

# Policy Transmittal Office of Self-Sufficiency Programs



Heather Miles, SSP Program Manager

**Authorized signature**

**Number:** SS-PT-21-021

**Issue date:** 8/26/2021

**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 ( <i>please specify</i> ):                     |
| <input type="checkbox"/> ODDS Children’s Residential Services          |   |
| <input type="checkbox"/> Child Welfare Programs                        |   |

<b>Policy/rule title:</b>	Administrative Rules for Various Self-Sufficiency and Aging & People with Disabilities Programs		
<b>Policy/rule number(s):</b>	Various (see below)	<b>Release number:</b>	
<b>Effective date:</b>	July and August 2021	<b>Expiration date:</b>	N/A
<b>References:</b>			
<b>Web address:</b>	Web addresses indicated in body of Policy Transmittal		

**Discussion/interpretation:**

This transmittal provides a summary and link to SSP administrative rules temporary rule amendments (including many that apply to Aging and People with Disabilities (APD) programs) with effective dates during July and August 2021, as noted. The rule changes can be found on the OAR website [here](#), the Chapter 461 Recent Rulemaking website [here](#), and the Secretary of State (SOS) Rules website [here](#).

The track change text of the rules can be found following the rule change summaries.

**Temporary Effective 7/05/2021**

**AMEND: 461-115-0050**

**RULE TITLE: When an Application Must Be Filed**

**RULE SUMMARY:** OAR 461-115-0050 about When an Application Must Be Filed, is being amended to de-gender and person-center language; as well as to align the rule provisions regarding when an application must be filed for OSIP, OSIPM, and QMB programs with the ONE system.

**Temporary Effective 7/05/2021**

**AMEND: 461-115-0430**

**RULE TITLE: Periodic Redeterminations or Renewal; Not EA, ERDC, SNAP, or TA-DVS**

**RULE SUMMARY:** OAR 461-115-0430 about Periodic Redeterminations; Not EA, ERDC, SNAP, or TA-DVS, is being amended to make the rule title more inclusive of language used for medical programs, to shift language towards being person-centered, and to update and align provisions regarding OSIP, OSIPM, and QMB medical program periodic redetermination or renewal with many other medical programs and the ONE system.

**Temporary Effective 7/01/2021**

**AMEND: 461-135-0440**

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

**RULE SUMMARY:** OAR 461-135-0440 is being amended to end most of the child care rule provisions put in place through federal waiver on September 30, 2021, and end Emergency Child Care provisions under Governor Brown's executive order 21-15 on August 31, 2021.

**Temporary Effective 7/01/2021**

**AMEND: 461-135-0505**

**RULE TITLE: Categorical Eligibility for SNAP**

**RULE SUMMARY:** OAR 461-135-0505 about Categorical Eligibility for SNAP, is being amended to make categorical eligibility more clear by grouping provisions into the groups of individuals, filing groups, and presumed eligibility. It is also being amended to update and make accurate the provisions regarding different types of categorical eligibility, as well as how categorical eligibility, and SNAP eligibility in general, is impacted when an individual has lottery or gambling winnings that exceed the Federally allowed amount for SNAP eligibility.

**Temporary Effective 7/14/2021**

**RULE SUMMARY:** OAR 461-135-0505 is being amended to make clear that a financial

group that includes an individual who meets the Chapter 461 definition of "elderly" or having a "disability" does not have to pass the countable income limit test.

**Temporary Effective 7/22/2021**

**AMEND: 461-135-1501**

**RULE TITLE: Pandemic Electronic Benefits Transfer (P-EBT)**

**RULE SUMMARY:** OAR 461-135-1501 about Pandemic-related Supplemental Nutrition Assistance Program; PSNAP (renumbered from 461-135-0498), is being amended to put into rule the current Food and Nutrition Service (FNS) pandemic food benefit program, Pandemic Electronic Benefits Transfer (P-EBT). OAR 461-135-1501 sets in place general P-EBT information and terms that are specific to the P-EBT OARs 461-135-1501 through 461-135-1505.

**Temporary Effective 7/22/2021**

**ADOPT: 461-135-1502**

**RULE TITLE: Application and Eligibility; P-EBT**

**RULE SUMMARY:** OAR 461-135-1502 is being adopted to put provisions regarding Pandemic-Electronic Benefits Transfer (P-EBT) application process, verification requirements, and eligibility into rule.

**Temporary Effective 7/22/2021**

**ADOPT: 461-135-1503**

**RULE TITLE: Benefit Amount and Issuance of Benefit; P-EBT**

**RULE SUMMARY:** OAR 461-135-1503 is being adopted to put Pandemic Electronic Benefits Transfer (P-EBT) benefit standards, benefit amounts, and benefit issuance rules into place.

**Temporary Effective 7/22/2021**

**ADOPT: 461-135-1504**

**RULE TITLE: Benefit Access and Use; P-EBT**

**RULE SUMMARY:** OAR 461-135-1504 is being adopted to put provisions regarding Pandemic Electronic Benefits Transfer (P-EBT) benefit access and use into rule.

**Temporary Effective 7/22/2021**

**ADOPT: 461-135-1505**

**RULE TITLE: Hearings, Claims, and Liability; P-EBT**

**RULE SUMMARY:** OAR 461-135-1505 is being adopted to place Pandemic Electronic Benefits Transfer (P-EBT) hearings, claims, and liability provisions into rule.

**Temporary Effective 7/01/2021**

**ADOPT: 461-140-0262**

**RULE TITLE: Loss of Eligibility Due to Lottery or Gambling Winnings, SNAP**

**RULE SUMMARY:** OAR 461-140-0262 about Loss of Eligibility Due to Lottery or Gambling Winnings, SNAP, is being adopted to implement federal regulations that require SNAP benefits to end when individuals have lottery or gambling winnings over the allowed amount.

**Temporary Effective 7/14/2021**

**RULE SUMMARY:** OAR 461-140-0262 is being changed to make clear that a financial group that includes an individual who meets the Chapter 461 definition of "elderly" or an individual with a "disability" does not have to pass the countable income test for SNAP.

**Temporary Effective 7/05/2021**

**AMEND: 461-145-0140**

**RULE TITLE: Earned Income Tax Credit (EITC) and Child Tax Credit**

**RULE SUMMARY:** OAR 461-145-0140 about Earned Income Tax Credit (EITC) is being amended to change the title to Earned Income Tax Credit (EITC) and Child Tax Credit; to include provisions regarding how Self-Sufficiency Programs and APD Medical Programs treat Child Tax Credits, including the advance Child Tax Credit payments; and to make language more accurate regarding how tax credits are claimed.

**Temporary Effective 7/05/2021**

**AMEND: 461-145-0210**

**RULE TITLE: Gifts and Winnings**

**RULE SUMMARY:** OAR 461-145-0210 about Gifts and Winnings, is being amended to make language more precise; to make clear that gambling losses are not subtracted from winnings to determine countable winnings; and to create separate sections for how gifts and winnings are treated by OSIP, OSIPM, QMB, and SNAP programs. It is also being amended to align SNAP program requirements with Federal regulation changes regarding certain lottery and gambling winnings.

**Temporary Effective 7/12/2021**

**RULE SUMMARY:** OAR 461-145-0210 is being amended so that rule supports winnings to be treated based on the frequency the payments are received.

**Temporary Effective 7/01/2021**

**AMEND: 461-155-0150**

**RULE TITLE: Child Care Eligibility Standard, Payment Rates, and Copayments**

**RULE SUMMARY:** OAR 461-155-0150 is being amended in order to continue a

collaborative policy change with the Early Learning Division put in place during the COVID-19. The amendment continues to allow providers to bill for absent days that a child was scheduled to be in care, as long as it is the provider's policy to bill absent days to all families. By expanding the absent day policy, Oregon follows federal guidance by moving closer in alignment to how most providers bill: enrollment-based.

**Temporary Effective 7/01/2021**

**AMEND: 461-155-0151**

**RULE TITLE: High Special Needs; Child Care**

**RULE SUMMARY:** OAR 461-155-0151 is being changed to double the amount a provider may receive if a child is eligible for the High Special Needs rate.

**Temporary Effective 7/01/2021**

**AMEND: 461-165-0160**

**RULE TITLE: Direct Provider Payments; General Information**

**RULE SUMMARY:** OAR 461-165-0160 is being changed to allow providers to submit billing forms at the beginning of each month for hours a child is scheduled to be in care, remove the requirement for caretakers to sign billing forms, and to de-gender language.

**Temporary Effective 7/14/2021**

**RULE SUMMARY:** OAR 461-165-0160 is being amended to make clear in section (2) of the rule, that the change beginning on August 1, 2021, allowing providers to receive payment in advance for hours the child is scheduled to be in care for the month, applies to both the ERDC and TANF programs.

**Temporary Effective 7/01/2021**

**AMEND: 461-175-0210**

**RULE TITLE: Notice Situation; Individual Moved or Whereabouts Unknown**

**RULE SUMMARY:** OAR 461-175-0210 is being amended to align rule with federal regulation and Oregon policy that have prohibited, for some time, closure of SNAP cases certified in Simplified Reporting System or Transitional Benefit Alternative, when the Department receives returned mail. It is also being amended to restructure the rule to make clear the unique returned mail and moved out of state rules that apply to the SNAP program.

**Temporary Effective 8/25/2021**

**AMEND: 461-190-0211**

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

**RULE SUMMARY:** OAR 461-190-0211 about Case Plan Activities and Standards for Support Service Payments; JOBS, Pre-TANF, REF, REP, SFPSS, TANF; is being changed to

allow up to four months of internet services as a support service for families receiving TANF, rather than two months allowed in current rule.

**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:** The rule changes were reviewed by Eligibility Work Team SSP, APD, and OHA policy analysts, as well as the Chapter 461 rules signor.

**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.

Phone: (503) 602-7545

Fax:

Email: [meorah.a.solar@dhsoha.state.or.us](mailto:meorah.a.solar@dhsoha.state.or.us)

461-115-0050

Eff.

~~7/08/2017/05/21~~

When an Application Must Be Filed

~~Retroactively effective July 6, 2020:~~

- (1) An individual must file an application, or may amend a completed application, as a prerequisite to receiving benefits as follows:
  - (a) An individual may apply for the GA program by completing an application for the OSIPM program.
  - (b) An individual may apply for the TA-DVS program as provided in OAR 461-135-1200.
  - (c) In all programs except the TA-DVS program:
    - (A) Except as provided otherwise in this rule, to apply for program benefits, an individual must submit a complete application on a form approved by the Department.
    - (B) An application is complete if all of the following requirements are met:
      - (i) All information necessary to determine *eligibility* (see OAR 461-001-0000) and benefit amount is provided on the application for each individual in the *filing group* (see OAR 461-110-0310).
      - (ii) The applicant, even if an individual who is homeless, provides a valid mailing address.
      - (iii) The application is signed by the individual, the *authorized representative* (see OAR 461-115-0090) of the individual, or another individual applying for benefits on behalf of the individual, and received by the Department.
        - (I) An individual required but unable to sign the application may sign with a mark, witnessed by another individual.
        - (II) An individual submitting an *electronic application* (see OAR 461-001-0000) must submit the application with an electronic signature.
- (2) A new application is not required in the following situations:
  - (a) In the GA program, when an individual is receiving OSIPM on the *date of request* (see OAR 461-115-0030) for GA.

- (b) In the SNAP program, when a single application can be used both to determine an individual is ineligible in the month of application and to determine the individual is eligible the next month. This may be done when--
  - (A) Anticipated changes make the *filing group* (see OAR 461-110-0370) eligible the second month; or
  - (B) The *filing group* provides verification between 30 and 60 days following the *filing date* (see OAR 461-115-0040), under OAR 461-180-0080.
- (c) In all programs except the SNAP program, when a single application can be used both to determine an individual is ineligible on the *filing date* (see OAR 461-115-0040) or the *date of request* (see OAR 461-115-0030) as applicable to the term used by the program, and to determine the individual is eligible when anticipated changes make the *filing group* eligible within 30 days from the *filing date* or 45 days from the *date of request* (as applicable to the term used by the program).
- (d) When the case is closed and reopened during the same calendar month.
- (e) When benefits were suspended for one month because of the level of income, and the case is reopened the month following the month of suspension.
- (f) When reinstating medical benefits for a pregnant ~~woman~~ individual covered by OAR 461-135-0950, notwithstanding subsection (g) of this section.
- (g) In the ERDC program, when a case closed during the *certification period* (see OAR 461-001-0000) and the individual reports a change in circumstances prior to the end of the month following the closure and the reported change will make the individual eligible.
- (h) In the OSIP, OSIPM and QMB programs,
  - (A) When a new application is not required under section (2) or (4) of OAR 410-200-0110, except subsection (4)(b), including provisions that specify they are for “HSD Medical” programs.
  - (B) When the medical benefits of an individual are suspended because the individual lives in a *public institution* (see OAR 461-135-0950), if the Department is notified within 10 calendar days of the release. in addition to when otherwise provided in this rule, With the exception of section (4)(b);  
‡
- (i) In the REF, TA-DVS, and TANF programs, when a single application can be used both to determine an individual is ineligible in the month of application and to determine the individual is eligible the next month. This may be done when –



- (A) Anticipated changes make the *filing group* (see OAR 461-110-0330 and OAR 461-110-0430) eligible in the following month; or
  - (B) Amending a current application if the information is sufficient to determine eligibility; otherwise a new application is required.
- (3) When an individual establishes a new *date of request* prior to the end of the month following the month of case closure, unless the Department determines a new application is required, a new application is not required in the following situations:
- (a) In the OSIPM program, when the individual's case closed due to failure to make a liability payment required under OAR 461-160-0610.
  - (b) In the OSIPM-EPD program, when the individual's case closed due to failure to make a participant fee payment required under OAR 461-160-0800.
- (4) A new application is required to add a newborn *child* (see OAR 461-001-0000) to a *benefit group* (see OAR 461-110-0750) according to the following requirements:
- (a) In the ERDC and SNAP programs, an application is not required to add the *child* to the *benefit group*.
  - (b) In the OSIPM, QMB, and REFM programs, an additional application is not required to add an assumed eligible newborn (see OAR 461-135-0010) to a *benefit group* currently receiving Department medical program benefits.
  - (c) In the TANF program:
    - (A) A new application is not required if the *child* is listed on the application as "unborn" and there is sufficient information about the *child* to establish its *eligibility*.
    - (B) A new application is required if the *child* is not included on the application as "unborn."
  - (d) In all programs other than ERDC, QMB, REF, REFM, SNAP, and TANF, an application is required.
- (5) A new application is required to add an individual, other than a newborn *child*, to a *benefit group* according to the following requirements:
- (a) In the ERDC, QMB, OSIP, OSIPM, and SNAP programs, a new application is not required.

