reauthorization Act of 2003 (22 U.S.C. 7101 to 7112).~~

(b) In the OSIPM and QMB programs, in addition to subsection (a) of this section, an individual is a "qualified non-citizen" if the individual is from the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau who lawfully reside in the United States in accordance with the Compacts of Free Association. The provisions in this subsection are retroactively effective December 28, 2020.

(2) In all programs except the REF and REFM programs, an individual meets the "alien" status requirements if the individual is one of the following:

(a) An individual who is an "American Indian" born in Canada to whom the provisions of section 289 of the INA (8 U.S.C. 1359) apply.

(b) A member of an "Indian tribe," as defined in section 4(e) of the Indian Self-Determination and Education Act (25 U.S.C. 450b(e)).

- (c) A ~~qualified non-citizen~~ qualified non-citizen (see section (1) of this rule) who is any of the following:
 - (A) A veteran of the United States Armed Forces who was honorably discharged for reasons other than “alien” status and who fulfilled the minimum active-duty service requirements described in 38 U.S.C. 5303A(d).
 - (B) A member of the United States Armed Forces on active duty (other than active duty for training).
 - (C) The spouse, the un-remarried surviving spouse, or an unmarried dependent child, of an individual described in paragraphs (A) or (B) of this subsection.

- (3) In the ERDC, TA-DVS, and TANF programs, an individual meets the “alien” status requirements if the individual is one of the following:
 - (a) An individual who is a *qualified non-citizen* (see subsection (1)(a) of this rule).
 - (b) An individual who is a non-US citizen who is currently a victim of domestic violence or who is at risk of becoming a victim of domestic violence.

- (4) In the OSIPM and QMB programs an individual meets the “alien” status requirements if the individual meets any of the following:
 - (a) The individual has been granted a USCIS status listed under paragraphs (1)(a)(B) through (1)(a)(I) or paragraph (1)(b) of this rule.
 - (b) Effective October 1, 2009, the individual is a *qualified non-citizen* and is under 19 years of age.
 - (c) The individual was a *qualified non-citizen* before August 22, 1996.
 - (d) The individual has been granted a USCIS status listed under paragraphs (1)(a)(A), and (1)(a)(J) through (1)(a)(L) and meets one of the following:
 - (A) Physically entered the United States or was granted the USCIS status on or after August 22, 1996; and has been in the U.S. for five years beginning on the date the USCIS status was granted.
 - (B) Physically entered the United States before August 22, 1996 and was continuously present in the United States between August 22, 1996, and the date the USCIS status was granted. An individual is not continuously present in the United States if the individual is absent from the United

~~States for more than 30 consecutive days or a total of more than 90 days between August 22, 1996 and the date the USCIS status was granted. The individual is a non-citizen who entered the United States or was given *qualified non-citizen* status on or after August 22, 1996 and has been in the U.S. for five years beginning on the date the non-citizen received his or her *qualified non-citizen* status; or~~

- ~~(b) The individual meets the requirements of one of the following subsections:~~
- ~~(A) An individual granted any of the following alien statuses—~~
 - ~~(i) Refugee under section 207 of the INA.~~
 - ~~(ii) Asylum under section 208 of the INA.~~
 - ~~(iii) Deportation being withheld under section 243(h) of the INA.~~
 - ~~(iv) Cubans and Haitians who are either public interest or humanitarian parolees.~~
 - ~~(v) An individual granted immigration status under section 584(a) of the Foreign Operations, Export Financing and Related Program Appropriations Act of 1988.~~
 - ~~(vi) A "victim of a severe form of trafficking in persons" certified under the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7101 to 7112).~~
 - ~~(vii) A family member of a victim of a severe form of trafficking in persons who holds a visa for family members authorized by the Trafficking Victims Protection Reauthorization Act of 2003 (22 U.S.C. 7101 to 7112).~~
 - ~~(viii) An Iraqi or Afghan alien granted special immigrant status (SIV) under section 101(a)(27) of the INA.~~
 - ~~(ix) Retroactively effective December 28, 2020, an individual from the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau who lawfully reside in the United States in accordance with the Compacts of Free Association.~~
- ~~(B) Effective October 1, 2009, an individual is a qualified non-citizen and is under 19 years of age.~~
- ~~(C) Was a *qualified non-citizen* before August 22, 1996.~~
- ~~(D) Physically entered the United States before August 22, 1996, and was~~

~~continuously present in the United States between August 22, 1996, and the date *qualified non-citizen* status was obtained. An individual is not continuously present in the United States if the individual is absent from the United States for more than 30 consecutive days or a total of more than 90 days between August 22, 1996 and the date *qualified non-citizen* status was obtained.~~

~~(eE)~~ ~~†~~The individual is under the age of 19 and is one of the following:

~~(A)~~i An individual described in 8 CFR section 103.12(a)(4) who belongs to one of the following classes of aliens-non-US citizens permitted to remain in the United States because the Attorney General has decided for humanitarian or other public policy reasons not to initiate deportation or exclusion proceedings or enforce departure:

~~(i)~~ii An alien-individual currently in temporary resident status pursuant to section 210 or 245A of the INA (8 USC 1160 and 1255a);

~~(ii)~~iii An alien-individual currently under Temporary Protected Status (TPS) pursuant to section 244 of the INA (8 USC 1229b);

~~(iii)~~iiii An individual who is a “Cuban or -Haitian entrants,” as defined in section 202(b) Pub. L. 99–603 (8 USC 1255a), as amended;

~~(iv)~~v Family Unity beneficiaries pursuant to section 301 of Pub. L. 101–649 (8 USC 1255a), as amended;

~~(v)~~vi An alien-individual currently under Deferred Enforced Departure (DED) pursuant to a decision made by the President;

~~(vi)~~vii An alien-individual currently in deferred action status pursuant to Department of Homeland Security Operating Instruction OI 242.1(a)(22); or

~~(vii)~~viii An alien-individual who is the spouse or child of a United States citizen whose visa petition has been approved and who has a pending application for adjustment of status.

~~(B)~~ii An individual in non-immigrant classifications under the INA who is permitted to remain in the U.S. for an indefinite period, including those individuals as specified in section 101(a)(15) of the INA (8 USC 1101).

~~(f)~~F In the OSIPM program, is receiving SSI benefits.

~~(g)~~G In the QMB program, is receiving SSI and Medicare Part A benefits.

- (5) In the REF and REFM programs, an individual meets the “alien” status requirements if the individual is admitted lawfully under any of the following provisions of law:
- (a) ~~The An individual has been granted a USCIS status listed under paragraphs (1)(a)(B) through (1)(a)(H), or admitted as a refugee under section 207 of the INA (8 USC 1157).~~
The individual has been granted a USCIS status listed under paragraphs (1)(a)(B) through (1)(a)(H), or admitted as a refugee under section 207 of the INA (8 USC 1157).
 - (b) ~~The individual has been paroled as a refugee or asylee under section 212(d)(5) of the Immigration and Nationality Act (INA) (8 USC 1182(d)(5)). An individual granted asylum under section 208 of the INA (8 USC 1158).~~
The individual has been paroled as a refugee or asylee under section 212(d)(5) of the Immigration and Nationality Act (INA) (8 USC 1182(d)(5)). An individual granted asylum under section 208 of the INA (8 USC 1158).
 - ~~(c) Cuban and Haitian entrants, in accordance with requirements in 45 CFR part 401.~~
 - ~~(d) An individual paroled as a refugee or asylee under section 212(d)(5) of the Immigration and Nationality Act (INA) (8 USC 1182(d)(5)).~~
 - ~~(e) An Amerasian from Vietnam who is admitted to the U.S. as an immigrant pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in section 101(e) of Pub. L. No. 100-202 and amended by the 9th proviso under Migration and Refugee Assistance in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 1989 (Pub. L. No. 100-461 as amended)).~~
 - ~~(f) A "victim of a severe form of trafficking in persons" certified under the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464 (2000), as amended.~~
 - ~~(g) A family member of a victim of a severe form of trafficking in persons who holds a visa for family members authorized by the Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. 108-193, 117 Stat. 2875 (2003).~~
 - ~~(h) Iraqi and Afghan aliens granted special immigrant status under section 101(a)(27) of the Immigration and Nationality Act.~~
- (6) In the SNAP program, an individual meets the alien status requirement if the individual meets the requirements of one or more of the following subsections:
- (a) An individual meets the “alien” status requirements if the individual:~~granted any of the following alien statuses—~~
 - (A) Has been granted a USCIS status listed under paragraphs (1)(a)(B) through (1)(a)(I) of this rule.~~Refugee under section 207 of the INA.~~
 - (B) Has been granted a *qualified non-citizen* USCIS status and is under age 18.~~Asylum under section 208 of the INA.~~

