

Rule 461-110-0630 is being amended to eliminate the policy stating that the unborn child of a pregnant female is in the need group for OSIPM. The OSIPM program does not have a standard for unborn and coverage for the pregnant female would not be any different than other individuals. Additionally, the reference to the OSIPM-MN program has been deleted, as that program no longer exists.

Rule 461-115-0530 is being amended to clarify that a client's OHP benefits will end before the end of the six-month certification period if the program ends.

Rules 461-115-0651 and 461-160-0430 are being amended to update the rule and remove outdated information.

Rule 461-120-0125 is being amended to comply with federal regulations. For the OSIP, GA, and GAM programs, individuals that are qualified noncitizens that have resided in the United States since August 22, 1996 are not eligible for SSI and therefore not eligible for OSIP, GA or GAM. Victims of trafficking are only eligible for OSIP, OSIPM. GA and GAM for seven years from the date their status was granted. Additionally for OSIP, a qualified noncitizen who entered the United States on or after August 22, 1996 and has been in the qualified noncitizen status for at least five years must have forty qualifying quarters of coverage. For OSIPM, language was added to state that a qualified noncitizen who entered the United States on or after August 22, 1996 must have been in the qualified noncitizen status for at least five years. This rule was filed as a temporary rule effective April 9, 2004 to incorporate this change.

Rules 461-120-0330, 461-120-0340, 461-120-0345, 461-130-0330, 461-135-0085, 461-140-0040 and 461-195-0621 are being amended and rule 461-145-0105 is being adopted to merge all information about disqualifying income into one rule. In addition, there is a need to begin to count the recovery of a client-caused TANF overpayment from a TANF grant as available income to comply with federal regulations. The amendment will bring treatment of income into compliance with food stamp program federal regulations.

Rule 461-130-0327 is being amended to update good cause criteria.

Rule 461-130-0330 is being amended to correct the wording of section (1)(d). For several years, it has been the policy of the TANF program that when a client fails to cooperate for five or more months with JOBS program requirements, the penalty for non-cooperation is that all cash payments from TANF are stopped. However, the language of this rule suggests that the penalty for failure to cooperate for five and all subsequent months is TANF ineligibility. We are changing the rule in order to make the current wording consistent with the actual policy and also with other material in the Family Services Manual (which does accurately describe the policy) and with our forms and notices.

Rule 461-135-0200 is being amended to remove reference to Pay-after-Performance

(PAP). When the Department eliminated the PAP policy and updated affected the rules in 2003, this rule was inadvertently missed.

Rule 461-135-0700 is being amended to clarify what constitutes an acceptable form of prima facie evidence regarding Title II verification. Specifically, the "VERSA" screen maintained by the Department, or a printed copy of the screen, is prima facie evidence that the information on the screen reflects the client's non-disability determination of Title II eligibility by the Social Security Administration. This rule was filed as a temporary rule effective April 15, 2004 to incorporate this change.

Rule 461-135-0730 is being amended to add an enrollment cap for those QMB-SMB clients at the 121-135% FPL income level. We refer to these clients as SMF clients. The Federal term for them is QI-1s. This rule was filed as a temporary rule effective April 1, 2004 to incorporate this change.

Rule 461-135-0750 is being amended to simplify the policy that is contained in the current rule and in rule 461-155-0760. This amendment also adds more specific information regarding the populations that are eligible for OSIPM.

Rule 461-135-0760 is being repealed to combine specific eligibility information regarding the OSIPM program into one OAR.

Rule 461-135-0780 is being amended to comply with the provisions of 42 USC 1396(a) which requires Medicaid coverage of those who became ineligible for SSI due to a cost of living adjustment in their Social Security benefit. The rule filing effective January 1, 2004 did not include the factors from previous cost of living adjustments that are needed to correctly determine eligibility.

Rule 461-135-0845 is being amended to remove the reference to the life estate table at 26 CFR 20.231-7 (04-01-99), and the appropriate life estate table is being added to the rule instead. Also some minor stylistic changes are being made by replacing "shall be" with "is." This rule was filed as a temporary rule effective February 5, 2004 to incorporate these changes. This rule is also being amended to clarify, and expand upon, the definition of fair market value of real property that may be subject to a claim by the Department for recovery of reimbursable public assistance benefits and imposes upon the person the burden of establishing the subject real property's fair market value.

Rule 461-135-1120 is being amended to state that an Oregon Health Plan (OHP) premium payment is required to be received on or before the 20th of the month for which the premium was billed to be considered on time. This change also clarifies the consequences for clients who do not pay premiums on time. Clients are informed through the billing process that OHP premium payments are due on the 20th of the month for which the premium was billed. Clients who fail to make a premium payment on time may be disqualified under rule 461-135-1130. This rule was filed as a temporary rule effective February 19, 2004 to incorporate this change.