- (b) In the REF, REFM, and TANF programs, an individual may be added by amending a current application if the information is sufficient to determine *eligibility*; otherwise a new application is required.
- (6) An individual whose TANF grant is closing may request ERDC orally or in writing.
- (7) Except for an applicant for the OSIPM, QMB, or SNAP program, an individual may change between programs administered by the Department using the current application if the following conditions are met:
  - (a) The individual makes an oral or written request for the change.
  - (b) The Department has sufficient evidence to determine *eligibility* and benefit level for the new program without a new application.
  - (c) The program change can be effected while the individual is eligible for the first program.

~~(8) — In the OSIP, OSIPM, and QMB programs, a new application is not required to redetermine *eligibility* if one of the following conditions are met:~~

- ~~(a) — The individual is currently receiving benefits from one of these programs and the Department has sufficient evidence to redetermine *eligibility* for the same program or determine *eligibility* for the new program without a new application or by amending the current application.~~
- ~~(b) — The individual was receiving benefits from one of these programs but was terminated for failure to provide requested information during a periodic redetermination (see OAR 461-115-0430), if the requested information is received within 90 days of termination.~~

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049, 413.085, 414.025, 414.685

Statutes/Other Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.117, 411.404, 411.447, 411.704, 411.706, 411.816, 412.014, 412.049, 413.085, 414.025, 414.041, 414.231, 414.685, 414.839, CFR 435.916

19/05/21

Periodic Redeterminations or Renewal; Not EA, ERDC, SNAP, or TA-DVS

The Department periodically reviews ~~redetermines the~~ *eligibility* (see OAR 461-001-0000) of ~~clients for~~ individuals receiving benefits and assigns a redetermination or renewal date by which the next ~~determination review of~~ *eligibility* is required. The Department selects the redetermination or renewal date based on the individual ~~client~~'s circumstances and according to the following requirements:

- (1) In the GA program, the Department redetermines *eligibility* at least once every 12 months.
- (2) In the OSIP, ~~and OSIPM, and QMB~~ programs, the Department reviews eligibility in accordance with OAR 410-200-0110. The redetermination or renewal provisions for "HSD Medical" programs in OAR 410-200-0110 are also the provisions for OSIP, OSIPM, and QMB programs. ~~determines eligibility at least once every 12 months for clients who are not eligible for SSI. No redetermination is required for clients who are eligible for SSI.~~
- ~~(3) In the QMB program, the Department determines eligibility at least once every 12 months for clients who are not eligible for SSI. For QMB recipients who are also eligible for OSIPM, a redetermination for QMB is completed with the redetermination of OSIPM.~~
- (34) The REF and REFM programs are time limited programs; therefore, no periodic redeterminations are made.
- (45) In the SFPSS program, the Department redetermines *eligibility* at least once every 12 months. The Department redetermines program *eligibility* by redetermining *eligibility* for the TANF program.
- (56) In the TANF program, benefits will end the last day of the *certification period* (see OAR 461-001-0000). The Department redetermines *eligibility* according to the following schedule:
  - (a) At least once every six months for each of the following:
    - (A) ~~Clients~~ Individuals not participating in an *activity* (see OAR 461-001-0025) of an open *case plan* (see OAR 461-001-0025).
    - (B) Individuals ~~Clients~~ who are currently serving a JOBS disqualification.
  - (b) At least once every 12 months for all other individuals ~~clients~~.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.404, 411.704, 411.706, 412.014, 412.049, 413.085, 414.685, 414.826, 414.839

Statutes/Other. Implemented: ORS 409.010, 411.060, 411.070, 411.404, 411.704, 411.706, 412.014, 412.049, 413.085, 414.685, 414.826, 414.839, 42 CFR 435.916

### Child Care Benefit Eligibility and Payment; COVID-19

The provisions in this rule apply to child care benefits and requirements for child care providers in the ERDC and TANF programs.

- (1) The Department suspends the following rules or rule sections regarding the ERDC or TANF programs:
  - (a) OAR 461-155-0150(5)(a), (5)(c), (5)(e) through (5)(h), (12) through (14);
  - (b) OAR 461-160-0040(4);
  - (c) OAR 461-160-0193(2)(c);
  - (d) OAR 461-160-0300(2), (3)(b);
  - (e) OAR 461-135-0405(2)(e); and
  - (f) OAR 461-155-0150(3)(f), (3)(g).
- (2) The Department amends the following rule sections regarding the ERDC or TANF programs as provided in this rule:
  - (a) OAR 461-165-0160(2)(f),
  - (b) OAR 461-165-0180(13)(a)(A), and
  - (c) OAR 461-170-0160(1), (2), (3).
- (3) The ERDC monthly *countable income* (see OAR [461-001-0000](#)) standard is the 250 percent FPL or 85 percent state median income (SMI), whichever is higher, described under OAR 461-155-0180. To be eligible, the *countable income* of the *need group* (see OAR [461-110-0630](#)) must be less than:
  - (a) The standard listed for the number of individuals in the *need group* for groups of eight or fewer.
  - (b) The standard listed for eight individuals in the *need group* for groups of more than eight individuals.
- (4) Beginning the month of March 2020, the monthly copay is \$0 for the entirety of the *certification period* (see OAR 461-001-0000).

- (5) The Department shall pay for:
- (a) Absent days each month the child is absent. For the purposes of this rule, absent days will be paid for up to 31 days each month if:
    - (A) The child was scheduled to be in care,
    - (B) The provider bills for the time the child was scheduled to be in care, and
    - (C) It is the provider's policy to bill all families for absent days.
  - (b) Days a child is unable to attend care due to a temporary shutdown related to COVID-19 during the COVID-19 state of emergency period initiated by Executive Order 20-03 of the Governor of Oregon.
  - (c) Days a school-age child is attending child care and participating in distance learning due to concerns, school closures, or medical reasons related to COVID-19.
  - (d) For the months of September, October, and November of 2020; days a child is unable to attend care due to a temporary shutdown related to Oregon wildfires during the COVID-19 state of emergency period initiated by Executive Order 20-03 of the Governor of Oregon; if the location at which care is provided was in an:
    - (A) Evacuation Level 1, 2, or 3 area; or
    - (B) Area with an Air Quality Index of 101 or higher.
  - (e) A one-time supplemental payment of one of the following:
    - (A) In the amount of \$2,312.00 to child care providers who, at the time the Department completed the data pull on November 13, 2020, met the following criteria:
      - (i) Eligible for payment under OAR 461-165-0180,
      - (ii) Designation of a license-exempt standard family or enhanced family provider as identified by a *Standard Family Rate* provider type (see OAR 461-155-0150) or an *Enhanced Family Rate* provider type (see OAR 461-155-0150), and
      - (iii) Received a payment from the Department for child care provided during April, May, June, July, August, September, October, or November 2020.

- (B) In the amount of \$2,842.00 to child care providers who, at the time the Department completed the data pull on November 13, 2020, met the following criteria:
    - (i) Met all criteria in subparagraph (5)(e)(A)(i) through (iii) of this rule, and
    - (ii) Have not received an Emergency Child Care grant from the Oregon Department of Education, Early Learning Division for either phase one or phase two.
- (6) In addition to provisions in OAR 461-170-0160, an individual may apply for ERDC benefits using the Department approved “telephonic application” (see section (7) of this rule) and “narrated telephonic signature” (see section (8) of this rule) processes. An individual submitting a *telephonic application* must submit the application with a *narrated telephonic signature*.
- (7) A *telephonic application* is accepted when the following requirements are met:
  - (a) All ERDC program related questions on the application are answered.
  - (b) All information necessary to determine *eligibility* (see OAR 461-001-0000) and benefit amount is provided for each individual in the filing group (see OAR 461-110-0310).
  - (c) The applicant or their *authorized representative* (see OAR 461-115-0090) provides a *narrated telephonic signature* as defined in this rule.
- (8) A *narrated telephonic signature* is accepted for an application for ERDC benefits when the Department makes record that the following requirements are met:
  - (a) The “Your Rights and Responsibilities” form is reviewed and sent to the mailing address of the applicant.
  - (b) The following sections at the end of the application form are reviewed and sent to the mailing address of the applicant:
    - (A) “Information about all programs,” and
    - (B) “Information about your rights and responsibilities.”
  - (c) The applicant or their *authorized representative* affirms that they:
    - (A) Have heard and understand their rights and responsibilities;
    - (B) Agree to their rights and responsibilities;
    - (C) Have given true, correct, and complete information to the Department; and

- (D) State their full name as their signature.
- (d) The Department makes record of the *narrated telephonic signature*.
- (9) Notwithstanding OAR 461-165-0180(13)(a)(A), *legally exempt* (see OAR 461-165-0180) providers that are not a *legally exempt relative* (see OAR 461-165-0180) to all children in care must have an up-to-date infant and child CPR and first aid certification, within 90 days of approval by the Department. Online infant and child CPR trainings approved through the Oregon Registry will be accepted by the Department until July 31, 2021.
  - (a) Providers and their staff are not subject to the infant and child CPR and first aid certification renewal provisions if the training is not available in their preferred language.
  - (b) Individuals to whom subsection (9)(a) applies must complete the infant and child CPR and first aid certification within 60 days of the day the Governor of Oregon ends the COVID-19 state of emergency period initiated by Executive Order 20-03.
- (10) Providers who are approved by the Department on or before August 31, 2021, may receive retroactive payment prior to the Department approval date and beginning the date the following were met:
  - (a) The provider was approved through the Office of Child Care (OCC) as an Emergency Child Care provider due to the COVID-19 state of emergency, and
  - (b) The provider met all other Department provider requirements.
- (11) Providers who are not *legally exempt* are not eligible to receive payment from the Department if:
  - (a) Their application or approval to operate Emergency Child Care was denied, suspended, or revoked by OCC; or
  - (b) They voluntarily surrendered their Emergency Child Care approval while under investigation by the OCC or at any time after OCC gave them notice of any administrative proceeding.
- (12) Unless indicated otherwise in this rule, the provisions in this rule end on September 30, 2021~~the last day of the month in which the Governor of Oregon ends the COVID-19 state of emergency period initiated by Executive Order 20-03.~~

Statutory/Other Authority: ORS 84.001 to 84.061, 411.060, 411.070, 412.006, 412.049, 409.050, 131.715, 329a.500



Statutes/Other Implemented: ORS 84.001 to 84.061, 411.060, 411.070, 412.006, 412.049, 409.610, 411.122, 411.141, 418.485, 131.715, 329a.500

Categorical Eligibility for SNAP

(1) Individuals and categorical eligibility.

(a) Except as provided under section (c) of this section, an individual is categorically eligible for SNAP benefits:

(A) When they receive or are authorized to receive GA or SSI benefits;

(B) When deemed to be receiving SSI under Section 1619(a) or 1619(b) of the Social Security Act (42 U.S.C. 1382h(a) or (b)); or

(C) When they receive or are authorized to receive cash, in-kind benefits, or services either under Title IV-A of the Social Security Act or by the state as part of the TANF maintenance of effort:

(i) Employment Related Day Care (ERDC);

(ii) Temporary Assistance to Needy Families (TANF) cash assistance; and

(iii) TANF-related programs:

(I) Pre-TANF,

(II) TA-DVS,

(III) TANF-JOBS Plus,

(IV) Housing Stabilization Program through Housing and Community Services, and

(V) Employment Payments.

(b) For the purposes of categorical eligibility, every individual *filing group* (see OAR 461-110-0370) member:

(A) Of ERDC and TA-DVS programs are considered receiving the benefits of the program.

(B) Eligible for transition services or the TA-DVS program is considered receiving benefits for the entire period of eligibility even if benefits are not received during each month of that period.

(c) The following individuals shall not be categorically eligible for SNAP benefits:

(A) Those disqualified from receiving SNAP benefits because of an established intentional program violation under OAR 461-195-0611.

(B) The *primary person* (see OAR 461-001-0015) disqualified from receiving SNAP benefits for failure to comply with a SNAP employment and training requirement under OAR 461-130-0315.

(2) *Filing group* and categorical eligibility.

(a) Except as provided under subsections (b) and (c) of this section, a *filing group* is categorically eligible for SNAP benefits when:

(A) All members of the *filing group* are categorically eligible under section (1) of this rule; or

(B) The *filing group* meets all of the following:

(i) Has received, or will receive upon approval, the pamphlet about Information and Referral Services. The receipt of the Information and Referral services pamphlet by one member of the *filing group* is considered received by the entire group.