- (C) Has been granted a *qualified non-citizen* USCIS status and has a *disability* (see OAR 461-001-0015).~~Deportation being withheld under section 243(h) of the INA.~~
- (D) Was born on or before August 22, 1931, and on August 22, 1996, was lawfully residing in the United States.~~Cubans and Haitians who are either public interest or humanitarian parolees.~~
- (E) Was a member of a Hmong or Highland Laotian Tribe at the time that the Tribe rendered assistance to United States personnel by taking part in a military or rescue operation during the Vietnam era (as defined in 38 U.S.C. 101), and is a non-US citizen who is lawfully residing in the United States.~~An individual granted immigration status under section 584(a) of the Foreign Operations, Export Financing and Related Program Appropriations Act of 1988.~~
- (F) Is a spouse, the un-remarried surviving spouse, or an unmarried dependent child, of an individual described in paragraph (E) of this subsection.~~A "victim of a severe form of trafficking in persons" certified under the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7101 to 7112).~~
- ~~(G) — A family member of a victim of a severe form of trafficking in persons who holds a visa for family members authorized by the Trafficking Victims Protection Reauthorization Act of 2003 (22 U.S.C. 7101 to 7112).~~
- ~~(H) — An Iraqi or Afghan alien granted special immigrant status (SIV) under section 101(a)(27) of the INA.~~
- (b) An individual meets the “alien” status requirements when the individual has been granted a USCIS status listed under paragraph (1)(a)(A) or paragraphs (1)(a)(J) through (1)(a)(L) of this rule, and has completed one of the following:~~A *qualified non-citizen* under 18 years of age.~~
 - (Ae) ~~A non-citizen who~~The individual has been residing in the United States for at least five years while a *qualified non-citizen*.
 - ~~(d) — A non-citizen who is lawfully residing in the United States and who was a member of a Hmong or Highland Laotian tribe at the time that the tribe rendered assistance to United States personnel by taking part in a military or rescue operation during the Vietnam era (as defined in 38 U.S.C. 101).~~
 - ~~(e) — The spouse, the un-remarried surviving spouse, or an unmarried dependent child, of an individual described in subsection (d) of this section.~~

~~(f) — A qualified non-citizen who has a disability, as defined in OAR 461-001-0015.~~

~~(Bg) A client who is lawfully admitted to the United States for permanent residence under the INA and The individual~~ has worked 40 qualifying quarters of coverage as defined under title II of the Social Security Act, or can be credited with such qualifying quarters as provided under 8 U.S.C. 1645, ~~meets the alien status requirements for the SNAP program,~~ subject to the following provisions:

~~(iA)~~ No quarter beginning after December 31, 1996, is a qualifying quarter if the client received any federal, means-tested benefit during the quarter. Federal means-tested benefits include SNAP, TANF, and Medicaid (except emergency medical).

~~(iiB)~~ For the purpose of determining the number of qualifying quarters of coverage, a client is credited with all of the quarters of coverage worked by a parent of the client while the client was under the age of 18 and all of the qualifying quarters worked by a spouse of the client during their marriage, during the time the client remains married to such spouse or such spouse is deceased.

~~(iiiC)~~ A lawful permanent resident who would meet the “alien” status requirements, except for a determination by the Social Security Administration (SSA) that the individual has fewer than 40 quarters of coverage, may be provisionally certified for SNAP program benefits while SSA investigates the number of quarters creditable to the client. A client provisionally certified under this section who is found by SSA, in its final administrative decision after investigation, not to have 40 qualifying quarters is not eligible for SNAP program benefits received while provisionally certified. The provisional certification is effective according to the rule on effective dates for opening benefits, OAR 461-180-0080. The provisional certification cannot run more than six months from the date of original determination by SSA that the client does not have sufficient quarters.

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.404, 411.704, 411.706, 411.816, 412.014, 412.049, 413.085, 414.231, 414.685

Statutes/Other Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.404, 411.704, 411.706, 411.816, 412.014, 412.049, 414.025, 414.231, 414.826, H.R. 133- 116th Cong. (2019-2020)

183/29/2021

Requirement to Pursue Assets

- (1) In all programs except the ERDC, REFM, and SNAP programs, an individual must make a good faith effort to obtain any asset (other than support and medical coverage, which are covered in OAR 461-120-0340 and 461-120-0345, respectively) to which the individual has a legal right or claim, except as follows:
 - (a) A *parent* (see OAR 461-001-0000) or *caretaker relative* (see OAR 461-001-0000) who is exempt from participation in the JOBS program is not required to apply for unemployment insurance benefits.
 - (b) Except as specified by law, an individual applying for or receiving any program benefits from the Department is not required to apply for other programs it administers or for supplemental security income (SSI).
 - (c) An individual applying for the EA program is required to pursue, obtain, and use an asset only if the asset can be made available in time to meet the emergent need.
 - (d) An individual is not required to borrow money.
 - (e) An individual is not required to make a good faith effort to obtain any asset if the individual can show good cause for not doing so. Good cause means a circumstance beyond the ability of the individual to control.
 - (f) In the REF ~~and REFM~~ programs, an individual is not required to pursue assets that remain in their country of origin.
 - (g) An individual is not required to make a good faith effort to obtain an asset if it will put the individual at further risk of current or future *domestic violence* (see OAR 461-001-0000).

- (2) In the REFM program, an individual must make a good faith effort to obtain any asset (other than support and medical coverage, which is covered in OAR 461-120-0350) to which the individual has a legal right or claim, except as follows:
 - (a) Except as specified by law, an individual applying for or receiving REFM is not required to apply for other programs the Department administers or for supplemental security income (SSI).
 - (b) An individual is not required to borrow money.
 - (c) An individual is not required to make a good faith effort to obtain any asset if the individual can show good cause for not doing so. Good cause means a circumstance beyond the ability of the individual to control.
 - (d) An individual is not required to pursue assets that remain in their country of origin.

(e) An individual is not required to make a good faith effort to obtain an asset if it will put the individual at further risk of current or future *domestic violence* (see OAR 461-001-0000).

(f) An individual is not required to apply for, accept, and maintain employer-sponsored health insurance.

(3) In all programs except the ERDC, OSIP, OSIPM, QMB, and SNAP programs:

(a) The effect of failing to comply with this rule is that everyone in the filing group is ineligible. In addition, when a REF, SFPSS, or TANF program payment ends due to the penalty described in this subsection, eligibility for and the level of SNAP benefits are determined as if the individual were receiving benefits without the effects of this rule.

(b) The penalty provided by subsection (32)(a) of this rule is effective until all members of the filing group comply with the requirements of sections (1) and (2) of this rule.

(43) In the OSIP, OSIPM, and QMB programs:

(a) An individual is ineligible for benefits if the individual fails to comply with the requirements of this rule.

(b) The penalty provided by subsection (a) of this section is effective until the individual complies with the requirements of section (1) of this rule.

Statutory/Other Authority~~Stat. Auth.~~: ORS 409.050, 411.060, 411.070, 411.087, 411.404, 411.706, 411.816, 412.006, 412.014, 412.024, 412.049, 412.124, 413.085, 414.231, 414.685
Statutes/Other Stats. Implemented: ORS 409.010, 411.060, 411.070, 411.087, 411.404, 411.706, 411.816, 412.006, 412.014, 412.024, 412.049, 412.124, 414.231

- (1) In all programs except the ERDC, REFM, and SNAP programs, an individual must make a good faith effort to obtain any asset (other than support and medical coverage, which are covered in OAR 461-120-0340 and 461-120-0345, respectively) to which the individual has a legal right or claim, except as follows:
 - (a) A *parent* (see OAR 461-001-0000) or *caretaker relative* (see OAR 461-001-0000) who is exempt from participation in the JOBS program is not required to apply for unemployment insurance benefits.
 - (b) Except as specified by law, an individual applying for or receiving any program benefits from the Department is not required to apply for other programs it administers or for supplemental security income (SSI).
 - (c) An individual applying for the EA program is required to pursue, obtain, and use an asset only if the asset can be made available in time to meet the emergent need.
 - (d) An individual is not required to borrow money.
 - (e) An individual is not required to make a good faith effort to obtain any asset if the individual can show good cause for not doing so. Good cause means a circumstance beyond the ability of the individual to control.
 - (f) In the REF ~~and REFM~~ programs, an individual is not required to pursue assets that remain in their country of origin.
 - (g) An individual is not required to make a good faith effort to obtain an asset if it will put the individual at further risk of current or future *domestic violence* (see OAR 461-001-0000).
- (2) In the REFM program, an individual must make a good faith effort to obtain any asset (other than support and medical coverage, which is covered in OAR 461-120-0350) to which the individual has a legal right or claim, except as follows:
 - (a) Except as specified by law, an individual applying for or receiving REFM is not required to apply for other programs the Department administers or for supplemental security income (SSI).
 - (b) An individual is not required to borrow money.
 - (c) An individual is not required to make a good faith effort to obtain any asset if the individual can show good cause for not doing so. Good cause means a circumstance beyond the ability of the individual to control.
 - (d) An individual is not required to pursue assets that remain in their country of origin.