Rule 461-135-1130 is being amended to clarify that an Oregon Health Plan (OHP) disqualification is rescinded if the past due premium payment is received by the 20th of the month following the month for which the premium was billed. This rule was filed as a temporary rule effective February 19, 2004 to incorporate this change.

Rules 461-140-0040, 461-145-0120 and 461-145-0910 are being amended to clarify the definition and treatment of self-employment for all programs. Rule 461-140-0040 is being amended to state that, for clients who are not self-employed, the amount they must expend on a regular monthly basis to produce their earned income is considered unavailable. Rule 461-145-0120 is being amended to clarify that self-employment earnings include the gross sales or receipts before costs. Rule 461-145-0910 is being amended to clarify the definition of self-employment for all programs.

Rule 461-140-0110 is being amended to change the treatment of periodic income for the Food Stamp program. The intent is to give the household a choice on when the income will be counted.

Rule 461-140-0242 is being amended to clarify when transfers of assets are disqualifying.

Rule 461-145-0200 is being amended to bring treatment of foster care payments received for a person who is not a member of the household group in compliance with federal food stamp regulations.

Rule 461-145-0280 is being amended to clarify current policy that, for the MAA, MAF and SAC medical programs, third-party payments not legally obligated to be paid directly to a member of the financial group and the group does not have the option of taking cash are excluded. These excluded payments also include those made by the non-custodial parent to a third party that are court-ordered but not designated as child support.

Rule 461-150-0020 is being amended to clarify that there is an agency caused overpayment when the agency does not follow agency policy or use all information available to process the income and calculate the benefits. This rule was filed as a temporary rule effective April 1, 2004 to incorporate this change.

Rule 461-155-0010 is being amended to clarify that ongoing special needs are used to determine benefit amount for General Assistance.

Rule 461-155-0035 is being amended to correct the amount of the Cooperation Incentive Payment (COI) in section (3)(a) of the rule from \$37 to \$43. This is not a change to Department policy in the TANF program because it is merely an alteration to an example that has no bearing on how the COI is calculated.

Rule 461-155-0500 is being amended to remove language that was unclear. Reference is now made to OAR 461-155-0010 to clarify policy application.

Rule 461-160-0160 is being amended to remove the reference to the SAC medical program because rule 461-160-0190 correctly provides the earned income deductions for the SAC program.

Rule 461-160-0620 is being amended to conform with the requirements of Section 1924 of the Social Security Act and the statutory authority in 42 USC 1396 r-5, which requires an annual increase in the amount of income a community spouse can protect while their spouse is institutionalized. The amount which is indexed by the federal poverty level is equal to 150% of the federal poverty level for a two person household. This rule is also being amended to clarify that under calculation method one, the allowance is the amount that benefits the couple most and may not necessarily be the greatest.

Rule 461-165-0030 is being amended to clarify that a client cannot receive benefits from the EXT, MAA, MAF, OHP, OSIPM or SAC medical assistance program and from the Family Health Insurance Assistance Program (FHIAP). Before the amendment, the rule only referenced "OHP benefits" when the EXT, MAA, MAF, OSIPM and SAC programs provide recipients with the OHP Plus benefit package. To be clear, the program acronyms are now listed.

Rule 461-165-0180 is being amended to clarify the Department may deny eligibility of child care providers when information received indicates a substantial risk to the health or safety of children not only when the provider is licensed with Child Care Division but also when the provider is exempt from licensing.

Rule 461-175-0050 is being amended to include a correct effective date of an overpayment when a household fails to report a required change timely and this inaction results in an overpayment of benefits.

Rule 461-180-0050 is being amended to clarify that if an OHP program ends, the effective date for closing benefits will be the day on which the program ends regardless of when the certification period ends.

Rule 461-180-0070 is being amended to clarify that a person must meet the General Assistance eligibility requirements before a cash payment is made. This rule is also being amended to ensure that a service client's OSIP cash payment begin the date the client requests benefits if all eligibility requirements are met.

Rule 461-180-0120 is being amended to clarify that if an OHP program ends, the effective date for removing a client from a benefit group will be the end of the month in which the program ends.

Rule 461-190-0211 is being amended as a result of HB 2696. The Department has

developed standards for making payments and providing support services for the employment and self-sufficiency skills programs (JOBS). These standards describe the circumstances under which JOBS Program participants and other clients may and may not receive JOBS support service payments.

Rule 461-190-0221 is being repealed as a result of the implementation of HB 2696, 2003 Oregon Legislative Session.

Rule 461-195-0621 is being amended to bring the rule into compliance with FS law and regulations.

Implementation/Transition Instructions:

Training/Communication Plan:

Local/Branch Action Required:

Central Office Action Required:

Field/Stakeholder review: Yes No

If yes, reviewed by:

Filing Instructions:

If you have any questions about this policy, contact:

Contact(s):	Annette Tesch		
Phone:	503-945-6067	Fax:	503-373-7032
E-mail:	Annette.tesch@state.or.us		