(ii) The *countable income* (see OAR 461-140-0010) is less than 185 percent of the federal poverty level (see OAR 461-155-0180).

(iii) The *filing group* has liquid assets from lottery or gambling winnings less than the resource limit listed in OAR 461-160-0015(7)(a). For the purposes of this rule, liquid assets are assets that are easily accessible and do not need to be sold to access their value.

(b) A *filing group* shall not be categorically eligible for SNAP benefits when a member of the *filing group* is not categorically eligible.

(c) A *filing group* that loses SNAP benefit *eligibility* (see OAR 461-001-0000) due to lottery or gambling winnings (see OAR 461-140-0262) is not eligible for SNAP benefits, or to have SNAP *eligibility* determined using categorical eligibility, until they meet financial *eligibility* under the following SNAP financial *eligibility* resource and income requirements (see OAR 461-160-0400):

(A) Resources must be below the resource limit set under OAR 461-160-0015,

- (B) Countable income (see OARs 461-001-0000 and 461-140-0010) must be below the countable income limit set at 130 percent of the federal poverty level under OAR 461-155-0180, and
          - (C) Adjusted income (see OAR 461-001-0000) must be below the adjusted income limit set at 100 percent of the federal poverty level under OAR 461-155-0180.
          - (D) This provision applies to all types of categorical eligibility.
          - (E) After a filing group regains eligibility for SNAP under this subsection, future eligibility may be determined using categorical eligibility.
  - (3) When a filing group contains both members who are categorically eligible for SNAP benefits and those who are not, a resource owned in whole or in part by a categorically eligible member is excluded.
  - (4) Presumed eligibility.
    - (a) If verified in a public assistance or medical assistance program, an individual found categorically eligible for the SNAP program is presumed to meet the following eligibility requirements, unless questionable:
      - (A) Social security number,
      - (B) U.S. Citizenship and Immigration Services sponsorship information, and
      - (C) Oregon residency.
    - (b) A filing group found categorically eligible for the SNAP program is presumed to meet the following financial eligibility resource and income requirements (see OAR 461-160-0400):
      - (A) Resource limit,
      - (B) Countable income limit, and
      - (C) Adjusted income limit.
- ~~(1) Except as provided under sections (2) and (3) of this rule, an individual is categorically eligible for SNAP benefits if the individual has countable income (see OAR 461-140-0010) less than 185 percent of the federal poverty level (see OAR 461-155-0180) and:~~
- ~~(a) Receives or is authorized to receive GA or SSI benefits;~~
  - ~~(b) Is deemed to be receiving SSI under Section 1619(a) or 1619(b) of the Social Security Act (42 U.S.C. 1382h(a) or (b)); or~~

- ~~(e) — Receives or is authorized to receive cash, in-kind benefits, or services funded either under Title IV-A of the Social Security Act or by the state as part of the TANF maintenance of effort, which includes:
  - ~~(A) — A pamphlet about Information and Referral Services;~~
  - ~~(B) — Employment Related Day Care (ERDC);~~
  - ~~(C) — Temporary Assistance to Needy Families (TANF) cash assistance; and~~
  - ~~(D) — TANF related programs:
    - ~~(i) — Pre TANF,~~
    - ~~(ii) — TA DVS,~~
    - ~~(iii) — TANF JOBS Plus,~~
    - ~~(iv) — Housing Stabilization Program through Housing and Community Services; and~~
    - ~~(v) — Employment Payments.~~~~~~
  
- ~~(2) — An individual may not be categorically eligible for SNAP benefits in either of the following circumstances:
  - ~~(a) — The individual is disqualified from receiving SNAP benefits because of an intentional program violation.~~
  - ~~(b) — The individual is a *primary person* (see OAR 461-001-0015) disqualified from receiving SNAP benefits for failure to comply with a SNAP employment and training requirement under OAR 461-130-0315.~~~~
  
- ~~(3) — A *filing group* (see OAR 461-110-0530) may not be categorically eligible for SNAP benefits in either of the following circumstances:
  - ~~(a) — The *filing group* has liquid assets from lottery or gambling winnings equal to or in excess of the resource limit listed in OAR 461-160-0015(7)(a). For the purposes of this rule, liquid assets are assets that are easily accessible and do not need to be sold to access their value.~~
  - ~~(b) — An applicant *filing group* that lost SNAP eligibility due to receipt of lottery or gambling winnings as described under (3)(a) of this rule.~~~~

- ~~(4) For an entire *filing group* to be categorically eligible for SNAP benefits, it must contain only clients who are categorically eligible. For the purpose of determining who is categorically eligible for SNAP benefits, in the ERDC and TA-DVS programs all members of the *filing group* are considered receiving the benefits of the program even if not all members receive the benefit. The receipt of the Information and Referral services pamphlet by an individual is considered received by the entire *filing group*.~~
- ~~(5) A *filing group* that is eligible for transition services or the TA-DVS program is considered receiving benefits for the entire period of eligibility even if benefits are not received during each month of that period.~~
- ~~(6) An individual categorically eligible for the SNAP program is presumed to meet the eligibility requirements for resources and countable and adjusted income limits. The individual is also presumed to meet the requirements for a social security number, sponsored alien information, and residency, if verified in a public assistance or medical assistance program.~~
- ~~(7) When a *filing group* contains both members who are categorically eligible for SNAP benefits and those who are not, a resource owned in whole or in part by a categorically eligible member is excluded.~~
- ~~(8) A *filing group* that has lost categorical eligibility due to lottery or gambling winnings under section (3) of this rule may not have *eligibility* (see OAR 461-001-0000) determined under categorical eligibility rules until they meet the following SNAP asset limits:~~
- ~~(a) Resource limit listed under OAR 461-160-0015(7)(a),~~
  - ~~(b) Countable income limit listed under OAR 461-155-0190, and~~
  - ~~(c) Adjusted income limit listed under OAR 461-155-0190.~~

Statutory/Other Authority: ORS 411.816

Statutes/Other Implemented: ORS 411.816, 7 CFR 273.11

(1) Individuals and categorical eligibility.

- (a) Except as provided under section (c) of this section, an individual is categorically eligible for SNAP benefits:
  - (A) When they receive or are authorized to receive GA or SSI benefits;
  - (B) When deemed to be receiving SSI under Section 1619(a) or 1619(b) of the Social Security Act (42 U.S.C. 1382h(a) or (b)); or
  - (C) When they receive or are authorized to receive cash, in-kind benefits, or services either under Title IV-A of the Social Security Act or by the state as part of the TANF maintenance of effort:
    - (i) Employment Related Day Care (ERDC);
    - (ii) Temporary Assistance to Needy Families (TANF) cash assistance; and
    - (iii) TANF-related programs:
      - (I) Pre-TANF,
      - (II) TA-DVS,
      - (III) TANF-JOBS Plus,
      - (IV) Housing Stabilization Program through Housing and Community Services, and
      - (V) Employment Payments.
- (b) For the purposes of categorical eligibility, every individual *filing group* (see OAR 461-110-0370) member:
  - (A) Of ERDC and TA-DVS programs are considered receiving the benefits of the program.
  - (B) Eligible for transition services or the TA-DVS program is considered receiving benefits for the entire period of eligibility even if benefits are not received during each month of that period.
- (c) The following individuals shall not be categorically eligible for SNAP benefits:

- (A) Those disqualified from receiving SNAP benefits because of an established intentional program violation under OAR 461-195-0611.
  - (B) The *primary person* (see OAR 461-001-0015) disqualified from receiving SNAP benefits for failure to comply with a SNAP employment and training requirement under OAR 461-130-0315.
- (2) *Filing group* and categorical eligibility.
- (a) Except as provided under subsections (b) and (c) of this section, a *filing group* is categorically eligible for SNAP benefits when:
    - (A) All members of the *filing group* are categorically eligible under section (1) of this rule; or
    - (B) The *filing group* meets all of the following:
      - (i) Has received, or will receive upon approval, the pamphlet about Information and Referral Services. The receipt of the Information and Referral services pamphlet by one member of the *filing group* is considered received by the entire group.
      - (ii) The *countable income* (see OAR [461-140-0010](#)) is less than 185 percent of the federal poverty level (see OAR [461-155-0180](#)).
      - (iii) The *filing group* has liquid assets from lottery or gambling winnings less than the resource limit listed in OAR 461-160-0015(7)(a). For the purposes of this rule, liquid assets are assets that are easily accessible and do not need to be sold to access their value.
  - (b) A *filing group* shall not be categorically eligible for SNAP benefits when a member of the *filing group* is not categorically eligible.
  - (c) A *filing group* that loses SNAP benefit *eligibility* (see OAR [461-001-0000](#)) due to lottery or gambling winnings (see OAR 461-140-0262) is not eligible for SNAP benefits, or to have SNAP *eligibility* determined using categorical eligibility, until they meet financial *eligibility* under the following SNAP financial *eligibility* resource and income requirements (see OAR 461-160-0400):
    - (A) Resources must be below the resource limit set under OAR 461-160-0015,
    - (B) *Countable income* (see OARs 461-001-0000 and 461-140-0010) must be below the *countable income* limit set at 130 percent of the federal poverty level under OAR 461-155-0180, except for a financial group (see OAR



461-110-0530) that includes an individual who is *elderly* (see OAR 461-001-0015) or has a *disability* (see OAR 461-001-0015), and

- (C) *Adjusted income* (see OAR 461-001-0000) must be below the *adjusted income* limit set at 100 percent of the federal poverty level under OAR 461-155-0180.
  - (D) This provision applies to all types of categorical eligibility.
  - (E) After a *filing group* regains *eligibility* for SNAP under this subsection, future *eligibility* may be determined using categorical eligibility.
- (3) When a *filing group* contains both members who are categorically eligible for SNAP benefits and those who are not, a resource owned in whole or in part by a categorically eligible member is excluded.
- (4) Presumed eligibility.
- (a) If verified in a public assistance or medical assistance program, an individual found categorically eligible for the SNAP program is presumed to meet the following eligibility requirements, unless questionable:
    - (A) Social security number,
    - (B) U.S. Citizenship and Immigration Services sponsorship information, and
    - (C) Oregon residency.
  - (b) A *filing group* found categorically eligible for the SNAP program is presumed to meet the following financial *eligibility* resource and income requirements (see OAR 461-160-0400):
    - (A) Resource limit,
    - (B) *Countable income* limit, and
    - (C) *Adjusted income* limit.

Statutory/Other Authority: ORS 411.816

Statutes/Other Implemented: ORS 411.816, 7 CFR 273.11

461-135-1501

Temporary

Eff. 7/22/21

Pandemic Electronic Benefits Transfer (P-EBT)

Pandemic-related Supplemental Nutrition Assistance Program; PSNAP

- (1) OARs 461-135-1501 through 461-135-1505 apply to Pandemic Electronic Benefits Transfer (P-EBT). Except as provided for in OARs 461-135-1501 through 461-135-1505, P-EBT is not subject to Chapter 461 rules.
  - (2) P-EBT is a food benefit intended to reimburse eligible individuals for the value of the free or reduced-priced meals and snacks usually provided at school or child care centers. Any person using an Electronic Benefits Transfer (EBT) card issued on behalf of a P-EBT eligible individual shall spend the P-EBT benefits to provide meals and snacks to the P-EBT eligible individual.
  - (3) Although P-EBT benefits are issued to an EBT account linked to an EBT card, P-EBT is separate and apart from the SNAP program.
  - (4) P-EBT is administered in partnership between ODHS and the Oregon Department of Education Child Nutrition Program.
  - (5) The following definitions apply to OAR 461-135-1501 to 461-135-1505:
    - (a) "FNS" refers to the Food and Nutrition Service, United States Department of Agriculture.
    - (b) "NSLP" refers to the National School Lunch Program.
    - (c) "NSLP school" refers to an Oregon public school, nonprofit private school, or residential child care institution that is a sponsor of the National School Lunch Program (NSLP).
    - (d) "NSLP students" refers to individuals enrolled in Oregon public schools, nonprofit private schools, or residential child care institutions that provide meal service as a sponsored National School Lunch Program (NSLP) school.
    - (e) "ODE" refers to the Oregon Department of Education.
    - (f) "P-EBT" refers to Pandemic Electronic Benefits Transfer.
    - (g) "SNAP participants" refers to individuals who are a member of a SNAP *benefit group* (see OAR 461-110-0750) that received more than \$0 in SNAP benefits.
- In the Pandemic-related Supplemental Nutrition Assistance Program (PSNAP):
- (1) The purpose of this rule is to set forth the policies for determining the activation of, eligibility for, and issuance of benefits under the PSNAP program for children certified

~~eligible to receive free and reduced price school lunch benefits during a pandemic-related school closure. This program may be activated and benefits issued for the period October 1, 2009 through September 30, 2010.~~

- ~~(2) The PSNAP program is activated when:
  - ~~(a) The school or school district notifies the Department of a school closure lasting a minimum of five consecutive school days due to pandemic-related illness; and~~
  - ~~(b) The school identifies each child participating in the free or reduced price school lunch program.~~~~
- ~~(3) When the PSNAP program has been activated, only households meeting the following requirements may qualify for PSNAP program benefits. The school or school district provides the following items to the Department:
  - ~~(a) The name of the parent (head of the household);~~
  - ~~(b) The address of the household; and~~
  - ~~(c) The name and date of birth for each child participating in the free or reduced price school lunch program.~~~~
- ~~(4) The Department matches the school data with the existing SNAP program files to identify which children are in households already participating in the SNAP or TANF programs. The Department deems these households to have EBT cards and does not send new EBT cards to them.~~
- ~~(5) The Department issues a new EBT card to each household in the school data that is not currently participating in a Department program via an EBT card.~~
- ~~(6) PSNAP program benefits are given to all eligible households for the expected five consecutive days of school closure.
  - ~~(a) The allotment amount is equal to the value of the school lunch multiplied by the number of lunches that will be missed. The value of the school lunch must be equal to the federal reimbursement rate for the lunch at the free rate.~~
  - ~~(b) A household may qualify for a second week of benefits when the school is closed for six or more consecutive school days.~~~~
- ~~(7) PSNAP program benefits are issued via an EBT account and restricted to the purchase of food only.~~