(e) An individual is not required to make a good faith effort to obtain an asset if it will put the individual at further risk of current or future *domestic violence* (see OAR 461-001-0000).

(f) An individual is not required to apply for, accept, and maintain employer-sponsored health insurance.

(3) In all programs except the ERDC, OSIP, OSIPM, QMB, and SNAP programs:

(a) The effect of failing to comply with this rule is that everyone in the filing group is ineligible. In addition, when a REF, SFPSS, or TANF program payment ends due to the penalty described in this subsection, eligibility for and the level of SNAP benefits are determined as if the individual were receiving benefits without the effects of this rule.

(b) The penalty provided by subsection (32)(a) of this rule is effective until all members of the filing group comply with the requirements of sections (1) and (2) of this rule.

(43) In the OSIP, OSIPM, and QMB programs:

(a) An individual is ineligible for benefits if the individual fails to comply with the requirements of this rule.

(b) The penalty provided by subsection (a) of this section is effective until the individual complies with the requirements of section (1) of this rule.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.087, 411.404, 411.706, 411.816, 412.006, 412.014, 412.024, 412.049, 412.124, 413.085, 414.231, 414.685

Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 411.087, 411.404, 411.706, 411.816, 412.006, 412.014, 412.024, 412.049, 412.124, 414.231

461-120-0350

Temporary

Eff. ~~7-1-173/29/2021~~

~~Clients-Individuals~~ Excused for Good Cause from Compliance with Requirements to Pursue Child Support, Health Care Coverage, and Medical Support

- (1) In all programs except the OSIPM and QMB programs, an client-individual is excused from the requirements of OAR 461-120-0340(1) and 461-120-0345(1)(a) if:
 - (a) The client's-individual's compliance would result in emotional or physical harm to the *dependent child* (see OAR 461-001-0000) or to the *caretaker relative* (see OAR 461-001-0000). The statement of the *caretaker relative* alone is prima facie evidence that harm would result;
 - (b) The child was conceived as a result of incest or rape and efforts to obtain support would be detrimental to the *dependent child*. The statement of the *caretaker relative* alone is prima facie evidence on the issues of conception and detrimental effect to the *dependent child*;
 - (c) Legal proceedings are pending for adoption of the needy child; or
 - (d) The parent is being helped by a public or licensed private social agency to resolve the issue of whether to release the child for adoption.
- (2) In the OSIPM and QMB programs, an individual is excused from the requirements of OAR 461-120-0315 and 461-120-0345 if any of the following subsections are applicable:
 - (a) The individual's compliance would result in emotional or physical harm to the individual, the spouse, or any child on whose behalf cooperation is required. The statement of the individual or spouse serves as prima facie evidence that harm would result.
 - (b) The child was conceived as a result of incest or rape and efforts to cooperate would be detrimental to the child, the individual, or the spouse. The statement of the individual serves as prima facie evidence on the issues of conception and the detrimental effects on the child, individual, or spouse.
 - (c) Legal proceedings are pending for adoption of the child.
 - (d) The parent is being helped by a public or licensed private social agency to resolve the issue of whether to release the child for adoption.
 - (e) The individual is pregnant.
- (3) In the REFM program, an individual is excused from the requirements to pursue child support, including health care coverage and medical support, from a noncustodial parent

~~or to cooperate with the Division of Child Support.pregnant client is excused from the requirements of OAR 461-120-0345.~~

~~Statutory/Other Authority~~~~Stat. Auth.:~~ ORS 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.006, 412.014, 412.049, 412.124, 413.085, 414.231, 414.685

~~Statutes/Other Stats.~~ Implemented: ORS 409.010, 411.060, 411.070, 411.404, 411.706, 411.816, 412.006, 412.014, 412.049, 412.124, 413.085, 414.231, 414.685

461-120-0350
3/29/2021

Temporary-Eff.

~~Clients-Individuals~~ Excused for Good Cause from Compliance with Requirements to Pursue Child Support, Health Care Coverage, and Medical Support

- (1) In all programs except the OSIPM and QMB programs, an client-individual is excused from the requirements of OAR 461-120-0340(1) and 461-120-0345(1)(a) if:
 - (a) The client's-individual's compliance would result in emotional or physical harm to the *dependent child* (see OAR 461-001-0000) or to the *caretaker relative* (see OAR 461-001-0000). The statement of the *caretaker relative* alone is prima facie evidence that harm would result;
 - (b) The child was conceived as a result of incest or rape and efforts to obtain support would be detrimental to the *dependent child*. The statement of the *caretaker relative* alone is prima facie evidence on the issues of conception and detrimental effect to the *dependent child*;
 - (c) Legal proceedings are pending for adoption of the needy child; or
 - (d) The parent is being helped by a public or licensed private social agency to resolve the issue of whether to release the child for adoption.
- (2) In the OSIPM and QMB programs, an individual is excused from the requirements of OAR 461-120-0315 and 461-120-0345 if any of the following subsections are applicable:
 - (a) The individual's compliance would result in emotional or physical harm to the individual, the spouse, or any child on whose behalf cooperation is required. The statement of the individual or spouse serves as prima facie evidence that harm would result.
 - (b) The child was conceived as a result of incest or rape and efforts to cooperate would be detrimental to the child, the individual, or the spouse. The statement of the individual serves as prima facie evidence on the issues of conception and the detrimental effects on the child, individual, or spouse.
 - (c) Legal proceedings are pending for adoption of the child.
 - (d) The parent is being helped by a public or licensed private social agency to resolve the issue of whether to release the child for adoption.
 - (e) The individual is pregnant.
- (3) In the REFM program, an individual is excused from the requirements to pursue child support, including health care coverage and medical support, from a noncustodial parent

or to cooperate with the Division of Child Support.pregnant client is excused from the requirements of OAR 461-120-0345.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.006, 412.014, 412.049, 412.124, 413.085, 414.231, 414.685

Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 411.404, 411.706, 411.816, 412.006, 412.014, 412.049, 412.124, 413.085, 414.231, 414.685

SNAP; COVID-19

The provisions in this rule apply to the SNAP program.

- (1) The Department suspends the following rule sections regarding the SNAP program as provided in this rule:
 - (a) OAR 461-115-0230(3), and
 - (b) OAR 461-135-0520(2) and (6).
- (2) The Department amends the following rules and rule sections regarding the SNAP program as provided in this rule:
 - (a) OAR 461-115-0020(2),
 - (b) OAR 461-115-0450(1) and (2),
 - (c) OAR 461-135-0570(3), and
 - (d) OAR 461-170-0102.
- (3) Per the Families First Coronavirus Act, Title 3, Section 2301:
 - (a) SNAP time limit work requirements for ABAWDs (see OAR 461-135-0520) are temporarily waived.
 - (b) ABAWDs will not be subject to earning *countable months* (see OAR 461-135-0520).
- (4) An individual who the Department has determined is mandatory (see OAR 461-130-0305) will be granted “good cause” (see OAR 461-130-0327) if the reason for not accepting employment or for leaving a job was due to the individual’s concerns regarding their health due to the COVID-19 pandemic.
- (5) Notwithstanding OAR 461-115-0450, the Department may extend a *certification period* (see OAR 461-001-0000) before the *certification period* ends:
 - (a) Not to exceed 6 months, when the *certification period* ends in the months of March, April, May, or June of 2020.
 - (b) When the *certification period* ends in October or November 2020:
 - (A) The *certification period* is extended to April 30, 2021, for a *filing group* with a *certification period* of 12 or fewer months.

- (B) The *certification period* is extended to October 31, 2021, for a *filing group* with a *certification period* of 24-months.
- (c) When the Mid-Certification Review is due in the months of October, November or December 2020, the Department waives the requirement to submit the Review and:
 - (A) The *certification period* is extended to October 31, 2022 and the Mid-Certification Review is due in October 2021, for a *filing group* with a Review due in October or November 2020.
 - (B) The *certification period* is extended to December 31, 2022 and the Mid-Certification Review is due in December 2021, for a *filing group* with a Review due in December 2020.
- (d) When the *certification period* ends in December 2020:
 - (A) The *certification period* is extended to June 30, 2021 for a *filing group* with a *certification period* of 12 or fewer months.
 - (B) The *certification period* is extended to December 31, 2021 for a *filing group* with a *certification period* of 24-months.
- (e) When the *certification period* ends in the months of February or March 2021 and the *certification period* of the *filing group* has not been previously extended by the Department:
 - (A) Not to exceed 6 months when the only countable income is TANF program benefits or TANF program benefits and Social Security benefits.
 - (B) Not to exceed 12 months when the only countable income is Social Security benefits.
- (6) Notwithstanding OAR 461-170-0102, the Department waives the requirement to submit an “Interim Change Report” or a “Mid-Certification Review” in order to continue receiving benefits:
 - (a) When the Interim Change Report or Mid-Certification Review is due in the months of March, April, May, or June of 2020.
 - (b) When the Interim Change Report is due in the months of October, November, or December of 2020.
- (7) Emergency allotments (supplements) are permitted through USDA waiver under Families First coronavirus Response Act of 2020. The Department may issue an emergency

allotment of SNAP benefits for any months approved for an emergency allotment by the Food and Nutrition Service, with the following limitations:

