

CAF Self-Sufficiency Programs

Number: SS-PT-09-032

Authorized Signature

Issue Date: 9/15/2009

Topic: CAF Self-Sufficiency Programs Administrative Rules Advance Copy (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: _____

Applies to (check all that apply):

- All DHS employees
 County Mental Health Directors
 Area Agencies on Aging
 Health Services
 Children, Adults and Families
 Seniors and People with Disabilities
 County DD Program Managers
 Other (please specify):

Policy/Rule Title:	Various Self-Sufficiency and Seniors and People with Disabilities programs Administrative Rules		
Policy/Rule Number(s):	Various (see below)	Release No:	
Effective Date:	October 1, 2009 (unless otherwise noted)	Expiration:	N/A
References:			
Web Address:	Advance Copy of Rules		

Discussion/Interpretation:

OAR 461-110-0330 about who is included in the filing group in the Extended Medical Assistance (EXT), Medical Assistance Assumed (MAA), and Temporary Assistance for Needy Families (TANF) programs is being amended to state that when a non-needy caretaker relative is applying for TANF program benefits for a relative child in his or her care, the spouse and each dependent child of the non-needy caretaker relative are included in the TANF filing group for the decision as to whether the filing group qualifies, under financial and nonfinancial requirements, to receive program benefits. These amendments also make permanent changes made by temporary rule on May 1, 2009.

OAR 461-110-0370 about filing group (the individuals from the household group whose circumstances are considered in the eligibility determination process) composition in the Food Stamp program is being amended to restate the monthly countable income standards.

OAR 461-110-0530 about the composition of a financial group (the individuals whose income and resources count in determining eligibility and benefits) is being amended in response to House Bill 2126 and Senate Bills 5529 and 5552 (2009 Regular Session) to state that in the Temporary Assistance for Needy Families (TANF) program a caretaker relative who chooses not to be included in the need group (the individuals whose basic and special needs are used in determining eligibility and benefit level) and has an income less than the non-needy countable income limit, the spouse and dependent children of such a caretaker relative, and an individual who must apply for benefits only because of his or her relationship to an individual in the filing group are not included in the financial group. These amendments also make permanent changes made by temporary rule on July 1, 2009.

OAR 461-115-0705 about the information that must be verified for eligibility in the Breast and Cervical Cancer Medical (BCCM), Medical Assistance Assumed (MAA), Medical Assistance to Families (MAF), Oregon Health Plan (OHP), and Medical Coverage for Children in Substitute or Adoptive Care (SAC) programs is being amended to state that an applicant's medical assistance may not be delayed for citizenship documentation while the eligibility decision is pending if all other medical assistance eligibility requirements have been met. This rule also is being amended to state that a current recipient of BCCM, MAA, MAF, OHP, or SAC program medical assistance who has not already provided acceptable documentation must provide acceptable documentation when requested by the Department. This amendment also makes permanent temporary rule changes effective May 6, 2009.

OAR 461-120-0125 about the conditions under which a client meets the alien status requirements for all Department administered programs except the Refugee Assistance (REF) and Refugee Assistance Medical (REFM) programs, OAR 461-135-0082 about client eligibility (the decision as to whether an individual qualifies, under financial and nonfinancial requirements, to receive program benefits) for the Refugee Case Services Project (RCSP) program, OAR 461-135-0900 about specific eligibility requirements in the REF and REFM programs, and OAR 461-193-0031 about specific eligibility requirements for the RCSP program are being amended to lengthen the time period for which Afghan special immigrants (SIV) are eligible for RCSP, REF, and REFM program benefits and to make the temporary changes to these rules effective May 1, 2009 permanent.

OAR 461-120-0310, 461-120-0340, 461-135-0075, and 461-145-0080 are being amended to reflect a change in the funding source for certain Temporary Assistance for Needy Families (TANF) program clients from state general funds to federal funds and the requirements that come with accepting federal funds. OAR 461-120-0310 about the assignment of the right to support is being amended to state that when the Department provides benefits or services funded in whole or in part with a federal grant under Title IV-A or IV-E of the Social Security Act for the support of a child in the filing group, the right of any individual to child support for that child is assigned to the state by operation of law and to make the temporary changes to this rule effective July 1, 2009 permanent. OAR 461-120-0340 about the requirements for a client in the TANF program to assist the Department in obtaining support from a noncustodial parent is being amended to require a caretaker relative in a filing group consisting of a two-parent family where deprivation is based on the unemployment or underemployment of the primary wage earner to make a good faith effort to assist the Department in establishing paternity of each needy child and obtaining support from a noncustodial parent, unless good cause exists and to make the temporary changes to this rule effective July 1, 2009 permanent. OAR 461-135-0075 about the limitation on the months of eligibility for TANF program benefits is being amended to indicate that effective July 1, 2009 months in which an individual in a filing group consisting of a two-parent family receiving cash assistance in Oregon for which deprivation is based on unemployment or underemployment of the primary wage earner will count toward the TANF time limitation on eligibility and to make the temporary changes to this rule effective July 1, 2009 permanent. OAR 461-145-0080 about the treatment of child and cash medical support is being amended to indicate that when the Department makes eligibility and benefit determinations for clients in the TANF program for whom deprivation is based on the unemployment or underemployment of the primary wage earner, child support payments received by the Oregon Department of Justice, Division of Child Support are excluded when determining the benefit amount and that all other child support payments are considered countable unearned income and to make the temporary changes to this rule effective July 1, 2009 permanent.