- (8) ~~PSNAP program benefits are issued to an eligible household within ten business days from the day the Department receives notice of the school closure and the school data. The benefits are issued no later than 45 days following the first day of the school closure.~~
- (9) ~~A household certified to receive PSNAP program benefits receives a written *decision notice* (see OAR 461-001-0000) which includes the reason for the PSNAP program benefits, the amount of the benefits, how the benefits may be used, and contested case hearing rights.~~

Statutory/Other Authority: ~~ORS 411.806–411.845~~816

Statutes/Other Implemented: ORS 411.816, PL 116-127, PL 116-159, PL 116-260, PL 117-2~~ORS 411.806–411.845~~

461-135-1502  
Application and Eligibility; P-EBT

Temporary Adopted Eff. 7/22/21

- (1) Apart from applying for free or reduced meals through ODE or an *NSLP school*, there is no application for P-EBT program period October 2020 through May 2021.
- (2) P-EBT eligibility is based upon and evaluated under two separate criteria, *NSLP students* and *SNAP participants*.
  - (a) Individuals who were homeschooled or enrolled in a school that does not participate in the NSLP are not eligible for P-EBT.
  - (b) *NSLP students* who were determined eligible for free or reduced meals under Oregon's Extended Income Limits, and were not *SNAP participants* for at least one month between October 2020 and May 2021, are not eligible for P-EBT.
  - (c) *NSLP student-based P-EBT*: P-EBT eligibility for *NSLP students* is determined by the *NSLP school* and is based on the individual meeting one of the following criteria, or receiving services from one of the following programs, for any months beginning October 2020 through the 2020-21 school year:
    - (A) Determined income eligible based on NSLP eligibility criteria as determined by ODE, the local education agency, or a state agency that ODE has designated to determine student eligibility for P-EBT;
    - (B) *SNAP participant* or a member of a TANF program *benefit group* (see OAR 461-110-0750);
    - (C) Placement in foster care;
    - (D) Food Distribution Program on "Indian" Reservations (FDPIR);
    - (E) Migrant Education Program (MEP); or
    - (F) McKinney-Vento Act's Education of Homeless Children and Youth Program.
  - (d) *SNAP Participant-based P-EBT*: P-EBT eligibility for children ages six years old and younger is determined by ODHS and evaluated in two separate age groups, children ages five and younger and children age six years old. P-EBT eligibility begins the month the child became a *SNAP participant*.
    - (A) Children ages five years and younger are eligible for P-EBT if they were a *SNAP participant* for at least one month between October 2020 and May 2021.

- (B) Children age six years old are eligible for P-EBT by meeting the following for at least one month between October 2020 and May 2021:
- (i) *SNAP participant*,
  - (ii) Not enrolled in school (except for an *NSLP school*, and in such case, eligibility is determined under subsection (c) of this rule), and
  - (iii) Enrolled in a child care center that reduced hours or attendance due to a designated public health emergency. A caretaker of the child shall provide verification of the enrollment and child care center's reduced hours or attendance. A verbal statement is acceptable verification.

Statutory/Other Authority: ORS 411.816

Statutes/Other Implemented: ORS 411.816, PL 116-127, PL 116-159, PL116-260, PL 117-2

No previous rule versions.

## Benefit Amount and Issuance of Benefit; P-EBT

- (1) P-EBT Benefit Standard and Determination
  - (a) The full P-EBT benefit standard is \$136 monthly.
  - (b) The partial P-EBT benefit standard is \$75 monthly.
  - (c) The P-EBT benefit amount is evaluated on a month-by-month basis and may vary from month to month. The September 2020 P-EBT benefit amount is evaluated under subsection (2)(d) of this rule.
  - (d) *NSLP students* - Each *NSLP school* determines a P-EBT benefit amount for each month. This amount applies to all *NSLP students* of the school who are P-EBT eligible (see OAR 461-135-1502) during that month.
  - (e) *SNAP participants* - Children ages six and younger shall receive, for each month they are P-EBT eligible (see OAR 461-135-1502), the greater of the P-EBT benefit amount determined by any *NSLP school* in the county in which the child:
    - (A) Resided, or
    - (B) Attended child care, unless a statewide order is present which closed or reduced attendance statewide at child care centers.
- (2) P-EBT Benefit Amount; Program Period October 2020 through May 2021 and September 2020 Supplement -
  - (a) Full P-EBT benefit of \$136 - An *NSLP school* shall determine a full P-EBT benefit amount for a month in which the majority of *NSLP students* attended comprehensive distance learning, or breakfast and lunch meal service was not provided on-site.
  - (b) Partial P-EBT benefit of \$75 - An *NSLP school* shall determine a partial P-EBT benefit amount for a month in which 75 percent or greater of *NSLP students* attended both onsite and virtual through a hybrid learning model and breakfast and lunch meal service was provided on-site.
  - (c) No P-EBT benefit - An *NSLP school* shall determine a zero P-EBT benefit amount when *NSLP students* attended school on-site and breakfast and lunch meal service was provided.
  - (d) The P-EBT benefit supplement for September 2020 is evaluated by subtracting the P-EBT benefit amount issued during September 2020 from \$136. The

difference is the supplement. If the difference is zero, or less than zero, no P-EBT benefit supplement is issued.

- (3) P-EBT benefits for program period October 2020 through May 2021, and the September 2020 supplement, shall be issued as follows on a date determined by ODHS:
  - (a) P-EBT benefits for the months of October, November, and December 2020 shall be issued in July 2021.
  - (b) P-EBT benefits for the months of January, February, and March 2021 shall be issued in August 2021.
  - (c) P-EBT for the months of April and May 2021, and the supplement for September 2020, shall be issued in September 2021.
  - (d) P-EBT benefits, once issued, shall not be transferred to another EBT account.

Statutory/Other Authority: ORS 411.816

Statutes/Other Implemented: ORS 411.816, PL 116-127, PL 116-159, PL116-260, PL 117-2

No previous rule versions.



- (1) P-EBT benefit eligibility is based solely on the individual circumstances of the student or child, therefore, P-EBT benefits issued to an EBT account are to be used to provide meals and snacks for the P-EBT eligible individual, except for,
  - (a) When the P-EBT eligible individual has passed away, or
  - (b) When the P-EBT eligible individual is a *SNAP participant* at the time of P-EBT issuance, but not residing with the *benefit group* (see OAR 461-110-0750).
- (2) P-EBT benefits, once issued, shall not be transferred to a new EBT account.
- (3) P-EBT benefit EBT accounts that are not also the EBT account of a SNAP case, shall have only one active EBT card at a time. When a new EBT card is issued, the previous EBT card shall be cancelled.
- (4) When an individual age six and younger is found eligible for “*SNAP participant*-based P-EBT” under subsection (2)(d) of OAR 361-135-1502, EBT accounts and EBT cards are handled as follows:
  - (a) P-EBT benefits are issued to the existing EBT account of the *SNAP benefit group*, and
  - (b) No additional EBT card is issued, unless
  - (c) A *primary person* (see OAR 461-001-0015) in the *SNAP benefit group* requests P-EBT benefits be issued separately. When this occurs:
    - (A) An EBT account is established in the name of the P-EBT eligible child, and
    - (B) An EBT card linked to the EBT account is sent to the address of the *primary person*.
- (5) When an individual is found eligible for “*NSLP student*-based P-EBT” under subsection (2)(c) of OAR 361-135-1502, EBT accounts and EBT cards are handled as follows:
  - (a) *NSLP students* who are also *SNAP participants*-
    - (A) P-EBT benefits are issued to the existing EBT account of the *SNAP benefit group*, and
    - (B) No additional EBT card is issued, unless

- (i) The Department determines an EBT card shall be issued to a different caretaker of the *NSLP student* under section (6) of this rule, or
      - (ii) A *primary person* (see OAR 461-001-0015) in the SNAP *benefit group* requests P-EBT benefits be issued separately.
    - (C) When paragraph (B) of this subsection occurs,
      - (i) An EBT account is established in the name of the P-EBT eligible child, and
      - (ii) An EBT card linked to the EBT account is sent to the caretaker or *primary person*, as determined appropriate by ODHS.
  - (b) All other *NSLP students*-
    - (A) An EBT account is established in the name of the *NSLP student*,
    - (B) An EBT card linked to the EBT account is sent to the address (reported to ODHS by ODE) of the *NSLP student*,
    - (C) Caretakers of the *NSLP student* will ensure the EBT card follows the P-EBT eligible individual, and
    - (D) No additional EBT card is issued, unless the Department determines an EBT card shall be issued to a different caretaker of the *NSLP student* under section (6) of this rule.
- (6) The Department may issue a new EBT card when a caretaker reports to ODHS they are the primary caretaker and meal provider of an *NSLP student* and requests access to the individual's P-EBT benefits, as follows:
- (a) The Department shall only make this evaluation and new EBT card issuance for individuals with *NSLP student*-based P-EBT (see OAR 461-135-1502(2)(c)).
  - (b) *NSLP students* whose P-EBT benefits are issued to the EBT account of a SNAP *benefit group*:
    - (A) Access to remaining P-EBT benefits issued to the EBT account of a SNAP *benefit group* is not permitted.
    - (B) Access to future P-EBT benefit issuances shall begin when the Department establishes an EBT account in the name of the *NSLP student*, issues a new EBT card to the primary caretaker, and completes all

required changes in the system.

- (C) A request for P-EBT benefit access made by the 10<sup>th</sup> of a month may result in access to the P-EBT benefits issued in the following month.
- (c) *NSLP students* whose P-EBT benefits are issued to an EBT account in the student's name:
  - (A) Access to remaining P-EBT benefits begins on the date the Department issues the new EBT card. When a new EBT card is issued to a caretaker under this section, the previous EBT card is cancelled and access to any remaining P-EBT benefits through the cancelled card ends immediately.
  - (B) Access to future P-EBT benefit issuances shall begin on the date the Department issues the new EBT card.
- (d) Evaluating a caretaker request for access to *NSLP student*-based P-EBT-
  - (A) There is a rebuttable presumption that the below individuals are the primary caretaker and meal provider:
    - (i) A caretaker granted sole legal custody,
    - (ii) An individual who has adopted the child,
    - (iii) The parent or guardian of a student temporarily away at school (e.g. attending boarding school) or a child attending but not residing at a Residential Child Care Institution, or
    - (iv) An emancipated child or a child independently responsible for their basic needs.
  - (B) When a request to access P-EBT comes from parents granted joint custody or an individual not listed in subsection (e) of this section, the Department shall request reasonable verification to assist in determining who is the primary caretaker and meal provider of the *NSLP student*. This may include, but is not limited to, parenting time schedules, statement from a healthcare or other professional, or a written affidavit from the caretaker.
- (e) No notice is sent when access to the P-EBT benefits of an *NSLP student* is changed.

Statutory/Other Authority: ORS 411.816

Statutes/Other Implemented: ORS 411.816, PL 116-127, PL 116-159, PL116-260, PL 117-2

No previous rule versions.



- (1) Excepting an *overpayment* (see OAR 461-195-0501) or an intentional program violation (see OAR 461-195-0601), there is no right to a contested case hearing to dispute P-EBT and no right to continuing benefits. The Department adopts the general hearings rule provisions (see division 025 of Chapter 461) for allowed contested case hearings.
- (2) The Department adopts the SNAP program intentional program violation rule provisions (see OARs 461-195-0601 through 461-195-0621) for P-EBT when an individual:
  - (a) Accesses or uses P-EBT benefits outside of intended access or use under OARs 461-135-1501(2) or 461-135-1504(1),
  - (b) Makes a false or misleading statement; misrepresents, conceals or withholds a fact relating to use, presentation, transfer, acquisition, receipt, or possession; or traffics P-EBT (as defined under “trafficking” (see OAR 461-195-0601(2)(b)) for the SNAP program), or
  - (c) Commits any act that constitutes a violation of P-EBT FNS regulations, or any state statute relating to the use, presentation, transfer, acquisition, receipt, possession, or trafficking of benefits.
- (3) The Department adopts the SNAP program *overpayment* rule provisions in OARs 461-195-0501 through 461-195-0621 for P-EBT when an intentional program violation is established.

Statutory/Other Authority: ORS 411.816

Statutes/Other Implemented: ORS 411.816, PL 116-127, PL 116-159, PL116-260, PL 117-2

No previous rule versions.

In the SNAP Program:

- (1) A *filing group* (see OAR 461-110-0370) shall immediately lose SNAP benefit *eligibility* (see OAR 461-001-0000), and be sent proper *decision notice* (see OAR 461-001-0000), due to lottery or gambling winnings when an individual in the *filing group*, through a single lottery or gambling game:
  - (a) Wins a cash prize, and
  - (b) The amount of the winnings, before taxes or other amounts are withheld, is equal to or in excess of the resource limit listed under subsection (7)(a) of OAR 461-160-0015.
  