- (a) The emergency allotment does not change the benefit level, calculated under OAR 461-160-0400, for the *benefit group* (see OAR 461-110-0750).
 - (b) The emergency allotment shall be issued on a date determined by the Department, not subject to OAR 461-165-0100.
 - (c) The amount of the emergency allotment shall be the difference between the benefit level calculated under OAR 461-160-0400 and the maximum Payment Standard for the number of individuals in the *benefit group*. If there is no difference, no emergency allotment shall be issued.
 - (d) When the Food and Nutrition Service makes a change that ends, reduces, or suspends the emergency allotment:
 - (A) No *decision notice* (see OAR 461-001-0000) is required. The Department is not required to mail a notice of intended action.
 - (B) The Department shall publicize the change using one or more of the following methods:
 - (i) Informing the public through the news media.
 - (ii) Placing posters in the offices that serve affected individuals, in the locations where SNAP is issued, and at other sites frequented by individuals receiving SNAP.
 - (iii) Mailing a general notice to the households of affected recipients.
 - (e) Excepting an overpayment (see OAR 461-195-0501), there is no right to hearing to dispute emergency allotment and no right to continuing benefits.
- (8) For applications with a *filing date* (see OAR 461-115-0040):
- (a) Established from March 23, 2020 to ~~February 28~~June 30, 2021, the Department waives the requirement under OAR 461-115-0020 section (1) to meet the interview requirements in order to complete the application process, and
 - (b) Established from March 23, 2020 to ~~February 28~~June 30, 2021, the Department suspends the requirement under OAR 461-115-0230(3)(b) to grant a face-to-face interview at the applicant's request.
 - (c) The provisions in this section are retroactively effective for applications with a filing date of March 23, 2020, and after.

- (9) Retroactively effective January 16, 2021: In addition to the provisions under section (3) of OAR 461-135-0570, to be eligible for SNAP benefits, a *student of higher education* (see OAR 461-135-0570) may also meet the requirements of one of the following subsections:
- (a) The *student of higher education* is eligible to participate in state or federally funded work study program during the regular school year.
 - (b) The *student of higher education* has an Expected Family Contribution (EFC) of \$0 in the current academic year, as determined through the Free Application for Federal Student Aid (FAFSA).
- (10) The provisions--
- (a) Listed in sections (3) and (4) of this rule end on the last day of the month in which the public health emergency declaration made by the Secretary of Health and Human Services under section 319 of the Public Health Service Act based on an outbreak of coronavirus disease 2019 (COVID-19) is lifted.
 - (b) Listed in section (9) of this rule end 30 days after the day upon which the public health emergency declaration made by the Secretary of Health and Human Services under section 319 of the Public Health Service Act based on an outbreak of coronavirus disease 2019 (COVID-19) is lifted.

Statutory/Other Authority: ORS [409.050](#), [411.060](#), [411.070](#), [411.121](#), [411.816](#)

Statutes/Other Implemented: ORS [409.010](#), [409.050](#), [411.060](#), [411.070](#), [411.121](#), [411.816](#), [411.825](#), [411.837](#), 7 USC 2015, 7 USC 2029, 7 CFR 273.7, 7 CFR 273.10, 7 CFR 273.14, 7 CFR 273.24, Pub. L. 116-127

SNAP; COVID-19

The provisions in this rule apply to the SNAP program.

- (1) The Department suspends the following rule sections regarding the SNAP program as provided in this rule:
 - (a) OAR 461-115-0230(3), and
 - (b) OAR 461-135-0520(2) and (6).
- (2) The Department amends the following rules and rule sections regarding the SNAP program as provided in this rule:
 - (a) OAR 461-115-0020(2),
 - (b) OAR 461-115-0450(1) and (2),
 - (c) OAR 461-135-0570(3), and
 - (d) OAR 461-170-0102.
- (3) Per the Families First Coronavirus Act, Title 3, Section 2301:
 - (a) SNAP time limit work requirements for ABAWDs (see OAR 461-135-0520) are temporarily waived.
 - (b) ABAWDs will not be subject to earning *countable months* (see OAR 461-135-0520).
- (4) An individual who the Department has determined is mandatory (see OAR 461-130-0305) will be granted “good cause” (see OAR 461-130-0327) if the reason for not accepting employment or for leaving a job was due to the individual’s concerns regarding their health due to the COVID-19 pandemic.
- (5) Notwithstanding OAR 461-115-0450, the Department may extend a *certification period* (see OAR 461-001-0000) before the *certification period* ends:
 - (a) Not to exceed 6 months, when the *certification period* ends in the months of March, April, May, or June of 2020.
 - (b) When the *certification period* ends in October or November 2020:

- (A) The *certification period* is extended to April 30, 2021, for a *filing group* with a *certification period* of 12 or fewer months.
 - (B) The *certification period* is extended to October 31, 2021, for a *filing group* with a *certification period* of 24-months.
- (c) When the Mid-Certification Review is due in the months of October, November or December 2020, the Department waives the requirement to submit the Review and:
- (A) The *certification period* is extended to October 31, 2022 and the Mid-Certification Review is due in October 2021, for a *filing group* with a Review due in October or November 2020.
 - (B) The *certification period* is extended to December 31, 2022 and the Mid-Certification Review is due in December 2021, for a *filing group* with a Review due in December 2020.
- (d) When the *certification period* ends in December 2020:
- (A) The *certification period* is extended to June 30, 2021 for a *filing group* with a *certification period* of 12 or fewer months.
 - (B) The *certification period* is extended to December 31, 2021 for a *filing group* with a *certification period* of 24-months.
- (e) When the *certification period* ends in the months of February or March 2021 and the *certification period* of the *filing group* has not been previously extended by the Department:
- (A) Not to exceed 6 months when the only countable income is TANF program benefits or TANF program benefits and Social Security benefits.
 - (B) Not to exceed 12 months when the only countable income is Social Security benefits.
- (6) Notwithstanding OAR 461-170-0102, the Department waives the requirement to submit an “Interim Change Report” or a “Mid-Certification Review” in order to continue receiving benefits:
- (a) When the Interim Change Report or Mid-Certification Review is due in the months of March, April, May, or June of 2020.
 - (b) When the Interim Change Report is due in the months of October, November, or December of 2020.

- (7) Emergency allotments (supplements) are permitted through USDA waiver under Families First coronavirus Response Act of 2020. The Department may issue an emergency allotment of SNAP benefits for any months approved for an emergency allotment by the Food and Nutrition Service, with the following limitations:
- (a) The emergency allotment does not change the benefit level, calculated under OAR 461-160-0400, for the *benefit group* (see OAR 461-110-0750).
 - (b) The emergency allotment shall be issued on a date determined by the Department, not subject to OAR 461-165-0100.
 - (c) Beginning April 2020, and except as provided in paragraphs (A) and (B) of this subsection, the amount of the emergency allotment shall be the difference between the benefit level calculated under OAR 461-160-0400 and the maximum Payment Standard for the number of individuals in the *benefit group*. If there is no difference, no emergency allotment shall be issued.
 - (A) Beginning April 2021, if the difference calculated equals an amount less than \$95, the amount emergency allotment shall be \$95.
 - (B) Beginning May 2021, if the benefit level calculated under OAR 461-160- of a *benefit group* is \$0, no emergency allotment shall be issued.
 - (d) When the Food and Nutrition Service makes a change that ends, reduces, or suspends the emergency allotment:
 - (A) No *decision notice* (see OAR 461-001-0000) is required. The Department is not required to mail a notice of intended action.
 - (B) The Department shall publicize the change using one or more of the following methods:
 - (i) Informing the public through the news media.
 - (ii) Placing posters in the offices that serve affected individuals, in the locations where SNAP is issued, and at other sites frequented by individuals receiving SNAP.
 - (iii) Mailing a general notice to the households of affected recipients.
 - (e) Excepting an overpayment (see OAR 461-195-0501), there is no right to hearing to dispute emergency allotment and no right to continuing benefits.
- (8) For applications with a *filing date* (see OAR 461-115-0040):
- (a) Established from March 23, 2020 to June 30, 2021, the Department waives the requirement under OAR 461-115-0020 section (1) to meet the interview requirements in order to complete the application process, and

- (b) Established from March 23, 2020 to June 30, 2021, the Department suspends the requirement under OAR 461-115-0230(3)(b) to grant a face-to-face interview at the applicant's request.
 - (c) The provisions in this section are retroactively effective for applications with a filing date of March 23, 2020, and after.
- (9) Retroactively effective January 16, 2021: In addition to the provisions under section (3) of OAR 461-135-0570, to be eligible for SNAP benefits, a *student of higher education* (see OAR 461-135-0570) may also meet the requirements of one of the following subsections:
- (a) The *student of higher education* is eligible to participate in state or federally funded work study program during the regular school year.
 - (b) The *student of higher education* has an Expected Family Contribution (EFC) of \$0 in the current academic year, as determined through the Free Application for Federal Student Aid (FAFSA).
- (10) The provisions--
- (a) Listed in sections (3) and (4) of this rule end on the last day of the month in which the public health emergency declaration made by the Secretary of Health and Human Services under section 319 of the Public Health Service Act based on an outbreak of coronavirus disease 2019 (COVID-19) is lifted.
 - (b) Listed in section (9) of this rule end 30 days after the day upon which the public health emergency declaration made by the Secretary of Health and Human Services under section 319 of the Public Health Service Act based on an outbreak of coronavirus disease 2019 (COVID-19) is lifted.