OAR 461-130-0310 about how the Department assigns clients to one or more participation classifications, exempt, mandatory, or volunteer, in the Food Stamp (FS), Pre-Temporary Assistance for Needy Families (Pre-TANF), Refugee Assistance (REF), and Temporary Assistance for Needy Families (TANF) programs is being amended to also state that one parent, who is a client of the Pre-TANF, REF, or TANF programs, during the first six months after the birth of the parent's child is exempt from participation and disqualification in the employment programs covered by Chapter 461.

OAR 461-135-0010 about when a client is assumed eligible for benefits under certain medical programs is being amended to clarify Department policy around Temporary Assistance for Needy Families (TANF) and medical program eligibility determinations and separate the assumed eligibility for certain clients for Medical Assistance Assumed (MAA) program benefits from eligibility for other programs, requiring these clients to meet

other MAA program eligibility requirements to receive MAA program benefits. The amended rule allows the Department to properly make eligibility determinations and extend MAA program benefits to some clients otherwise ineligible due to unemployment or underemployment of the primary wage earner. This amendment also makes permanent temporary rule changes effective May 6, 2009.

OAR 461-135-0400 about the specific eligibility requirements of the Employment Related Day Care (ERDC) program is being amended to state that self-employment does not meet the ERDC specific requirement for employment; and a self-employed adult in the filing group is considered available to provide child care, making the filing group ineligible for ERDC program benefits for the hours spent in self-employed work. This rule is also being amended to make permanent the temporary changes to this rule that were effective April 1, 2009.

OAR 461-135-0405 about the specific requirements for the Employment Related Day Care (ERDC) program that apply to children in a Head Start program is being amended to state that when the Department has begun paying a Head Start agency for a child's child care under a contract a child is no longer presumed eligible for ERDC program benefits if the child's caretaker is found ineligible for ERDC program benefits due to self-employment income and to make permanent the temporary changes to this rule that were effective May 1, 2009.

OAR 461-135-1175 about the eligibility requirements for the Senior Farm Direct Nutrition Program (SFDNP) is being amended to state that an applicant must have countable income below 115 percent of the Federal Poverty Level to be eligible for SFDNP program benefits and to make permanent the temporary rule changes filed effective June 1, 2009. The income limit had been 135 percent prior to this amendment.

OAR 461-135-1195 about the specific requirements to be eligible for the State Family Pre-SSI/SSDI (SFPSS) program is being amended to remove the requirement that a client sign an interim assistance agreement (that had allowed the Department to collect the amount of any interim SFPSS program benefits a client received once the client receives an initial Supplemental Security Income payment). This amendment makes permanent changes made by temporary rule on July 1, 2009.

OAR 461-155-0030 about the income and payment standards in the Temporary Assistance for Needy Families (TANF) program is being amended to state that a caretaker relative choosing not to be included in the need group (the group of individuals whose basic and special needs are used in determining eligibility and benefit level) when determining TANF program eligibility makes the need group subject to the no-adult countable income limit standard and the filing group (the individuals whose circumstances are considered in the eligibility determination process) subject to the non-needy countable income limit standard for the filing group. This rule is also being amended to state the non-needy countable income limit standard for the filing group and to make permanent the temporary changes to this rule effective May 1, 2009.

OAR 461-155-0150 about child care eligibility standards, payment rates and client copayments in the Employment Related Day Care (ERDC) program is being amended to remove language stating benefit levels for child care for individuals whose only employment is self-employment, as these individuals are no longer eligible for ERDC benefits. This rule is also being amended to remove the first month's \$25 limitation on ERDC program client copayments and to make permanent the temporary changes to this rule that were effective April 1, 2009.