- (2) A *filing group* that loses SNAP benefit *eligibility* (see OAR 461-001-0000) under section (1) of this rule is not eligible for SNAP benefits, or to have SNAP *eligibility* determined using categorical eligibility, until they meet financial *eligibility* under the following SNAP resource and income requirements (see OAR 461-160-0400):
  - (a) Resources must be below the resource limit set under OAR 461-160-0015,
  - (b) *Countable income* (see OARs 461-001-0000 and 461-140-0010) must be below the *countable income* limit set at 130 percent of the federal poverty level under OAR 461-155-0180, and
  - (c) *Adjusted income* (see OAR 461-001-0000) must be below the *adjusted income* limit set at 100 percent of the federal poverty level under OAR 461-155-0180.
  - (d) This provision applies to all types of categorical eligibility (see OAR 461-135-0505).

Statutory/Other Authority: ORS 411.816

Statutes/Other Implemented: ORS 411.816, 7 CFR 273.11

7/1401/21

## Loss of Eligibility Due to Lottery or Gambling Winnings, SNAP

## In the SNAP Program:

- (1) A *filing group* (see OAR 461-110-0370) shall immediately lose SNAP benefit *eligibility* (see OAR 461-001-0000), and be sent proper *decision notice* (see OAR 461-001-0000), due to lottery or gambling winnings when an individual in the *filing group*, through a single lottery or gambling game:
  - (a) Wins a cash prize, and
  - (b) The amount of the winnings, before taxes or other amounts are withheld, is equal to or in excess of the resource limit listed under subsection (7)(a) of OAR 461-160-0015.
- (2) A *filing group* that loses SNAP benefit *eligibility* (see OAR 461-001-0000) under section (1) of this rule is not eligible for SNAP benefits, or to have SNAP *eligibility* determined using categorical eligibility, until they meet financial *eligibility* under the following SNAP resource and income requirements (see OAR 461-160-0400):
  - (a) Resources must be below the resource limit set under OAR 461-160-0015,
  - (b) *Countable income* (see OARs 461-001-0000 and 461-140-0010) must be below the *countable income* limit set at 130 percent of the federal poverty level under OAR 461-155-0180, except for a *financial group* (see OAR 461-110-0530) that includes an individual who is *elderly* (see OAR 461-001-0015) or has a *disability* (see OAR 461-001-0015), and
  - (c) *Adjusted income* (see OAR 461-001-0000) must be below the *adjusted income* limit set at 100 percent of the federal poverty level under OAR 461-155-0180.
  - (d) This provision applies to all types of categorical eligibility (see OAR 461-135-0505).

Statutory/Other Authority: ORS 411.816

Statutes/Other Implemented: ORS 411.816, 7 CFR 273.11

461-145-0140

Temporary

Eff. ~~10-1-17~~/05/2021

Earned Income Tax Credit (EITC) and Child Tax Credit

~~There are federal and state earned income tax credit (EITC) programs for low-income families.~~

(1) There are federal and state earned income tax credit (EITC) programs for low-income families.

(a) An EITC may be ~~received~~ claimed in one of two ways:

(Aa) ~~As one annual payment received at the time of the normal an~~ income tax returns is filed with the Internal Revenue Service (IRS).

(Bb) As an advance in the employee's paycheck.

(b2) The EITC is excluded from *assets* (see OAR 461-001-0000) in the month of receipt and then for a maximum of 12 calendar full months starting with the month following the month of receipt of the refund or payment. All funds remaining after the 12-month period are counted as a resource.

(2) The Child Tax Credit is determined and administered by the IRS.

(a) A Child Tax Credit may be claimed in one of two ways:

(A) At the time an income tax return is filed with the IRS.

(B) As monthly advance Child Tax Credit payments from the IRS.

(b) The Child Tax Credit is excluded from *assets* in the month of receipt and then for a maximum of 12 calendar full months starting with the month following the month of receipt of the refund or payment. All funds remaining after the 12-month period are counted as a resource.

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

Statutes/Other Stats. Implemented: ORS 329A.500, 4090.010, 411.060, 411.083, 411.404, 411.706, 411.816, 412.049, 414.231



- (1) For the purposes of this rule:
  - (a) “Gifts” are items given to or received by an individual on or for a special occasion, such as a holiday, birthday, graduation, or wedding. “Gifts” are not given or received on a regular basis.
  - (b) “Winnings” are prizes given to an individual in a contest, game of chance, or similar event. “Winnings” in the form of money may be distributed monthly, periodically (such as ~~monthly~~quarterly), or in a ~~lump-sum~~single payment.
- (2) In all programs, gambling losses are not subtracted from gambling winnings (see section (1) of this rule) in determining the individual’s countable (see OAR 461-001-0000) income.
- (3) In the ERDC program, gifts (see section (1) of this rule) and winnings (see section (1) of this rule) are excluded.
- (4) In the OSIP, OSIPM, and QMB programs, except as provided otherwise in section (7) of this rule:
  - (a) In-kind gifts and winnings are treated according to the rule applicable to the specific type of asset, except for, if an individual is offered a choice between an in-kind item and cash, the cash amount is considered unearned income, even if the individual chooses the in-kind item and regardless of the value, if any, of the in-kind item.
  - (b) The value of gifts and winnings in the form of cash are treated as periodic income (see OARs 461-001-0000 and 461-140-0110) or lump-sum income (see OARs 461-001-0000 and 461-140-0120).
  - (c) The value of a gift card or certificate is considered income in the month it is received if the gift card or certificate can be used to purchase food or shelter or can be resold. There is a rebuttable presumption that the gift card can be resold.
  - (d) Monetary gifts given for educational purposes are treated in accordance with OAR 461-145-0145.
- (5) In the SNAP program, except as provided otherwise in section (7) of this rule,
  - (a) A filing group immediately loses SNAP benefit eligibility due to lottery or gambling winnings when provisions of section (1) of OAR 461-140-0262 are met.

(b) In-kind gifts and winnings are treated according to the rule applicable to the specific type of asset.

(c) Gifts and winnings, except cash prizes from lottery or gambling subject to section (1) of OAR 461-140-0262, in the form of money or credit card company gift cards are treated as periodic or lump-sum income (see OAR 461-140-0110 and 461-140-0120).

(d) Establishment-specific gift cards are excluded from *assets* (see OAR 461-001-0000).

(6) In all programs except the ERDC, OSIP, OSIPM, QMB, and SNAP programs and except as provided otherwise in sections ~~(74)~~ and ~~(5)~~ of this rule:

(a) In-kind *gifts* and *winnings* are treated according to the rule applicable to the specific type of asset. ~~In the OSIP, OSIPM, and QMB programs, if an individual is offered a choice between an in-kind item and cash, the cash amount is considered unearned income, even if the individual chooses the in-kind item and regardless of the value, if any, of the in-kind item.~~

(b) *Gifts* and *winnings* in the form of money or credit card company gift cards are treated as periodic or lump-sum income (see OAR 461-140-0110 and 461-140-0120). ~~In the OSIP, OSIPM, and QMB programs, gambling losses are not subtracted from gambling winnings in determining the individual's *countable* (see OAR 461-001-0000) income.~~

(c) ~~In all programs except the OSIP, OSIPM, and QMB programs, e~~Establishment-specific gift cards are excluded as income and not considered a resource.

~~(d) In the OSIP, OSIPM, and QMB programs, the value of a gift card or certificate is considered income in the month it is received if the gift card or certificate can be used to purchase food or shelter or can be resold. There is a rebuttable presumption that the gift card can be resold.~~

(74) For employment-related ~~item~~*gifts or winnings*, see OAR 461-145-0130.

~~(5) In the OSIP, OSIPM, and QMB programs, monetary gifts given for educational purposes are treated in accordance with OAR 461-145-0145.~~

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049, 413.085, 414.685

Statutes/Other Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.404, 411.700, 411.706, 411.816, 412.014, 412.049

- (1) For the purposes of this rule:
  - (a) “Gifts” are items given to or received by an individual on or for a special occasion, such as a holiday, birthday, graduation, or wedding. “Gifts” are not given or received on a regular basis.
  - (b) “Winnings” are prizes given to an individual in a contest, game of chance, or similar event. “Winnings” in the form of money may be distributed in different payment frequencies, such as monthly, periodically (such as quarterly), or in a single payment.
- (2) In all programs, gambling losses are not subtracted from gambling *winnings* (see section (1) of this rule) in determining the individual’s *countable* (see OAR 461-001-0000) income.
- (3) In the ERDC program, *gifts* (see section (1) of this rule) and *winnings* are excluded.
- (4) In the OSIP, OSIPM, and QMB programs, except as provided otherwise in section (7) of this rule:
  - (a) In-kind *gifts* and *winnings* are treated according to the rule applicable to the specific type of asset, except for, if an individual is offered a choice between an in-kind item and cash, the cash amount is considered unearned income, even if the individual chooses the in-kind item and regardless of the value, if any, of the in-kind item.
  - (b) The value of *gifts* and *winnings* in the form of cash are treated in accordance with the rule applicable to the payment frequency: stable income under OAR 461-150-0070, variable income under OAR 461-150-0080, periodic income under OAR 461-140-0110, or lump-sum income under OAR 461-140-0120.~~as periodic income (see OARs 461-001-0000 and 461-140-0110) or lump-sum income (see OARs 461-001-0000 and 461-140-0120).~~
  - (c) The value of a gift card or certificate is considered income in the month it is received if the gift card or certificate can be used to purchase food or shelter or can be resold. There is a rebuttable presumption that the gift card can be resold.
  - (d) Monetary *gifts* given for educational purposes are treated in accordance with OAR 461-145-0145.
- (5) In the SNAP program, except as provided otherwise in section (7) of this rule,

- (a) A filing group immediately loses SNAP benefit eligibility due to lottery or gambling winnings when provisions of section (1) of OAR 461-140-0262 are met.
  - (b) In-kind ~~gifts~~*gifts* and ~~winnings~~*winnings* are treated according to the rule applicable to the specific type of asset.
  - (c) ~~Gifts~~*Gifts* and ~~winnings~~*winnings*, except cash prizes from lottery or gambling subject to section (1) of OAR 461-140-0262, in the form of money or credit card company gift cards are treated in accordance with the rule applicable to the payment frequency: stable income under OAR 461-150-0070, variable income under OAR 461-150-0080, periodic income under OAR 461-140-0110, or lump-sum income under OAR 461-140-0120.~~as periodic or lump-sum income (see OAR 461-140-0110 and 461-140-0120).~~
  - (d) Establishment-specific gift cards are excluded from *assets* (see OAR 461-001-0000).
- (6) In all programs except the ERDC, OSIP, OSIPM, QMB, and SNAP programs and except as provided otherwise in section (7) of this rule:
- (a) In-kind *gifts* and *winnings* are treated according to the rule applicable to the specific type of asset.
  - (b) *Gifts* and *winnings* in the form of money or credit card company gift cards are treated in accordance with the rule applicable to the payment frequency: stable income under OAR 461-150-0070, variable income under OAR 461-150-0080, periodic income under OAR 461-140-0110, or lump-sum income under OAR 461-140-0120.~~as periodic or lump-sum income (see OAR 461-140-0110 and 461-140-0120).~~
  - (c) Establishment-specific gift cards are excluded as income and not considered a resource.
- (7) For employment-related *gifts* or *winnings*, see OAR 461-145-0130.

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049, 413.085, 414.685

Statutes/Other Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.404, 411.700, 411.706, 411.816, 412.014, 412.049

## Child Care Eligibility Standard, Payment Rates, and Copayments

The following provisions apply to child care in the ERDC, JOBS, JOBS Plus, and TANF programs:

- (1) The following definitions apply to the rules governing child care rates:
  - (a) Infant: For all providers other than licensed (registered or certified) care, a child aged newborn to 1 year. For licensed care, an infant is a child aged newborn to 2 years.
  - (b) Toddler: For all providers other than licensed (registered or certified) care, a child aged 1 year to 3 years. For licensed care, a toddler is a child aged 2 years to 3 years.
  - (c) Preschool: A child aged 3 years to 6 years.
  - (d) School: A child aged 6 years or older.
  - (e) Special Needs: A child who meets the age requirement of the program (ERDC or TANF) and who requires a level of care over and above the norm for ~~his or her~~ ~~their~~ age due to a physical, behavioral, or mental disability. The disability must be verified by one of the following:
    - (A) A physician, nurse practitioner, clinical social worker, or any additional sources in OAR 461-125-0830.
    - (B) Eligibility for Early Intervention and Early Childhood Special Education Programs, or school-age Special Education Programs.
    - (C) Eligibility for SSI.
- (2) The following definitions apply to the types of care specified in the child care rate charts in subsections (4)(a) through (4)(c) of this rule:
  - (a) The *Standard Family Rate* applies to child care provided in the provider's own home or in the home of the child when the provider does not qualify for the enhanced rate allowed by subsection (b) of this section.
  - (b) The *Enhanced Family Rate* applies to child care provided in the provider's own home or in the home of the child when the provider meets the training requirements of the Oregon Registry, established by the Oregon Center for Career Development in Childhood Care and Education.