Statutory/Other Authority: ORS [409.050](#), [411.060](#), [411.070](#), [411.121](#), [411.816](#)

Statutes/Other Implemented: ORS [409.010](#), [409.050](#), [411.060](#), [411.070](#), [411.121](#), [411.816](#), [411.825](#), [411.837](#), 7 USC 2015, 7 USC 2029, 7 CFR 273.7, 7 CFR 273.10, 7 CFR 273.14, 7 CFR 273.24, Pub. L. 116-127

461-135-0880

~~10/013/25/212020~~

OSIPM and QMB Programs; COVID-19

Temporary Effective

The provisions in this rule apply to the OSIPM and QMB programs.

1. The Department amends the following rules or rule sections regarding the OSIPM and QMB programs.
 - a. OAR 461-115-0700,
 - b. OAR 461-115-0704,
 - ~~c.~~ OAR 461-180-0030,
 - ~~e. OAR 461-180-0040(4) and (5),~~
 - d. OAR 461-180-0120(1), (2), and (3)(b).
2. Notwithstanding OAR 461-180-0030 and, ~~OAR 461-180-0040(4) and (5)~~, OAR 461-180-0120(1), (2), and (3)(b), the Department shall suspend the effective date for all actions that reduce or close OSIPM or QMB program benefits, except for:
 - a. Program closures when an individual:
 - A. Passes away,
 - B. Is confirmed to have moved out of state,
 - C. Requests a voluntary closure,
 - D. In the QMB programs, is no longer eligible for Medicare,
 - E. Is approved for a one-time cash payment, such as a special needs payment for home repairs, ~~or~~
 - F. Is no longer eligible for an ongoing special needs payment, ~~except when ineligibility is due to a change in service setting or~~
 - G. Is approved for benefits due to an administrative error (see OAR 461-195-0501) or obtained benefits through convicted fraud or abuse by the individual.
 - b. Benefit reductions when an individual:
 - A. Requests a voluntary reduction.
 - B. Is no longer eligible for the same level or amount of a special needs payment.

- c. Increases to client liability ~~when restoring previous liability after a one-time medical deduction.~~
 - d. Benefit suspension when an individual becomes a resident of a correctional facility under OAR 461-135-0950.
3. ~~The Department shall accept “electronic signature” on all forms for the OSIPM and QMB programs. For the purposes of this rule, *electronic signature* is defined as:~~
- a. ~~A written signature submitted digitally via email, or fax.~~
 - b. ~~A signature submitted through a Department electronic application system.~~
 - c. ~~A signature submitted telephonically. For telephonic signatures:~~
 - A. ~~The Department will make an effort to authenticate the identity of the individual providing the telephonic signature;~~
 - B. ~~The individual shall be made aware of the rights and responsibilities listed in the form;~~
 - C. ~~The individual shall be made aware that the statement of their full name is being accepted as their signature;~~
 - D. ~~The Department shall send a copy of the telephonically signed document to the individual, and~~
 - E. ~~The Department shall make record of the telephonic signature.~~
34. Notwithstanding OAR 461-115-0700, the Department will accept self-attestation (see OAR 461-115-0700(2)(b)) to verify all eligibility criteria, except US citizenship, US national, and non-US citizen status.
4. Notwithstanding OAR 461-115-0704(10), if the Department cannot promptly verify US citizenship, US national, or qualified non-US citizen status; the Department extends the reasonable opportunity period to 180 days from the date the notice is received.
5. The provisions of this rule shall end on the last day of the month in which the public health emergency declaration by the Secretary of Health and Human Services under section 319 of the Public Health Service Act based on an outbreak of coronavirus disease 2019 (COVID-19) is lifted.

Statutory/Other Authority: [ORS 84.001 to 84.061](#), [409.050](#), [411.060](#), [411.070](#), [411.083](#), [412.006](#), [412.009](#), [412.024](#), [412.049](#), [412.064](#), [412.089](#)

Statutes/Other Implemented: [ORS 84.001 to 84.061](#), [409.010](#), [411.060](#), [411.070](#), [411.081](#), [411.083](#), [411.087](#), [412.006](#), [412.009](#), [412.024](#), [412.049](#), [412.064](#), [412.089](#), [42 CFR 435.907](#), [42 CFR 435.914](#), [45 CFR 206.10](#), [45 CFR 263.2](#), [45 CFR 400.155](#), Pub. L. 116-127

461-135-0880
OSIPM and QMB Programs; COVID-19

Temporary Effective 7/013/25/21

The provisions in this rule apply to the OSIPM and QMB programs.

1. The Department amends the following rules or rule sections regarding the OSIPM and QMB programs.
 - a. OAR 461-115-0700,
 - b. OAR 461-115-0704,
 - c. OAR 461-180-0030,
 - d. OAR 461-180-0120(1), (2), and (3)(b).
2. Notwithstanding OAR 461-180-0030 and OAR 461-180-0120(1), (2), and (3)(b), the Department shall suspend the effective date for all actions that reduce or close OSIPM or QMB program benefits, except for:
 - a. Program closures when an individual:
 - A. Passes away,
 - B. Is confirmed to have moved out of state,
 - C. Requests a voluntary closure,
 - D. In the QMB programs, is no longer eligible for Medicare,
 - E. Is approved for a one-time cash payment, such as a special needs payment for home repairs,
 - F. Is no longer eligible for an ongoing special needs payment, ~~or~~
 - G. Is approved for benefits due to an administrative error (see OAR 461-195-0501)₂ or ~~obtained benefits through convicted fraud or abuse by the individual.~~
 - H. When a court determines the individual made a false or misleading statement, or misrepresented, concealed, or withheld a fact for the purpose of establishing or maintaining eligibility.
 - b. Benefit reductions when an individual:
 - A. Requests a voluntary reduction.
 - B. Is no longer eligible for the same level or amount of a special needs payment.

- c. Increases to client liability.
 - d. Benefit suspension when an individual becomes a resident of a correctional facility under OAR 461-135-0950.
3. Notwithstanding OAR 461-115-0700, the Department will accept self-attestation (see OAR 461-115-0700(2)(b)) to verify all eligibility criteria, except US citizenship, US national, and non-US citizen status.
 4. Notwithstanding OAR 461-115-0704(10), if the Department cannot promptly verify US citizenship, US national, or qualified non-US citizen status; the Department extends the reasonable opportunity period to 180 days from the date the notice is received.
 5. The provisions of this rule shall end on the last day of the month in which the public health emergency declaration by the Secretary of Health and Human Services under section 319 of the Public Health Service Act based on an outbreak of coronavirus disease 2019 (COVID-19) is lifted.

Statutory/Other Authority: [ORS 84.001 to 84.061](#), [409.050](#), [411.060](#), [411.070](#), [411.083](#), [412.006](#), [412.009](#), [412.024](#), [412.049](#), [412.064](#), [412.089](#)

Statutes/Other Implemented: ORS [84.001 to 84.061](#), [409.010](#), [411.060](#), [411.070](#), [411.081](#), [411.083](#), [411.087](#), [412.006](#), [412.009](#), [412.024](#), [412.049](#), [412.064](#), [412.089](#), [42 CFR 433.400](#), [42 CFR 435.907](#), [42 CFR 435.914](#), 45 CFR 206.10, 45 CFR 263.2, 45 CFR 400.155, Pub. L. 116-