OAR 461-155-0190 about the countable and adjusted income and Thrifty Food Plan payment standards in the Food Stamp program is being amended to restate these income and payment standards.

OAR 461-155-0700 about special needs payments for personal incidentals and room and board allowances for clients in community-based care facilities in the Oregon Supplemental Income Program (OSIP) and OSIP-Medical (OSIPM) program is being amended to state that a qualified non-citizen, not eligible for federal Supplemental Security Income (SSI) benefits due to not meeting the SSI time requirements to become a naturalized citizen, is eligible for the special needs payments.

OAR 461-160-0040 about deductions for and coverage of dependent care costs in the Employment Related Day Care (ERDC), Refugee (REF), and Temporary Assistance for Needy Families (TANF) programs is being

amended to state that ERDC program child care benefits are not available to self-employed caretakers and to make permanent the temporary changes to this rule that were effective April 1, 2009.

OAR 461-160-0420 about how to calculate a client's shelter cost in the Food Stamp program is being amended to restate the amounts for the utility allowances, used to offset the utility costs clients incur.

OAR 461-160-0430 about deductions from countable income made to determine adjusted income for the Food Stamp program is being amended to restate the deduction amounts.

OAR 461-170-0010 about a client's reporting requirements for a change in the client's circumstances, OAR 461-170-0150 about benefit certification periods (the period for which a client is certified eligible for a program) in the Employment Related Day Care (ERDC) program, OAR 461-175-0270 about what type of notification clients must receive under the Department's various reporting systems, OAR 461-175-0280 about what type of notice clients must receive when they fail to submit a report required for their program eligibility reapplication, OAR 461-180-0005 about the date reported changes become effective in the ERDC program, OAR 461-180-0020 about how the Department determines an effective date when a change in a client's income or income deductions causes an increase in benefits, OAR 461-180-0030 about how the Department determines an effective date when a change in a client's income or income deductions causes a decrease in benefits, and OAR 461-180-0120 about how the Department determines the effective date for removing an individual from a benefit group are being amended to remove references to "Anticipating with Periodic Review (APR)" and replace "APR period" with "certification period". These rule amendments are being made in the ongoing efforts to simplify reporting burdens for clients, align program requirements, and improve Department efficiency.

OAR 461-170-0160 about when a reapplication form is considered complete or not received in the Employment Related Day Care (ERDC) program is being amended to state that a reapplication form with complete and accurate answers, required verification, and an appropriate signature is considered complete when it is received by a Department branch office by the 10th day of the last month of the certification period (the period for which a client is certified eligible for a program). This rule also is being amended to remove references to "Anticipating with Periodic Review (APR)" in the ongoing efforts to simplify reporting burdens for clients, align program requirements, and improve Department efficiency.

OAR 461-175-0010 about what a decision notice (written notice of a decision by the Department regarding an individual's eligibility for benefits in a program) must include is being amended to state that the effective date for a basic decision notice (a decision notice mailed no later than the date of action given in the notice) is the date the Department mails the notice.

OAR 461-175-0200 is being amended to state the type of decision notices sent to clients in the TA-DVS (Temporary Assistance for Domestic Violence Survivors) program and the manner of sending these notices. A decision notice is a written notice of a decision by the Department regarding an individual's eligibility for benefits in a program.

OAR 461-190-0199 about the TANF/JOBS Program component Parents as Scholars (PAS) is being amended to remove obsolete language on transition of Degree Completion Initiative (DCI) participants or those on the DCI wait list into either PAS or vocational training.

OAR 461-190-0360 about special payments in the Oregon Food Stamp Employment Transition (OFSET) program is being amended to reduce the maximum support service payment for participants from \$40 a month to \$60 for the 8-week program period. This amendment makes permanent a temporary rule change adopted May 1, 2009.

OAR 461-195-0521 about how overpayments in Department programs are calculated is being amended to indicate that no Food Stamp program benefit amounts paid after September 30, 2009 are used in adjusting the calculation of an overpayment in limited circumstances.

Implementation/Transition Instructions: N/A

Training/Communication Plan: N/A

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

Central Office Action Required: N/A

Field/Stakeholder review: Yes No

If yes, reviewed by: Most of these rules were reviewed by the CAF Office of Self-Sufficiency Programs Rules Advisory Committee

Filing Instructions:

The filing instructions will be available with October's CAF Administrative Rules Manual release.

If you have any questions about this policy, contact:

Contact(s):	See the Contact List in the Family Services Manual (section C of the Introduction chapter) for the appropriate analyst to contact with policy questions.		
Phone:		Fax:	
E-mail:			