- (c) The *Registered Family Rate* applies to child care provided in the provider's own home when the provider meets criteria established by the Office of Child Care.
  - (d) The *Certified Family Rate* applies to child care provided in a residential dwelling that is certified by the Office of Child Care as a Certified Family Home. To earn this designation, the facility must be inspected, and both provider and facility are required to meet certain standards not required of a registered family provider.
  - (e) The *Standard Center Rate* applies to child care provided in a facility that is not located in a residential dwelling and is exempt from Office of Child Care Certification rules (see OAR 414-300-0000).
  - (f) The *Enhanced Center Rate* applies to child care provided in an exempt center whose staff meet the training requirements of the Oregon Registry established by the Oregon Center for Career Development in Childhood Care and Education. Eligibility to receive the enhanced center rate for care provided in an exempt center is subject to the following requirements:
    - (A) A minimum of one staff member for every 20 children in care must meet the Oregon Registry training requirements noted in subsection (b) of this section.
    - (B) New staff must meet the Oregon Registry training requirements within 90 days of hire, if necessary to maintain the trained staff-to-children ratio described in paragraph (A) of this subsection.
    - (C) There must be at least one person present where care is provided who has a current certificate in infant and child CPR and a current American Red Cross First Aid card or an equivalent.
  - (g) An enhanced rate will become effective not later than the second month following the month in which the Department receives verification that the provider has met the requirements of subsection (b) or (f) of this section.
  - (h) The *Certified Center Rate* applies to child care provided in a center that is certified by the Office of Child Care or participating in the Alternative Pathway program through the Office of Child Care.
- (3) The following provisions apply to child care payments:
- (a) Providers not eligible for the enhanced or licensed rate will be paid at an hourly rate for children in care less than 158 hours per month subject to the maximum full-time monthly rate.
  - (b) Providers eligible for the enhanced or licensed rate will be paid at an hourly rate for children in care less than 136 hours a month, unless the provider customarily

bills all families at a part-time monthly rate subject to the maximum full-time monthly rate and is designated as the primary provider for the case.

- (c) At their request, providers eligible for the enhanced or licensed rate may be paid at the part-time monthly rate if they provide 63 or more hours of care in the month, customarily bill all families at a part-time monthly rate, and are designated as the primary provider for the case.
- (d) Unless required by the circumstances of the client or child, the Department will not pay for care at a part-time monthly or a monthly rate to more than one provider for the same child for the same month.
- (e) The Department will pay at the hourly rate for less than 63 hours of care in the month subject to the maximum full-time monthly rate.
- (f) The Department will pay for absent days each month the child is absent. ~~For all providers receiving payment under the TANF program, absent days are limited to up to five days each month. For all providers receiving payment under the ERDC program except Certified Centers certified by the Office of Child Care, absent days are limited to up to five days each month. For Certified Centers receiving payment under the ERDC program, absent days are limited to up to 30 days each month if the child has attended one day of care in the facility for that month.~~ Absent days can be billed if:
  - (A) The child was scheduled to be in care and the provider bills for the amount of time the child was scheduled to be in care; and
  - (B) It is the provider's policy to bill all families for absent days.
- (g) ~~For all providers receiving payment under the TANF program and for all providers except Certified Centers receiving payment under the ERDC program, the Department will not pay for more than five consecutive days of scheduled care for which the child is absent.~~
- ~~(h)~~ Child care providers are eligible to receive an incentive payment upon achieving and maintaining a three star or higher rating with the Quality Rating Improvement System (QRIS) subject to all of the following provisions.
  - (A) The incentive payment is in addition to the Department maximum rate.
  - (B) A provider may receive an incentive payment for any ERDC child that the Department paid the provider for full-time care (136 hours or more).
  - (C) Providers who are contracted for child care services through the ERDC program are not eligible to receive incentive payments, with the exception of Early Head Start providers.

- (D) Eligibility for the incentive payment is effective the month after the QRIS rating has been achieved.
- (E) The incentive payment amount is based on the provider's star QRIS rating as follows:

Star Rating.....	Amount
3.....	\$54
4.....	\$72
5.....	\$90

- (hi) In the ERDC program, child care providers eligible for the licensed rate may receive payment from the Department for registration and other fees if they are required by the facility for a child to begin or continue care and the fees are also required of the general public. Fees related to penalties, fines, charges exceeding approved ERDC hours or rates (see section (4) of this rule), or advance payment for cost of care are not eligible for payment.
- (ij) In the ERDC program, child care providers are eligible to receive an incentive payment for *alternative hour care* (see subparagraph (B)(i) of this subsection) subject to all of the following provisions:
  - (A) *Alternative hour care* incentives are limited to care provided between January 1, 2019 and September 30, 2019.
  - (B) For the purposes of this rule:
    - (i) “Alternative hour care” means child care conducted between the hours of 7:00 P.M. and 6:00 A.M. Monday through Friday or any hours conducted Saturday or Sunday.
    - (ii) A “qualifying child” is a child in alternative hour care for at least 20 hours per calendar month.
  - (C) Providers must submit the appropriate request form to the Direct Pay Unit no later than October 15, 2019.
  - (D) Incentive payments are \$250 for each *qualifying child* (see subparagraph (B)(ii) of this subsection) in *alternative hour care* at least 20 hours per calendar month or \$500 for each *qualifying child* in *alternative hour care* at least 40 hours per calendar month.
  - (E) Incentive payments are subject to limitations of state funding.



- (4) The following are the child care rates based on the type of provider, the location of the provider (shown by zip code), the age of the child, and the type of billing used (hourly or monthly):

(a)

Group Area A  
STANDARD RATE MAXIMUMS (Not Licensed)

	Standard Family Rate		Standard Center Rate	
	1-157 Hours per month	158-215 Hours per month	1-157 Hours per month	158-215 Hours per month
	Hourly	Monthly	Hourly	Monthly
Infant	\$3.52	\$651	\$9.00	\$1,061
Toddler	\$3.47	\$625	\$5.25	\$1,053
Preschool	\$3.47	\$586	\$5.06	\$795
School	\$3.47	\$586	\$4.50	\$641
Special Needs	\$3.52	\$651	\$9.00	\$1,061

ENHANCED RATE MAXIMUMS (Not Licensed)

	Enhanced Family Rate			Enhanced Center Rate		
	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month
	Hourly	Part-time	Monthly	Hourly	Part-time	Monthly
Infant	\$3.78	\$512	\$683	\$10.20	\$902	\$1,203
Toddler	\$3.57	\$492	\$656	\$5.95	\$895	\$1,193
Preschool	\$3.57	\$465	\$620	\$5.74	\$676	\$901
School	\$3.51	\$450	\$600	\$5.10	\$545	\$727
Special Needs	\$3.78	\$512	\$683	\$10.20	\$902	\$1,203

LICENSED RATE MAXIMUMS

	Registered Family Rate			Certified Family Rate			Certified Center Rate		
	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month
	Hourly	Part-time	Monthly	Hourly	Part-time	Monthly	Hourly	Part-time	Monthly
Infant	\$4.00	\$600	\$800	\$6.00	\$941	\$1,254	\$12.00	\$1,061	\$1,415
Toddler	\$4.00	\$563	\$750	\$6.00	\$855	\$1,140	\$7.00	\$1,053	\$1,404
Preschool	\$3.67	\$548	\$730	\$5.05	\$750	\$1,000	\$6.75	\$795	\$1,060
School	\$3.70	\$458	\$610	\$4.70	\$563	\$750	\$6.00	\$641	\$855
Special Needs	\$4.00	\$600	\$800	\$6.00	\$941	\$1,254	\$12.00	\$1,061	\$1,415

Zip Codes for Group Area A:  
Portland, Bend, Eugene, Corvallis, Springfield, Monmouth and Ashland areas

97003	97004	97005	97006	97007	97008	97009	97010	97013	97014	97015	97019
97022	97023	97024	97027	97028	97030	97031	97034	97035	97036	97041	97045

97051	97055	97056	97060	97062	97064	97068	97070	97080	97086	97089	97106
97109	97112	97113	97116	97119	97123	97124	97125	97132	97133	97135	97140
97149	97201	97202	97203	97204	97205	97206	97209	97210	97211	97212	97213
97214	97215	97216	97217	97218	97219	97220	97221	97222	97223	97224	97225
97227	97229	97230	97231	97232	97233	97236	97239	97242	97258	97266	97267
97268	97286	97292	97330	97331	97333	97339	97351	97361	97371	97376	97401
97402	97403	97404	97405	97408	97454	97455	97477	97478	97482	97520	97525
97701	97702	97703	97707	97708	97709	97078					

(b)

Group Area B  
STANDARD RATE MAXIMUMS (Not Licensed)

	Standard Family Rate		Standard Center Rate	
	1-157 Hours per month	158-215 Hours per month	1-157 Hours per month	158-215 Hours per month
	Hourly	Monthly	Hourly	Monthly
Infant	\$3.05	\$520	\$3.75	\$641
Toddler	\$3.05	\$499	\$3.75	\$589
Preschool	\$2.89	\$494	\$3.00	\$510
School	\$2.89	\$480	\$3.30	\$431
Special Needs	\$3.05	\$520	\$3.75	\$641

ENHANCED RATE MAXIMUMS (Not Licensed)

	Enhanced Family Rate			Enhanced Center Rate		
	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month
	Hourly	Part-time	Monthly	Hourly	Part-time	Monthly
Infant	\$3.20	\$420	\$560	\$4.25	\$545	\$727
Toddler	\$3.20	\$400	\$533	\$4.25	\$500	\$667
Preschool	\$3.20	\$400	\$533	\$3.40	\$434	\$578
School	\$3.20	\$375	\$500	\$3.74	\$367	\$489
Special Needs	\$3.20	\$420	\$560	\$4.25	\$545	\$727

LICENSED RATE MAXIMUMS

	Registered Family Rate			Certified Family Rate			Certified Center Rate		
	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month	1-62 Hours per month	63-135 Hours per month	136-215 Hours per month
	Hourly	Part-time	Monthly	Hourly	Part-time	Monthly	Hourly	Part-time	Monthly
Infant	\$3.50	\$450	\$600	\$4.00	\$563	\$750	\$5.00	\$641	\$855
Toddler	\$3.50	\$416	\$555	\$4.00	\$525	\$700	\$5.00	\$589	\$785
Preschool	\$3.30	\$413	\$550	\$3.75	\$488	\$650	\$4.00	\$510	\$680
School	\$3.30	\$383	\$510	\$3.80	\$450	\$600	\$4.40	\$431	\$575
Special Needs	\$3.50	\$450	\$600	\$4.00	\$563	\$750	\$5.00	\$641	\$855



Infant	\$3.50	\$450	\$600	\$4.00	\$563	\$750	\$5.00	\$641	\$855
Toddler	\$3.50	\$416	\$555	\$4.00	\$525	\$700	\$5.00	\$589	\$785
Preschool	\$3.30	\$413	\$550	\$3.75	\$488	\$650	\$4.00	\$510	\$680
School	\$3.30	\$383	\$510	\$3.80	\$450	\$600	\$4.40	\$431	\$575
Special Needs	\$3.50	\$450	\$600	\$4.00	\$563	\$750	\$5.00	\$641	\$855

Zip Codes for Group Area C: Balance of State, Other State Zips

97001	97020	97021	97026	97029	97032	97033	97037	97039	97040	97050	97054	97057
97063	97065	97101	97102	97130	97136	97137	97144	97145	97147	97324	97329	97335
97342	97345	97346	97347	97350	97358	97359	97360	97364	97368	97369	97375	97384
97388	97390	97396	97406	97407	97409	97410	97411	97412	97413	97414	97416	97417
97419	97425	97427	97428	97429	97430	97432	97433	97434	97435	97436	97437	97438
97439	97441	97442	97443	97447	97449	97450	97451	97453	97458	97460	97461	97462
97463	97464	97466	97467	97468	97469	97472	97473	97476	97480	97481	97484	97486
97488	97490	97491	97492	97493	97494	97495	97496	97497	97498	97499	97522	97523
97526	97527	97530	97531	97532	97533	97536	97537	97538	97539	97540	97541	97543
97544	97601	97603	97604	97620	97621	97622	97623	97624	97625	97626	97627	97630
97632	97633	97634	97635	97636	97637	97638	97639	97640	97641	97710	97711	97712
97720	97721	97722	97730	97731	97732	97733	97734	97735	97736	97737	97738	97739
97740	97741	97742	97750	97751	97752	97753	97754	97758	97761	97810	97814	97817
97818	97819	97820	97821	97822	97823	97824	97825	97826	97827	97828	97830	97831
97833	97834	97835	97836	97837	97838	97839	97840	97841	97842	97843	97844	97845
97846	97848	97850	97856	97857	97859	97861	97862	97864	97865	97867	97868	97869
97870	97871	97872	97873	97874	97875	97876	97877	97880	97882	97883	97884	97885
97886	97901	97902	97903	97904	97905	97906	97907	97908	97909	97910	97911	97913
97914	97918	97919	97920									

- (5) Except to the extent provided otherwise in section (12), (13), or (14) of this rule or for children in contracted child care (see OAR 461-135-0405 and 461-135-0407), this section establishes the ERDC eligibility standard and the client's copayment (copay).
- (a) At initial certification, the ERDC eligibility standard is met for a *need group* (see OAR 461-110-0630) of eight or less if monthly *countable income* (see OAR 461-001-0000) for the *need group* is less than 185 percent of the federal poverty level (FPL), as described in OAR 461-155-0180. The eligibility standard for a *need group* of eight applies to any *need group* larger than eight.
  - (b) During the *certification period* (see OAR 461-001-0000) and at recertification the ERDC eligibility standard is met for a *need group* of eight or less if monthly *countable income* for the *need group* during the 12 month period is less than 250 percent FPL or 85 percent state median income (SMI), whichever is higher, as

described in OAR 461-155-0180. The eligibility standard for a *need group* of eight applies to any *need group* larger than eight.

