

CAF Self-Sufficiency Programs

**Number:** SS-PT-04-014

**Authorized Signature**

**Issue Date:** 06/30/04

**Topic:** CAF Self-Sufficiency Programs Administrative Rules Manual Updates (including some Seniors and People with Disabilities programs)

**Transmitting (check the box that best applies):**

- New Policy   
  Policy Change   
  Policy Clarification   
  Executive Letter  
 Administrative Rule   
  Manual Update   
 Other: CAF Administrative Rules Manual Update

**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        | <input type="checkbox"/> Health Services   |
| <input checked="" type="checkbox"/> Children, Adults and Families | <input checked="" type="checkbox"/> Seniors and People with Disabilities   |
| <input type="checkbox"/> County DD Program Managers               | <input checked="" type="checkbox"/> Other (please specify): All Users of the CAF Self-Sufficiency Programs Administrative Rules Manual |

Policy/Rule Title:	Various Self-Sufficiency and Seniors and People with Disabilities programs Administrative Rules		
Policy/Rule Number(s):	See Below	Release No:	ARM-31
Effective Date:	07/01/04	Expiration:	N/A
References:			
Web Address:	<a href="http://www.dhs.state.or.us/policy/selfsufficiency/">http://www.dhs.state.or.us/policy/selfsufficiency/</a>		

**Discussion/Interpretation:**

Rules 461-101-0010, 461-110-0210, 461-110-0330, 461-110-0630, 461-115-0430, 461-120-0210, 461-120-0330, 461-120-0510, 461-120-0630, 461-130-0328, 461-135-0170, 461-135-0300, 461-135-0310, 461-135-0320, 461-135-0340, 461-135-0350, 461-140-0120, 461-145-0230, 461-145-0240, 461-145-0250, 461-145-0280, 461-145-0360, 461-145-0410, 461-145-0420, 461-145-0600, 461-145-0860, 461-150-0010, 461-150-0042, 461-155-0070, 461-155-0670, 461-160-0010, 461-160-0015, 461-160-0140, 461-165-0120, 461-175-0200, 461-175-0300, 461-180-0010, 461-180-0090, and 461-180-0140 are being amended to remove references to the ADCM-EA program. The Department no longer administers benefits under this program because the federal-funding authority no longer exists under Title IV-A or Title XIX of the Social Security Act.

Rule 461-110-0630 is also 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 461-115-0030 is being amended to clarify the determination of the date of request for a client receiving medical care on a weekend or holiday.

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. This rule is also being amended to correct a reference.

Rules 461-120-0330, 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 also 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 461-135-1102 is being adopted to close the OHP-OPU program to new applicants effective July 1, 2004.

Rule 461-135-1110 is being amended to include the 2002-2003 school year income requirements for a Pell grant. To be eligible as a student of higher education for the Oregon Health Plan (OHP), an individual must meet the income requirements for a Pell grant by having an expected family contribution (EFC) less than the income amount determined by the U.S. Department of Education.

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 461-145-0001 is being amended as a temporary rule to count adoption assistance payments as unearned income for Food Stamp Program.

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 also 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 461-180-0050 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 461-195-0621 is also being amended to bring the rule into compliance with FS law and regulations.

**Implementation/Transition Instructions:**

**Training/Communication Plan:**

**Local/Branch Action Required:** Review changes with staff who determine eligibility.

**Central Office Action Required:**

**Field/Stakeholder review:**  Yes  No

**If yes, reviewed by:**

## **Filing Instructions:**

Please file this material, dated July 1, 2004, in your *CAF Administrative Rules Manual*. Record the insertion date on the ML record sheet.

<b>Remove</b>	<b>Insert</b>
461-101-0010	461-101-0010
Division 110 TOC	Division 110 TOC
461-110-0210	461-110-0210
461-110-0330	461-110-0330
461-110-0630	461-110-0630
Division 115 TOC	Division 115 TOC
461-115-0020 and 461-115-0030	461-115-0020 and 461-115-0030
461-115-0430	461-115-0430
461-115-0530	461-115-0530
461-115-0651	461-115-0651
461-120-0125	461-120-0125
461-120-0210	461-120-0210
461-120-0330	461-120-0330
461-120-0345	461-120-0345
461-120-0510	461-120-0510
461-120-0630	461-120-0630
461-125-0510	461-125-0510
461-130-0327 through 461-130-0330	461-130-0327 through 461-130-0330
Division 135 TOC	Division 135 TOC
461-135-0085	461-135-0085
461-135-0170 and 461-135-0200	461-135-0170 and 461-135-0200
461-135-0300 through 461-135-0350	461-135-0300 through 461-135-0350
461-135-0700	461-135-0700
461-135-0730 through 461-135-0760	461-135-0730 and 461-135-0750
461-135-0780	461-135-0780
461-135-0845	461-135-0845
N/A	461-135-1102
461-135-1110 through 461-135-1130	461-135-1110 through 461-135-1130
461-140-0040	461-140-0040
461-140-0110 and 461-140-0120	461-140-0110 and 461-140-0120
461-140-0242	461-140-0242
Division 145 TOC	Division 145 TOC
461-145-0001	461-145-0001
N/A	461-145-0105
461-145-0120	461-145-0120
461-145-200 and 461-145-210	461-145-0200 and 461-145-210
461-145-0230 through 461-145-0250	461-145-0230 through 461-145-0250
461-145-0280	461-145-0280
461-145-0360	461-145-0360
461-145-0410	461-145-0410

461-145-0420  
 461-145-0600  
 461-145-860 through 461-145-0910  
 Division 150 TOC  
 461-150-0010 and 461-150-0020  
 461-150-042  
 Division 155 TOC  
 461-155-0010  
 461-155-0035  
 461-155-0070  
 461-155-0500  
 461-155-670  
 Division 160 TOC  
 461-160-0010 and 461-160-0015  
 461-160-0140 and 461-160-0160  
 461-160-0430  
 461-160-0620  
 461-165-0030  
 461-165-120  
 461-165-0180  
 461-175-0200  
 461-175-0300  
 Division 180 TOC  
 461-180-0010  
 461-180-050 and 461-180-060  
 461-180-0070  
 461-180-0090  
 461-180-120 through 461-180-140  
 461-195-0621

461-145-0420  
 461-145-0600  
 461-145-0860 through 461-145-0910  
 Division 150 TOC  
 461-150-0010 and 461-150-0020  
 461-150-0042  
 Division 155 TOC  
 461-155-0010  
 461-155-0035  
 461-155-0070  
 461-155-0500  
 461-155-0670  
 Division 160 TOC  
 461-160-0010 and 461-160-0015  
 461-160-0140 and 461-160-0160  
 461-160-0430  
 461-160-0620  
 461-165-0030  
 461-165-0120  
 461-165-0180  
 461-175-0200  
 461-175-0300  
 Division 180 TOC  
 461-180-0010  
 461-180-0050 and 461-180-060  
 461-180-0070  
 461-180-0090  
 461-180-0120 through 461-180-0140  
 461-195-0621

*If you have any questions about this policy, contact:*

<b>Contact(s):</b>	See the Contact List in the <i>Family Services Manual</i> (section C of the Introduction chapter) for the appropriate analyst to contact on policy.		
<b>Phone:</b>		<b>Fax:</b>	
<b>E-mail:</b>			