Medical Coverage for Refugees; REFM

- (1) Benefits in the REFM program are the same medical coverage as any Medicaid or CHIP program, except the QMB and CAWEM programs.
- (2) An individual is not required to meet the financial eligibility criteria for the REFM program if the individual meets all the non-financial eligibility criteria for the REFM program and the requirements of at least one of the following subsections:
 - (a) The individual loses eligibility for any Medicaid or CHIP program, except the QMB and CAWEM programs, due to income from employment.
 - (b) The individual loses eligibility for any Medicaid or CHIP program, except the QMB and CAWEM programs, and is currently receiving benefits in the REF program.
 - (c) The individual had medical assistance established in another state based on refugee status granted by the United States Citizenship and Immigration Services, and:
 - (A) Moved to Oregon and is still within the individual's first eight months in the United States; and
 - (B) Was found not eligible for any Medicaid or CHIP program other than the CAWEM and QMB programs.
- (3) An individual who is determined eligible for the REFM program will maintain eligibility for the REFM program for the remainder of their first eight months in the United States even if the individual loses eligibility for the REF program due to having income equal to or over the *countable* (see OAR 461-001-0000) income and *adjusted income* (see OAR 461-001-0000) limits (see OAR 461-155-0030).
- (4) An individual applying for the REFM program is not required to apply for or receive benefits in the REF program.
- (5) Except for the CAWEM and QMB programs, *eligibility* for all Medicaid and CHIP programs must be determined prior to determining *eligibility* for the REFM program.
- ~~(6) — An REFM program benefit group (see OAR 461-110-0750) may continue to receive REFM program benefits for the remainder of the eight months, as stated in OAR 461-135-0900(4) of this rule, if:
 - ~~(a) — A newborn is born to a benefit group member while the benefit group member was receiving REFM program benefits; and~~~~

~~(b) The *benefit group* applied for Medicaid eligibility under MAGI rules (OAR 410-200) and was denied.~~

~~(6) When a newborn is born to a member of a REFM program *benefit group* (see OAR 461-110-0750):~~

~~(a) Members of the *benefit group*, may continue to receive REFM program benefits for the remainder of the eight months, as stated in OAR 461-135-0900(4), if the member is determined ineligible for all Medicaid and CHIP programs.~~

~~(b) The newborn may receive REFM program benefits for the remainder of the eight months of the *benefit group*, if the newborn is determined ineligible for all Medicaid and CHIP programs.~~

~~(7) To be eligible for the REFM program, an individual may not be enrolled in Medicare.~~

~~Statutory/Other Authority~~~~Stat. Auth.:~~ ORS 409.050, 411.060, 411.404, 413.085, 414.685

~~Statutes/Other Stats.~~ Implemented: ORS 409.010, 411.060, 411.404

461-135-0930

Temporary Eff.

~~7/013/29/2021~~

Medical Coverage for Refugees; REFM

- (1) Benefits in the REFM program are the same medical coverage as any Medicaid or CHIP program, except the QMB and CAWEM programs.
- (2) An individual is not required to meet the financial eligibility criteria for the REFM program if the individual meets all the non-financial eligibility criteria for the REFM program and the requirements of at least one of the following subsections:
 - (a) The individual loses eligibility for any Medicaid or CHIP program, except the QMB and CAWEM programs, due to income from employment.
 - (b) The individual loses eligibility for any Medicaid or CHIP program, except the QMB and CAWEM programs, and is currently receiving benefits in the REF program.
 - (c) The individual had medical assistance established in another state based on refugee status granted by the United States Citizenship and Immigration Services, and:
 - (A) Moved to Oregon and is still within the individual's first eight months in the United States; and
 - (B) Was found not eligible for any Medicaid or CHIP program other than the CAWEM and QMB programs.
- (3) An individual who is determined eligible for the REFM program will maintain eligibility for the REFM program for the remainder of their first eight months in the United States even if the individual loses eligibility for the REF program due to having income equal to or over the *countable* (see OAR 461-001-0000) income and *adjusted income* (see OAR 461-001-0000) limits (see OAR 461-155-0030).
- (4) An individual applying for the REFM program is not required to apply for or receive benefits in the REF program.
- (5) Except for the CAWEM and QMB programs, *eligibility* for all Medicaid and CHIP programs must be determined prior to determining *eligibility* for the REFM program.

~~(6) — An REFM program benefit group (see OAR 461-110-0750) may continue to receive REFM program benefits for the remainder of the eight months, as stated in OAR 461-135-0900(4) of this rule, if:~~

- ~~(a) — A newborn is born to a benefit group member while the benefit group member was receiving REFM program benefits; and~~

~~(b) The *benefit group* applied for Medicaid eligibility under MAGI rules (OAR 410-200) and was denied.~~

(6) When a newborn is born to a member of a REFM program *benefit group* (see OAR 461-110-0750):

(a) Members of the *benefit group*, may continue to receive REFM program benefits for the remainder of the eight months, as stated in OAR 461-135-0900(4), if the member is determined ineligible for all Medicaid and CHIP programs.

(b) The newborn may receive REFM program benefits for the remainder of the eight months of the *benefit group*, if the newborn is determined ineligible for all Medicaid and CHIP programs.

(7) To be eligible for the REFM program, an individual may not be enrolled in Medicare.

Statutory/Other Authority: ORS 409.050, 411.060, 411.404, 413.085, 414.685

Statutes/Other Implemented: ORS 409.010, 411.060, 411.404

Eligibility for ~~Inmates and~~ Residents of Public Institutions

- (1) This rule sets out additional restrictions on the eligibility of ~~inmates and~~ residents of public institutions ~~state hospitals~~ for programs covered by Chapter 461 of the Oregon Administrative Rules.
- (2) Definition of an "~~inmate~~ resident of a public institution".
 - (a) An ~~inmate is an~~ individual living in a *public institution* (see section (3) of this rule) who is:
 - (A) Confined involuntarily in a local, state or federal prison, jail, detention facility, or other penal facility, including an individual being held involuntarily in a detention center awaiting trial or an individual serving a sentence for a criminal offense;
 - (B) Residing involuntarily in a facility under a contract between the facility and a *public institution* where, under the terms of the contract, the facility is a *public institution*;
 - (C) Residing involuntarily in a facility that is under governmental control;
 - (D) Receiving care as an outpatient while residing involuntarily in a *public institution*; or
 - (E) In the OSIPM and QMB programs, released from the *public institution* during a temporary period of hospitalization in a medical institution outside of the correctional facility.
 - (b) An individual is not considered an ~~inmate~~ resident of a public institution when:
 - (A) The individual is released on parole, probation, or post-prison supervision;
 - (B) The individual is on home- or work-release, unless the individual is required to report to a *public institution* for an overnight stay;
 - (C) The individual is voluntarily residing in a supervised community residential facility and all of the following are true:
 - (i) Residents are not precluded from working outside the facility in employment available to individuals who are not under justice system supervision;
 - (ii) Residents can use community resources such as libraries, grocery stores, recreation and education at will, notwithstanding any house

rules such as a requirement to sign in and out, curfews, or hours during which the residence is closed or locked; and

- (iii) Residents can seek health care treatment in the broader community to the same or similar extent as other Medicaid enrollees in the state.
 - (D) The individual is staying voluntarily in a detention center, jail, or county penal facility after their case has been adjudicated and while other living arrangements are being made for the individual; or
 - (E) The individual is in a *public institution* pending other arrangements as defined in 42 CFR 435.1010.
- (3) A "public institution" is any of the following:
- (a) A "state hospital" (see ORS 162.135).
 - (b) A local correctional facility (see ORS 169.005): a jail or prison for the reception and confinement of ~~prisoners~~ individuals that is provided, maintained and operated by a county or city and holds individuals for more than 36 hours.
 - (c) A Department of Corrections institution (see ORS 421.005): a facility used for the incarceration of individuals sentenced to the custody of the Department of Corrections, including a satellite, camp, or branch of a facility.
 - (d) A youth correction facility (see ORS 162.135):
 - (A) A facility used for the confinement of ~~youth offenders and other~~ individuals placed in the legal or physical custody of the youth authority, including a secure regional youth facility, a regional accountability camp, a residential academy and satellite, and camps and branches of those facilities; or
 - (B) A facility established under ORS 419A.010 to 419A.020 and 419A.050 to 419A.063 for the detention of individuals ~~children, wards, youth, or youth offenders~~ pursuant to a judicial commitment or order.
- (4) Definition of serious mental illness. An individual has a serious mental illness if the individual has been diagnosed by a psychiatrist, a licensed clinical psychologist or a certified non-medical examiner as having dementia, schizophrenia, bipolar disorder, major depression or other affective disorder or psychotic mental disorder other than a substance abuse disorder and other than a disorder that is caused primarily by substance abuse.
- (5) An individual who resides in a *state hospital* (see subsection (3)(a) of this rule), meets the definition of having a serious mental illness (see section (4) of this rule), and applies for

medical assistance between 90 and 120 days prior to the expected date of the person's release from the *state hospital* may be found eligible for medical assistance. If the individual is determined to be eligible, the effective date of the individual's medical assistance is the date the individual is released from the institution.