- (c) The minimum monthly ERDC copay is \$25.
- (d) The filing group may not exceed the resource limit in OAR 461-160-0015.
- (e) For a filing group (see OAR 461-110-0310) whose *countable income* is at or below 50 percent of the 2007 FPL, the copay is \$25 or 1.5 percent of the filing group's monthly *countable income*, whichever is greater.
- (f) For a filing group whose *countable income* is over 50 percent of the 2007 FPL, the copay amount is determined with the following percentage of monthly income:
  - (A) Divide the filing group's *countable income* by the 2007 FPL, drop all digits beyond two decimal points, subtract 0.5, and multiply this difference by 0.12.
  - (B) Add .015 to the amount in paragraph (A) of this subsection. This sum is the percentage of monthly income used to determine the copay amount. Multiply this sum by the filing group's *countable income* and round to the nearest whole dollar.
- (g) For individuals participating in the Occupational Training and Child Care program, the copay is \$27.00.
- (h) The 2007 federal poverty level used to determine copay amounts under subsections (e) and (f) of this section is set at the following amounts:

Number in Family	Gross Monthly Income	Gross Yearly Income
2	\$1,141	\$13,690
3	1,431	17,170
4	1,721	20,650
5	2,011	24,130
6	2,301	27,610
7	2,591	31,090
8 or more	2,881	34,570

- (6) Subject to the provisions in section (9) of this rule, the monthly limit for each child's child care payments is the lesser of the amount charged by the provider or providers and the following amounts:
  - (a) The monthly rate provided in section (4) of this rule.

- (b) The product of the hours of care, limited by section (8) of this rule, multiplied by the hourly rate provided in section (4) of this rule.
- (7) The limit in any month for child care payments on behalf of a child whose caretaker is away from the child's home for more than 30 days because the caretaker is a member of a reserve or National Guard unit that is called up for active duty is the lesser of the following:
- (a) The amount billed by the provider or providers.
  - (b) The monthly rate established in this rule for 215 hours of care.
- (8) The number of payable billed hours of care for a child is limited as follows:
- (a) In the ERDC and TANF programs, the total payable hours of care in a month may not exceed the amounts in paragraphs (A) or (B) of this subsection:
    - (A) 125 percent of the number of child care hours authorized:
      - (i) Under OAR 461-160-0040(3) and (6); or
      - (ii) To participate in activities included in a *case plan* (see OAR 461-001-0025) including, for clients in the JOBS Plus program, the time the client searches for unsubsidized employment and for which the employer pays the client.
    - (B) The monthly rate established in section (4) of this rule multiplied by a factor of not more than 1.5, determined by dividing the number of hours billed by 215, when the client meets the criteria for extra hours under section (10) of this rule.
  - (b) In the ERDC program, for a client who earns less than the Oregon minimum wage, the total may not exceed 125 percent of the anticipated earnings divided by the state minimum wage not to exceed 172 hours (which is full time).
  - (c) In the TANF program, for a client who earns less than the Oregon minimum wage or is self-employed, the total may not exceed 125 percent of the anticipated earnings divided by the state minimum wage not to exceed 172 hours (which is full time). The limitation of this subsection is waived for the first three months of the client's employment.
  - (d) In the ERDC program, employed caretakers eligible under OAR 461-135-0400 may have education hours added to the authorized work hours. Education hours may not exceed authorized work hours and combined hours may not exceed 215 hours per month. Education hours are hours required to participate in coursework

that leads to a certificate, degree, or job-related knowledge or skills attainment at an institution of higher education approved to receive federal financial aid.

- (9) The limit in any month for child care payments on behalf of a child whose caretaker has special circumstances, defined in section (10) of this rule, is the lesser of one of the following:
- (a) The amount billed by the provider or providers; or
  - (b) The monthly rate established in section (4) of this rule multiplied by a factor, of not more than 1.5, determined by dividing the number of hours billed by 215.
- (10) The limit allowed by section (9) of this rule is authorized once the Department has determined the client has special circumstances. For the purposes of this section, a client has special circumstances when it is necessary for the client to obtain child care in excess of 215 hours in a month to perform the requirements of ~~his or her~~their employment or training required to keep current employment, not including self-employment. This is limited to the following situations:
- (a) The commute time to and from work exceeds two hours per day.
  - (b) The caretaker works an overnight shift and care is necessary for both work hours and sleep hours.
  - (c) The caretaker works a split shift and it is not feasible to care for the child between shifts.
  - (d) The caretaker consistently works more than 40 hours per week.
- (11) The payment available for care of a child who meets the special needs criteria described in subsection (e) of section (1) of this rule is increased in accordance with OAR 461-155-0151 if the requirements of both of the following subsections are met:
- (a) The child requires significantly more direct supervision by the child care provider than normal for a child of the same age.
  - (b) The child is enrolled in a local school district Early Intervention or Early Childhood Special Education program or school-age Special Education Program. The enrollment required by this subsection is waived if determined inappropriate by a physician, nurse practitioner, licensed or certified psychologist, clinical social worker, or school district official.
- (12) Effective May 1, 2012:
- (a) The minimum monthly ERDC copay is \$27.

- (b) Except as stated in subsection (a) of this section, the Department adds 10 percent to the monthly client copay amount set under section (5) of this rule by multiplying the copay amount by 1.1 and rounding down to the nearest whole dollar.
- (13) Effective April 1, 2016, the ERDC copay is \$27 for no more than three months after closure of Pre-TANF, SFPSS, or TANF benefits when:
- (a) The closure is because an individual in the *need group* had earned income that led to the TANF closure;
  - (b) An ERDC *date of request* (see OAR 461-115-0030) is established within 90 days of closure; and
  - (c) The individual is eligible for ERDC at initial certification.
- (14) The ERDC copay will be reduced starting the month after the ERDC case has been electronically connected to a Department approved child care provider with a Quality Rating and Improvement System (QRIS) star rating of 3, 4, or 5. The copay will be reduced by the following amounts:
- (a) A copay set at \$27 is waived, unless the copay is \$27 under section (13) of this rule in which case the copay is not waived under this section.
  - (b) Copay amounts of \$28 to \$200 are reduced by \$20.
  - (c) Copay amounts of \$201 or more are reduced by 10 percent rounding to the nearest dollar.

Stat. Auth.: ORS 329A.500, 409.050, 411.060, 411.070, 412.006, 412.049

Stats. Implemented: ORS 329A.500, 409.010, 409.610, 411.060, 411.070, 411.122, 411.141, 412.006, 412.049, 412.124, 418.485



## High Special Needs; Child Care

- (1) The payment authorized by OAR 461-155-0150(11) is calculated by adding the applicable special need payment authorized by section (4) of that rule to the additional amount determined by this rule.
- (2) The additional amount determined by this rule is allowed in consideration of the additional cost to a child care provider for the additional care and supervision required because of a child's physical, mental or behavioral condition. To determine the additional amount, a factor determined by this rule is multiplied by:
  - (a) ~~\$5.00~~2.50 for a payment calculated on an hourly basis; or
  - (b) ~~\$420~~840 for a payment calculated on a monthly basis.
- (3) The factor used to make the calculation described in section (2) of this rule is determined by first establishing a score for each category listed in section (5) of this rule. The score is established by multiplying a rating and the weight for each category. The weight is given in section (5). The rating is determined as follows:
  - (a) The child's need for care and supervision is assessed and is compared with the needs of other children of the same age, and a rating is determined for each category. The rating is a whole number from zero to ten.
  - (b) Benchmark scores are given in section (5) of this rule for each category using several descriptions of need. The child's level is matched with the benchmark descriptions, and a rating is assigned based on a comparison of the child's needs and the benchmark descriptions. If a child's level of need falls between---or is described in part by---two benchmarks in the rule, an appropriate intermediate rating is assigned based on the benchmarks scores.
- (4) After a score is determined for each category, the scores are added. The sum of the scores is changed to 100 if it is less than 110 and is reduced to 300 if it exceeds 300. The adjusted score is decreased by 100, and the remainder is divided by 100. The result is the factor used in section (2) of this rule.
- (5) The categories, their weights, and standards for their ratings are as follows:
  - (a) Level of medical care---weight is 7:
    - (A) Child requires on-site medical attention by a licensed medical or mental health professional and the child care provider must have specialized training related to the child's medical or mental health needs---rating of 10.

- (B) The provider must have specialized training related to the child's medical or mental health needs and consults frequently with a medical or mental health professional---rating of 8.
  - (C) Child requires medical attention by a caregiver who has received some specialized training related to the child's medical or mental health needs---rating of 4.
  - (D) Child requires medical attention or monitoring by a caregiver who has received special instructions from the parent or a service provider related to the child's medical or mental health needs---rating of 1.
  - (E) Child's needs can be met by staff with general knowledge---rating of zero.
- (b) Self-sufficiency with daily tasks---weight is 5:
- (A) Child requires total assistance with eating or toileting, such as requiring tube feedings or with special toileting needs, such as ostomy care---rating of 10.
  - (B) Child requires considerable assistance in eating or toileting---rating of 5.
  - (C) Child requires only minor assistance with eating or toileting---rating of 1.
  - (D) Child can take care of daily tasks with very little assistance---rating of zero.
- (c) Mobility---weight is 5:
- (A) Child is unable to help with positioning or movement, needs frequent repositioning, and the child is difficult to move---rating of 10.
  - (B) Child can help with transfers, pivoting and position---rating of 5.
  - (C) Child is able to move independently with minor support---rating of 1.
  - (D) Child's mobility is similar to other children of the same age---rating of zero.
- (d) Communication skills---weight is 6:
- (A) Child is unable to communicate needs and wants, and is unable to use alternative communication methods---rating of 10.
  - (B) Child relies entirely upon alternative methods such as sign language, picture boards, gestures, or facial expressions, to communicate the child's needs or to understand requests made of the child---rating of 8.

- (C) Child has limited verbal skills. The child may require one-on-one communication to gain the child's attention, simplify instructions, or to understand the child's speech or gestures. Child may use alternative methods, mentioned in paragraph (B) of this sub-section, as a supplement to verbal skills---rating of 4.
- (D) Child's communication skills are roughly similar to other children of the same age---rating of zero.
- (e) Need for monitoring and intervention---weight is 11:
  - (A) The child must remain within the child care provider's direct view at all times and needs frequent intervention to prevent harm to self or other children---rating of 10.
  - (B) The child must remain within the provider's direct view at all times but does not need frequent intervention---rating of 7.
  - (C) Child has behaviors that frequently require adult intervention but are not a threat to the child's or other children's safety---rating of 4.
  - (D) Child needs assistance to initiate, respond to, or engage in peer interactions that are safe, positive, and appropriate---rating of 2.
  - (E) Child needs some assistance but generally does well if the assistance is provided---rating of zero.
- (f) Cognition and comprehension---weight is 7:
  - (A) Child is unable to recognize danger, is unable to follow instructions without one-on-one assistance, and has difficulty processing basic sensory information about the environment. This does not include vision or hearing as the primary difficulty---rating of 10.
  - (B) Child needs to be given one instruction at a time and may need reminders of what was asked in order to complete instruction---rating of 5.
  - (C) Child is able to understand and solve problems with some special attention---rating of zero.
- (g) Other special considerations---weight is 5. There are other considerations relating to the level of supervision required for the child that are not included in the above categories. A rating is determined based on how much more supervision the child needs---because of the other consideration---than other children of the same age.

| Statutes/Other Stats Implemented: 411.060

~~1-197/01/21~~

## Direct Provider Payments; General Information

- (1) The Department makes payments on behalf of eligible clients to the providers they select to care for their children. The payments are made directly to the provider. To be eligible for payment, a provider must:
  - (a) Charge Department clients at a rate no higher than the rate charged other customers;
  - (b) Provide the Department ~~his or her~~their social security number (SSN) or IRS identification number; and
  - (c) Meet the requirements of OAR 461-165-0180.
- (2) Payments to a client's provider are subject to each of the following limitations:
  - (a) A payment is made only for child care already provided in the TANF program for all providers. ~~Before August 1, 2021,~~A payment is made for child care already provided in the ERDC program for all providers except Certified Centers certified by the Office of Child Care who receive payment in advance for anticipated hours a child is in care for the month.
  - (b) Payment is made for the amount charged to the client but may not exceed the rate authorized in OAR 461-155-0150.
  - (c) No payment will be authorized unless the client has designated a primary provider.
  - (d) No payment will be made for less than one dollar.
  - (e) Except as provided otherwise in subsection (f) of this section, a payment is made only for child care provided on or after the date the designated provider has met the requirements to be listed and paid through the Department.
  - (f) A designated child care provider who the Department approves to be listed and paid through the Department may receive payment for child care provided prior to obtaining Department approval if the provider met the other Department requirements and was licensed under OAR 414-205-0000 to 414-205-0170, OAR 414-350-0000 to 414-350-0405, or OAR 414-300-0000 to 414-300-0415.
  - (g) Beginning July 1, 2021, a caretaker (see OAR 461-001-0000) signature is not required on child care billing forms.

(h) Beginning August 1, 2021, a provider caring for an eligible child in the TANF or ERDC programs may receive payment in advance for hours the child is scheduled to be in care for the month.

- (3) In the ERDC and TANF programs, the Department may issue a payment to an eligible provider during a month for which child care is being provided to meet an unexpected need of the provider related to the care of a covered child. The payment may be made if, without the payment, continued care by the same provider would be jeopardized and the client could not immediately obtain child care from another provider.