- (6) In the OSIPM and QMB programs, except as provided for in section (7) of this rule, an individual who is at least 21 years of age and less than 65 years of age who becomes a resident of a *state hospital* has medical benefits suspended. When an individual with suspended medical benefits is no longer a resident of the *state hospital*, or when the individual is admitted to a medical institution outside of the *state hospital* for a period of hospitalization, medical benefits are reinstated effective the first day the individual is no longer a resident, if the individual continues to meet eligibility for the medical program.
- (7) An individual residing in a *state hospital* may be eligible for OSIPM and QMB program benefits if the individual meets the requirements of one of the following subsections:
 - (a) The individual is 65 years of age or older.
 - (b) The individual receives a Certificate of Need for Services from the State-authorized agency, and meets one of the following:
 - (A) The individual is under 21 years of age.
 - (B) The individual is 21 years of age, received a Certificate of Need for Services from the State-authorized agency, and received those services immediately before reaching age 21. Except as provided for in subsection (a) of this section, eligibility ends at age 22.
- (8) For all programs covered under chapter 461 of the Oregon Administrative Rules:
 - (a) Except as provided otherwise in this rule, ~~an resident of a public institution inmate (see section (2) of this rule) of a public institution~~ is not eligible for benefits.
 - (b) ~~Except as provided otherwise in this rule, if~~ a pregnant ~~woman individual~~ receiving medical assistance through the OSIPM program becomes ~~an resident of a public institution inmate of a public institution~~, ~~her their~~ medical benefits are suspended. When the Department is informed the ~~woman individual~~ is no longer ~~an resident of a public institution inmate~~, ~~her their~~ medical benefits are reinstated – effective on the first day ~~she they are~~ is no longer ~~an resident of a public institution inmate~~ – if ~~she is they are~~ still in ~~her their~~ protected period of eligibility under OAR 461-135-0010.
 - (c) If an individual receiving medical assistance through the OSIPM or QMB programs becomes ~~an resident of a public institution inmate of at~~ a correctional

facility (see subsections (3)(b) through (3)(d) of this rule), medical benefits are suspended during the incarceration period.

- (d) In the OSIPM and QMB programs, when the Department is notified that an individual with suspended benefits has been released or has been admitted to a hospital outside of the *public institution* for a period of hospitalization, medical benefits are reinstated effective the first day the client-individual is no longer an resident of a public institution inmate if both of the following are true:
- (A) The client-individual continues to meet eligibility for the medical program; and
 - (B) The notification takes place within ten calendar days of the release, or the notification takes place more than ten calendar days from the release date and there is good cause for the late reporting.
- (9) In the GA and SNAP programs, in addition to the other provisions of this rule, an resident of a public institution inmate released from a *public institution* on home arrest and required to wear an electronic device to monitor their activity, is ineligible for benefits if the correctional agency provides room and board to the individual.
- (10) In the GA program, when an individual becomes an resident of a public institution inmate of a public institution:
- (a) Housing assistance payments ~~Benefits~~ may continue for the two-one calendar months following the month ~~the Department is notified of the incarceration~~, if the ~~individual will be released before the end of the second calendar month and the housing arrangement is still available~~ following are true:
 - (A) The Department can determine that the individual will be released before the end of the calendar month following the month of incarceration, and
 - ~~(A)~~(B) The individual's housing arrangement is still available.
 - (b) If the individual will be released after the end of the ~~second~~ calendar month following the month of ~~notification~~incarceration, or if the release date is not known, benefits ~~housing assistance payments~~ will be closed effective the end of the *notice period* (see OAR 461-175-0050) for a *timely continuing benefit decision notice* (see OAR 461-001-0000).

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.404, 411.816, 412.014, 412.049, 413.085, 414.685

Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 411.404, 411.447, 411.816, 412.014, 412.049, 414.426, 42 CFR 435.1009

461-135-1270
Eff. ~~4/01/2016~~ 03/21

Temporary

Specific Requirements; Employment Payments

- (1) Effective April 1, 2016, a *benefit group* (see OAR 461-110-0630) that includes an individual who meets the requirements in section (2) of this rule is eligible to receive \$225 in *Employment Payments* (see OAR 461-001-0025) paid over three months as provided in section (3) of this rule.
- (2) To be eligible for three months of *Employment Payments*, an individual in the *benefit group* (see OAR 461-110-0750) or an individual not in the *benefit group* due to the time limit in OAR 461-135-0071 must meet all of the following requirements:
 - (a) Have obtained unsubsidized paid employment and reported it timely.
 - (b) Have been a JOBS eligible or JOBS volunteer (see OAR 461-130-0310) individual who closed TANF for one of the following reasons:
 - (A) Became ineligible for the Pre-TANF, SFPSS or TANF programs due to income above the applicable income standard in OAR 461-155-0030.
 - (B) Voluntarily closed TANF to avoid accruing time toward the time limit in OAR 461-135-0071.
 - (C) Voluntarily closed TANF to be eligible for TBA (see OAR 461-135-0506).
 - (c) Meet the TANF residency requirements in OAR 461-120-0010.
 - (d) Remain at or below 350 percent FPL in OAR 461-155-0180.
- (3) *Employment Payments* begin the month following the month in which Pre-TANF, SFPSS, or TANF benefits close. Payments are limited to one payment per month per *benefit group*. Payments may not be prorated and are paid in the following amounts and order:
 - (a) \$100 the first month after benefits close.
 - (b) \$75 the second month after benefits close.
 - (c) \$50 the third month after benefits close.
- (4) An individual receiving *Employment Payments* is not eligible for JOBS Plus or JPI (see OAR 461-135-1260).

- (5) *Employment Payments* end when an individual:
- (a) Is approved for REF, Pre-TANF, SFPSS, or TANF program benefits;
 - (b) Is a member of a *filing group* (see OAR 461-110-0330) approved for REF, Pre-TANF, SFPSS, or TANF program benefits; or
 - (c) Loses unsubsidized paid employment and the loss is verified by the Department.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 412.049, 412.124

Statutes/Other Implemented: ORS 409.050, 411.060, 411.070, 412.049, 412.124

(1) A Department program may cite this rule if the program uses a monthly income standard based on the federal poverty level or state median income. The standards in this rule are effective as of March 1, 2021, except as provided otherwise.

(2) A monthly income standard set at 100 percent of the 2020 federal poverty level is set at the following amounts:

Size of Group.....	Standard
1.....	\$ 1,064
2.....	1,437
3.....	1,810
4.....	2,184
5.....	2,557
6.....	2,930
7.....	3,304
8.....	3,677
9.....	4,051
10.....	4,425
+1.....	+374

(3) A monthly income standard set at 130 percent of the 2020 federal poverty level is set at the following amounts:

Size of Group.....	Standard
1.....	\$ 1,383
2.....	1,868
3.....	2,353
4.....	2,839
5.....	3,324
6.....	3,809
7.....	4,295
8.....	4,780
9.....	5,266
10.....	5,752
+1.....	+486

(4) A monthly income standard set at 165 percent of the 2020 federal poverty level is set at the following amounts:

Size of Group.....	Standard
1.....	\$ 1,755
2.....	2,371

3.....	2,987
4.....	3,603
5.....	4,219
6.....	4,835
7.....	5,451
8.....	6,067
+1.....	+616

- (5) A monthly income standard set at 185 percent of the 2021 federal poverty level is set at the following amounts:

Size of Group.....	Standard
1.....	\$ 1,986
2.....	2,686
3.....	3,386
4.....	4,086
5.....	4,786
6.....	5,486
7.....	6,186
8.....	6,886
9.....	7,586
10.....	8,286
+1.....	+700

- (6) A monthly income standard set at 200 percent of the 2021 federal poverty level is set at the following amounts:

Size of Group.....	Standard
1.....	\$ 2,147
2.....	2,904
3.....	3,660
4.....	4,417
5.....	5,174
6.....	5,930
7.....	6,687
8.....	7,444
+1.....	+757

- (7) A monthly income standard set at 250 percent of the 2021 federal poverty level is set at the following amounts:

Size of Group.....	Standard
1.....	\$ 2,684

2.....	3,630
3.....	4,575
4.....	5,521
5.....	6,467
6.....	7,413
7.....	8,359
8.....	9,305

- (8) A monthly income standard set at 350 percent of the 2020 federal poverty level is set at the following amounts:

Size of Group.....	Standard
1.....	\$ 3,722
2.....	5,029
3.....	6,335
4.....	7,642
5.....	8,949
6.....	10,255
7.....	11,562
8.....	12,869
9.....	14,176
10.....	15,483
+1.....	+1,307

- (9) A monthly income standard set at 85 percent of the 2021 state median income is set at the following amounts:

Size of Group.....	Standard
2.....	\$ 4,293
3.....	5,303
4.....	6,313
5.....	7,323
6.....	8,333
7.....	8,523
8.....	8,712

- (10) A monthly Disaster Supplemental Nutrition Assistance Program (DSNAP) income standard is set at the following amounts for the *household* (see OAR 461-135-0491):

Size of Group.....	Standard
1.....	\$ 1,817
2.....	2,190
3.....	2,563

4.....	2,951
5.....	3,355
6.....	3,759
7.....	4,133
8.....	4,506
+1.....	+374

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 411.816, 412.014, 412.049

Statutes/Other Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.816, 412.014, 412.049, 7 CFR 280.1

- (1) The monthly SNAP Countable Income Limit is set at 130 percent of the federal poverty level under OAR 461-155-0180 for the number of individuals in the need group. The monthly SNAP Adjusted Income Limit is set at 100 percent of the federal poverty level under OAR 461-155-0180 for the number of individuals in the need group.
- (2) The SNAP Payment Standard (Thrifty Food Plan) is:

SNAP Payment Standard (TFP)	
No. in Benefit Group	Monthly Amount
1	\$ 234
2	430
3	616
4	782
5	929
6	1,114
7	1,232
8	1,408
Each additional individual	+176

- (3) The full-month Disaster SNAP (DSNAP) Payment Standard is:

No. in Benefit Group	Monthly Amount
1	\$ 204
2	374
3	535
4	680
5	807
6	969
7	1,071
8	1,224
Each additional individual	+153

- (4) The DSNAP Gross Income Limit is set under OAR 461-155-0180 for the number of individuals in the *household* (see OAR 461-135-0491) group.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.816
Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.816, 411.825, 411.837, 7 CFR 273.1, 7 CFR 273.10, 7 CFR 280.1, H.R. 133

461-160-0620

~~TECH~~Eff.