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 411.122, 412.049

Statutes/Other Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.122, 412.049, 45 CFR 98.45

## Direct Provider Payments; General Information

- (1) The Department makes payments on behalf of eligible clients to the providers they select to care for their children. The payments are made directly to the provider. To be eligible for payment, a provider must:
  - (a) Charge Department clients at a rate no higher than the rate charged other customers;
  - (b) Provide the Department their social security number (SSN) or IRS identification number; and
  - (c) Meet the requirements of OAR 461-165-0180.
- (2) Payments to a client's provider are subject to each of the following limitations:
  - (a) Before August 1, 2021, a payment is made only for child care already provided in the TANF program for all providers. Before August 1, 2021, payment is made for child care already provided in the ERDC program for all providers except Certified Centers certified by the Office of Child Care who receive payment in advance for anticipated hours a child is in care for the month.
  - (b) Payment is made for the amount charged to the client but may not exceed the rate authorized in OAR 461-155-0150.
  - (c) No payment will be authorized unless the client has designated a primary provider.
  - (d) No payment will be made for less than one dollar.
  - (e) Except as provided otherwise in subsection (f) of this section, a payment is made only for child care provided on or after the date the designated provider has met the requirements to be listed and paid through the Department.
  - (f) A designated child care provider who the Department approves to be listed and paid through the Department may receive payment for child care provided prior to obtaining Department approval if the provider met the other Department requirements and was licensed under OAR 414-205-0000 to 414-205-0170, OAR 414-350-0000 to 414-350-0405, or OAR 414-300-0000 to 414-300-0415.
  - (g) Beginning July 1, 2021, a *caretaker* (see OAR 461-001-0000) signature is not required on child care billing forms.

- (h) Beginning August 1, 2021, a provider caring for an eligible child in the TANF or ERDC programs may receive payment in advance for hours the child is scheduled to be in care for the month.
  
- (3) In the ERDC and TANF programs, the Department may issue a payment to an eligible provider during a month for which child care is being provided to meet an unexpected need of the provider related to the care of a covered child. The payment may be made if, without the payment, continued care by the same provider would be jeopardized and the client could not immediately obtain child care from another provider.

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 411.122, 412.049

Statutes/Other Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.122, 412.049, 45 CFR 98.45



~~187/01/21~~Notice Situation; ~~Client~~ Individual Moved or Whereabouts Unknown

- (1) In all programs except the SNAP program, To end benefits for an individual who has moved out of Oregon and no longer meets residency requirements under OAR 461-120-0010, the Department sends the following *decision notice* (see OAR 461-001-0000):
- (a) In the ERDC, OSIP, OSIPM, QMB, REF, REFM, and TANF programs:
    - (A) The Department sends a *timely continuing benefit decision notice* (see OAR 461-001-0000) to the individual who has moved out of Oregon.
    - (B) The Department sends a *basic decision notice* (see OAR 461-001-0000) if the individual becomes eligible for benefits in another state.
  - (b) In the GA program:
    - (A) No *decision notice* is required to end housing assistance payments.
    - (B) The Department sends a *timely continuing benefit decision notice* to end Personal Incidental Fund and utility assistance payments.
  - (c) For *Employment Payments* (see OAR 461-001-0025 and 461-135-1270), and JPI (see OAR 461-135-1260), ~~and the SNAP program,~~ no *decision notice* is required if the Department determines that the *benefit group* (see OAR 461-110-0750) has moved out of Oregon.
- (2) In all programs except the SNAP program, if Department mail or benefits have been returned with no forwarding address, the Department gives the individual the benefits if the individual's whereabouts become known during the period covered by the returned benefits. ~~See OAR 461-165-0130 for when SNAP benefits may be sent out of Oregon.~~
- (3) In all programs except the SNAP program, if Department mail or benefits have been returned with no forwarding address, and the individual's whereabouts ~~are~~ remain unknown, the Department ends benefits by sending the following *decision notice* to their last known address:
- (a) Except for *Employment Payments* and, JPI, ~~and the SNAP program,~~ a *basic decision notice*.
  - (b) ~~(b)~~ — For *Employment Payments* and, JPI, ~~and the SNAP program,~~ no *decision notice* is required.
- (4) In the SNAP program,

(a) When the *filing group* is participating in the Change Report System (CRS) and:

(A) Department mail or benefits have been returned with no forwarding address, or with an Oregon address not yet reported to ODHS, the Department shall allow the filing group 10 days to meet residence and shelter cost reporting requirements under OAR 461-170-0011. If the information is not provided, the Department sends a *timely continuing benefit decision notice*.

(B) Department mail or benefits have been returned with an address outside of Oregon, no *decision notice* is required to end benefits.

(b) When the *filing group* is participating in the Simplified Reporting System (SRS) or Transitional Benefit Alternative (TBA),

(A) The Department shall not end SNAP program benefits when Department mail or benefits have been returned.

(B) The Department shall end benefits when the *head of household* (see OAR 461-001-0015) reports they moved out of Oregon and no longer meet residency requirements under OAR 461-120-0010, or when they are applying for benefits in another state. No *decision notice* is required.

(5) See OAR 461-165-0130 for when benefits may be sent out of Oregon.

Statutory/Other Authority~~Stat. Auth.~~: ORS 329A.500, 409.050, 411.060, 411.095, 411.404, 411.816, 412.049, 413.085, 414.685

Statutes/Other Stats. Implemented: ORS 329A.500, 409.010, 411.060, 411.095, 411.404, 411.816, 412.049

Case Plan Activities and Standards for Support Services Payments; JOBS, Pre-TANF, REF, REP, SFPSS, TANF

In the JOBS, Pre-TANF, REF, REP, SFPSS, and TANF programs, notwithstanding any other administrative rule in chapter 461 and subject to the availability of state and federal funding, the following special provisions apply:

- (1) *Support services* (see OAR 461-001-0025) payments are available to the following individuals who are *eligible* (see OAR 461-130-0310) to engage in a *case plan* (see OAR 461-001-0025):
  - (a) An individual who is an adult parent, needy *caretaker relative* (see OAR 461-001-0000), *teen parent* (see OAR 461-001-0000), or a *minor parent* (see OAR 461-001-0000) who is head of household; receiving TANF who is not otherwise *exempt* (see OAR 461-130-0305) and in accordance with participation requirements in OAR 461-130-0310.
  - (b) An individual who is a recipient of Pre-TANF or SFPSS programs.
  - (c) An individual who is a JOBS volunteer (see OAR 461-130-0310) and has a JOBS *case plan*.
  - (d) Subject to the limitations in section (8) of this rule, an individual who is receiving REF and participating in REP, who is not otherwise exempt (see OAR 461-130-0305).
- (2) In approving JOBS program or REP program *support services* payments, the Department must consider lower cost alternatives. This rule is not intended to supplant Department funding with other funding that is available in the community. The expectation of the Department is that Department staff and individuals work collaboratively to seek resources that are reasonably available to the individual in order to participate in activities.
- (3) Payment for *support services* are provided when:
  - (a) Necessary to participate in an approved *activity* (see OAR 461-001-0025) specified in the individual's *case plan*;
  - (b) Authorized in advance; and
  - (c) All other provisions of this rule are met.

- (4) A Department approved *activity* is eligible for *support services* payments, except for the following activities:
- (a) Family Support & Connections,
  - (b) Retention services,
  - (c) *Microenterprise* (see OAR 461-190-0197), and
  - (d) *Stabilized living* (see OAR 461-001-0025).
- (5) In the JOBS, Pre-TANF, SFPSS, and TANF programs, the Department may provide payments for *support services* for *eligible* individuals engaged in an approved *activity* specified in the individual's *case plan*, subject to provisions in sections (1)(a) through (1)(d) of this rule. *Support services* payment types are described as follows and are subject to the following limitations:
- (a) JOBS Incidentals: In kind goods or items provided to individuals by the office to support the goals of the family while participating in the JOBS program.
  - (b) Bus Pass/Tickets: Bus tickets or pass that are issued in person out of office.
  - (c) Bus Payment: Payments issued to the individual to pay for public transportation. Requests for recurring bus payments may not exceed six consecutive months of issuance per request. If the individual's eligibility changes during the six months of recurring payments, *timely continuing benefit decision notice* (see OAR 461-001-0000) must be sent.
  - (d) Gas Payment: Payments for an individual to pay for transportation costs incurred in travel to and from an approved *activity*. Requests for recurring gas payments may not exceed six consecutive months of issuance per request. If the individual's eligibility changes during the six months of recurring payments, *timely continuing benefit decision notice* (see OAR 461-001-0000) must be sent.
  - (e) Child Care: Payments for child care, as limited by OAR 461-160-0040, if necessary to enable individuals to participate in an approved *activity* specified in the individual's *case plan*. If authorized, payment for child care is:
    - (A) The lesser of the actual rate charged by the care provider and the rate established in OAR 461-155-0150. The Department rate for children in care less than 158 hours in a month is limited by OAR 461-155-0150.
    - (B) The minimum hours necessary, including meal and commute time, for the individual to participate in an approved *activity*.

- (f) Clothing: Payments for clothing items to support the individual to engage in an approved *activity*.
- (g) Moving Expense/Relocation: Payments for housing and utilities expenses. Payments are subject to the following:
  - (A) Except as provided in paragraph (C) and (D) of this subsection, each payment type (such as rent, mortgage, utility bill, storage fees) is limited to two months per benefit group (see OAR 461-110-0750).
  - (B) Except as provided in paragraph (C) and (D) of this subsection, this payment is limited to \$3,000 per benefit group for each three-month period.
  - (C) ~~Except as provided in paragraph (D) of this subsection, internet service payments are limited to four months per benefit group. With prior manager approval upon verification that an individual has greater needs to stabilize a living situation or prevent homelessness, the Department may approve payments that exceed the limits in paragraphs (A) and (B) of this subsection.~~
  - (D) With prior manager approval, and upon verification that an individual has greater needs to stabilize a living situation or prevent loss of housing, the Department may approve payments that exceed the limits in paragraphs (A), (B), and (C) of this subsection.
- (h) Grooming Needs: Payments for grooming needs for an approved *activity*.
- (i) Professional Fees: Payments for professional fees to support the *case plan*.
- (j) Tools/Equipment: Payments for equipment or tools an individual needs to accept a job offer, or for a work-related *activity*.
- (k) Books/Supplies: Payments for books and supplies an individual needs to engage in an educational *activity*, including *vocational training* (see OAR 461-001-0025).
- (l) Vocational Training: Payment for tuition and other educational costs for *vocational training* and *self-initiated training* (see OAR 461-001-0025), excluding payments for books and supplies. Payments are subject to the following:
  - (A) Tuition payments for a *vocational training activity* are limited to single payments by session as defined by the educational or vocational training entity, such as a term, semester, or quarter.

- (B) Tuition payments for a *self-initiated training activity* are limited to payments provided through the Education and Training Pilot Program established in HB 2032. These payments will be issued via the contracted partner.
- (C) For tuition payments, lower cost alternatives, as described in section (2) of this rule, must be explored, including the individual pursuing financial aid and other sources of assistance.
- (m) Auto Expenses: Payments for auto expenses, repairs, or car insurance to support the goals specified in the individual's *case plan*. Payments for auto expenses are subject to the following limitations:
  - (A) Payments for vehicle repairs may be authorized at the discretion of the district if the cost to repair the individual's vehicle is reasonable in relation to the value of the vehicle and the minimum necessary repairs.
  - (B) Payments for car insurance may be authorized for no more than two months in a 12-month period.
- (n) Other Payments: When the need is identified and no other sources are available, the Department may provide other payments needed --
  - (A) To look for work.
  - (B) To accept a job offer.
  - (C) To attain a high school diploma or GED.
  - (D) That are not otherwise restricted, with manager approval.
- (o) None of the following payments are allowed:
  - (A) Medical Assistance or medical services.
  - (B) Mental health services.
  - (C) Alcohol and drug treatment services.
  - (D) Professional Services.
  - (E) Non-essential items.
  - (F) Television and cable.

- (G) Fines, reinstatement fees, restitution, legal fees, civil fees, court costs, or other costs associated with a penalty.
- (H) Purchase of a car, recreational vehicle, or motor home.
- (I) Any payments described in this rule for individuals employed in, seeking employment in, or engaged in an *illegal activity* (see OAR 461-120-0215).
- (J) Pet-related costs.
- (K) ERDC co-payments.

- (6) The Department may require an individual to provide verification of a need for, or costs associated with, *support services* prior to approval and issuance of payments if verification is reasonably available.
- (7) The Department may reduce, close, or deny in whole or in part a request for *support services* payments in the following circumstances:
  - (a) The purpose for the payments is not related to the individual's *case plan*.
  - (b) The individual is failing to comply with the *case plan* or disqualified, unless the payments in question are necessary for the individual to demonstrate cooperation with the individual's *case plan*.
  - (c) The individual disagrees with *support services* payments offered or made by the Department as outlined in the individual's *case plan*.
- (8) In the REF and REP programs, the Department may provide payments for *support services* for individuals *eligible* for REP engaged in an approved *activity* specified in the individual's *case plan*, subject to provisions in section (1)(e). *Support services* are subject to the following limitations:
  - (a) **Transportation.** The Department may provide payments to an individual when transportation costs is for travel to and from an approved REP *activity*. Payments are only for the cost of public transportation or fuel costs. For fuel costs the individual providing the transportation must report having a valid driver's license and vehicle insurance.
  - (b) **Other Payments.** When the need is identified and no other sources are available, the Department may provide other payments needed –
    - (A) To accept a job offer.
    - (B) For books and supplies to complete an approved educational *activity*.

(c) All other payments are not allowed.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.121, 412.006, 412.009,  
412.014, 412.049, 412.124

Statutes/Other Implemented: ORS 291.003, 409.010, 409.040, 411.060, 411.070, 411.121,  
412.001, 412.006, 412.009, 412.014, 412.049, 412.124, 45 CFR 233.20