~~2/187/01/21~~

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

In the OSIPM program:

- (1) Deductions from income are made for an individual residing in or entering a long-term care facility or receiving *home and community-based care* (see OAR 461-001-0030) as explained in subsections (3)(a) to (3)(h) of this rule.
- (2) Except as provided otherwise in OAR 461-160-0610, the liability of the individual is determined according to subsection (3)(i) of this rule.
- (3) Deductions are made in the following order:
 - (a) One standard earned income deduction of \$65 is made from the earned income in the OSIPM program.
 - (b) The deductions under the plan for self-support as allowed by OAR 461-145-0405.
 - (c) One of the following need standards:
 - (A) A \$64.94 personal needs allowance for an individual receiving long-term care services.
 - (B) A \$90 personal needs allowance for an individual receiving long-term care services who is eligible for VA benefits based on unreimbursed medical expenses. The \$90 allowance is allowed only when the VA benefit has been reduced to \$90.
 - (C) For an individual who receives *home and community-based care*:
 - (i) Except as provided in subparagraph (ii) of this paragraph, the OSIPM maintenance standard.
 - (ii) For an individual who receives in-home services, the OSIPM maintenance standard plus \$500.
 - (d) A *community spouse* (see OAR 461-001-0030) monthly income allowance is deducted from the income of the *institutionalized spouse* (see OAR 461-001-0030) to the extent that the income is made available to or for the benefit of the *community spouse*, using the following calculation.
 - (A) Step 1--Determine the maintenance needs allowance. ~~\$2,155.00~~2,177.50 is added to the amount over ~~\$646.50~~653.25 that is needed to pay monthly

shelter expenses for the principal residence of the couple. This sum or \$3,259.50, whichever is less, is the maintenance needs allowance. For the purpose of this calculation, shelter expenses are the rent or home mortgage payment (principal and interest), taxes, insurance, required maintenance charges for a condominium or cooperative, and the full standard utility allowance for the SNAP program (see OAR 461-160-0420). If an all-inclusive rate covers items that are not allowable shelter expenses, including meals or housekeeping in an assisted living facility, or the rate includes utilities, to the extent they can be distinguished, these items must be deducted from the all-inclusive rate to determine allowable shelter expenses.

(B) Step 2--Compare maintenance needs allowance with community spouse's countable income. The *countable* (see OAR 461-001-0000) income of the *community spouse* is subtracted from the maintenance needs allowance determined in step 1. The difference is the income allowance unless the allowance described in step 3 is greater.

(C) Step 3--If a spousal support order or exceptional circumstances resulting in significant financial distress require a greater income allowance than that calculated in step 2, the greater amount is the allowance.

(e) A dependent income allowance as follows:

(A) For a case with a *community spouse*, a deduction is permitted only if the monthly income of the eligible dependent is below ~~\$2,155.00~~2,177.50. To determine the income allowance of each eligible dependent:

(i) The monthly income of the eligible dependent is deducted from ~~\$2,155.00~~2,177.50.

(ii) One-third of the amount remaining after the subtraction in paragraph (A) of this subsection is the income allowance of the eligible dependent.

(B) For a case with no *community spouse*:

(i) The allowance is the TANF adjusted income standard (see OAR 461-155-0030) for the individual and eligible dependents.

(ii) The TANF standard is not reduced by the income of the dependent.

(f) Costs for maintaining a home if the individual meets the criteria in OAR 461-160-0630.

- (g) Medical deductions allowed by OAR 461-160-0030 and 461-160-0055 are made for costs not covered under the state plan.
- (h) After taking all the deductions allowed by this rule, the remaining balance is the *adjusted income* (see OAR 461-001-0000).
- (i) The individual's liability is determined as follows:
 - (A) For an individual receiving *home and community-based care* (except an individual identified in OAR 461-160-0610(4)), the liability is the actual cost of the *home and community-based care* or the *adjusted income* of the individual, whichever is less. This amount must be paid to the Department or the *home and community-based care* facility each month as a condition of being eligible for *home and community-based care*. In OSIPM-ICP, the liability is subtracted from the gross monthly benefit.
 - (B) For an individual who resides in a nursing facility, the liability is the actual cost of services or the *adjusted income* of the individual, whichever is less. This amount must be paid to the facility each month as a condition of being eligible for nursing facility services.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.404, 411.706, 413.085, 414.065, 414.685

Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 411.404, 411.706, 413.085, 414.065, 414.685, 42 USC 1396r-5, 42 CFR 435.725 – 435.735

Replacing SNAP Program Benefits and EBT Cards

- (1) The Department does not replace SNAP program benefits after they are delivered to the EBT account unless the Department failed to cancel the EBT card of an individual leaving a SNAP program household and that individual continues to access SNAP program benefits in subsequent months.
- (2) The Department will replace the value of food purchased with SNAP program benefits if all of the following are true:
 - (a) The food was destroyed by a verified household misfortune or disaster.
 - (b) The *filing group* (see OAR 461-110-0370) reports the loss of food ~~within:~~
 - (A) Within ten days of occurrence, or
 - (B) By the deadline permitted through Food and Nutrition Service waiver.
 - (c) The *filing group* submits a signed statement or affidavit, ~~or a verbal attestation,~~ attesting to the loss within ten days of reporting the loss.
- (3) The replacement, based on section (2) of this rule, must meet the following:
 - (a) The amount may not exceed one month's allotment, unless the issuance includes restored benefits which will be replaced up to the full value of the restored benefits.
 - (b) The Department will issue a timely replacement of the value of the loss by meeting the later of these two timeframes:
 - (A) Within ten days after the filing group reported the loss; or
 - (B) Within two working days of submitting a signed statement or affidavit.
- (4) The Department will replace an EBT card reported lost, stolen, or not received only after the current card has been deactivated. An EBT card that is damaged or not functioning properly is replaced only after the card's status is changed to "card damaged" and the card is destroyed.

Statutory/Other Authority: ORS 409.050, 411.060, 411.816

Statutes/Other Implemented: ORS 409.010, 411.060, 411.816, 7 CFR 280.1

461-190-0401

JOBS Plus Program Applicability

Effective 7/01/21

The *JOBS Plus program* (see OAR 461-001-0025) is a *component* (see OAR 461-001-0025) of the JOBS program and is subject to the provisions of ORS chapter 411 and the following rules (OAR 461-190-0401 to 461-190-0426). Clients-Except as provided under OAR 461-190-0416, individuals who participate in the *JOBS Plus program* (participants) become employed and receive wages from a JOBS Plus employer rather than cash benefits from the TANF program, SNAP benefits, and unemployment insurance benefits.

Statutory/Other Authority~~Stat. Auth.~~: ORS 411.060, 411.816

Statutes/Other~~Stats.~~ Implemented: ORS 411.060, 411.816

~~177/01/2021~~JOBS Plus Program Eligibility of Clients

- (1) Any ~~participant individual in the TANF benefit group (461-110-0750) who is~~ not excluded from participation by law, ~~if eligible for the TANF program,~~ may volunteer to participate in the *JOBS Plus program* (see OAR 461-001-0025). ~~If there are no volunteers available to participate, the Department may select participants from among eligible participants. Recipients of SSI and teenage parents who remain in high school, if they are making progress toward receiving a diploma, are exempt from participation in the JOBS Plus program.~~
- (2) ~~Participants~~ Individuals remain eligible to participate as long as they would, except for participating in the *JOBS Plus program*, be eligible for TANF.
- (3) The benefits of ~~participants~~ individuals participating in the JOBS Plus program remain suspended until the first day of the month following the month in which they last perform work under a *JOBS Plus program* agreement. ~~TANF participants~~ Individuals cannot receive TANF cash benefits and a *JOBS Plus program* supplement for the same month.

Statutory/Other Authority~~Stat. Auth.~~: ORS 409.050, 411.060, 411.816Statutes/Other~~Stats.~~ Implemented: ORS 409.010, 411.060, 411.816