DHS Oregon Department of Human Services

Children, Adults, and Families

Policy Transmittal

Robert Trachtenberg, Hearings and Rules Unit Manager

Authorized Signature

Number: SS-PT-10-002

Issue Date: 3/15/2010

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
- ☒ Area Agencies on Aging
- ☒ Children, Adults and Families
- ☐ County DD Program Managers
- ☐ County Mental Health Directors
- ☐ Health Services
- ☒ Seniors and People with Disabilities
- ☐ 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:	April 1, 2010 (unless otherwise noted)	Expiration:	N/A
References:			
Web Address:	Advance Copy of Rules		

Discussion/Interpretation:

OAR 461-001-0015 about the definitions used in the Supplemental Nutrition Assistance Program (SNAP) administrative rules is being amended to include definitions for employee, employer, externship, graduate assistantship, graduate fellowship, and internship.

OAR 461-105-0006 about the Department's business continuity provisions in the event of an emergency event or a work stoppage; OAR 461-115-0430 about how the Department determines when it will periodically redetermine a client's eligibility for benefits in all programs except the Emergency Assistance (EA), Employment Related Day Care (ERDC), Extended Medical Assistance (EXT), Oregon Health Plan (OHP), Refugee Assistance (REF), Refugee Assistance Medical (REFM), Supplemental Nutrition Assistance Program (SNAP), and Temporary Assistance for Domestic Violence Survivors (TA-DVS) programs; OAR 461-115-0651 about when the Department requires verification of a client's SNAP program application information and how long the client has to reply; OAR 461-150-0060 about how and when the

Department determines to use prospective or retrospective eligibility and budgeting (the process of calculating the benefit level) in the ERDC, Medical Assistance Assumed (MAA), Medical Assistance to Families (MAF), REF, REFM, SNAP, and Temporary Assistance for Needy Families (TANF) programs; OAR 461-165-0100 about the date benefits are issued in all of the Department's programs except the EA and SNAP programs; OAR 461-170-0011 about the changes in circumstances a client in the Department's programs must report and when the client must report them; OAR 461-170-0100 about which filing groups are subject to the Monthly Reporting System (MRS) requirements; OAR 461-170-0101 about which ERDC and SNAP program clients may participate in the Simplified Reporting System (SRS); OAR 461-170-0120 about when the Department closes a client's benefits due to not receiving or receiving an incomplete Monthly Change Report; OAR 461-175-0220 about the type of notice the Department sends a client in situations involving a client's disqualification from program eligibility; OAR 461-175-0270 about the type of notice the Department sends to a client assigned to the MRS, SRS, or Transitional Benefit Alternative (TBA) reporting systems when the client's benefits or eligibility for one of the Department programs changes; and OAR 461-180-0050 about how the Department determines the effective date for suspending or closing benefits or Job Opportunity and Basic Skills (JOBS) support service payments are being amended and OAR 461-165-0150 about the timely issuance of benefits for TANF program clients assigned to the MRS is being repealed to eliminate references to the Monthly Reporting System (MRS) for the Breast and Cervical Cancer Medical (BCCM), Citizen/Alien-Waived Emergent Medical (CAWEM), Continuous Eligibility for OHP-CHP pregnant women (CEC), Continuous Eligibility for Medicaid (CEM), Extended Medical Assistance (EXT), MAA, MAF, Medical Coverage for Children in Substitute or Adoptive Care (SAC), OHP, REFM, SNAP, and TANF programs as clients will no longer be assigned to the MRS for these programs effective April 1, 2010.

OAR 461-115-0230 about when and how the Department conducts interviews of program clients as part of the eligibility determination process is being amended to state when in the Supplemental Nutrition Assistance Program (SNAP) the interview may be waived, the interview may be postponed for certain households meeting expedited services criteria, the hardship criteria for use of a telephone interview rather than a face-to-face interview, and when the Department must inform an applicant he or she has missed the first scheduled interview appointment.

OAR 461-115-0690 about the time limits for an applicant to verify information after being determined eligible for expedited services in the Supplemental Nutrition Assistance Program (SNAP) is being amended to state when the verification may be postponed and that notice of the closing of or changes in SNAP program expedited services benefits due to postponed verification is provided in accordance with OAR 461-175-0300.

OAR 461-135-0498 is being adopted to state the specific activation of, eligibility for, and issuance of benefits requirements for the Pandemic-related Supplemental Nutrition

Assistance Program (PSNAP). This rule is part of the implementation the PSNAP program to ensure children certified eligible to receive free and reduced price school lunches receive nutritional assistance during pandemic-related school closures.

OAR 461-135-0570 about how the Department determines if a student is eligible or ineligible for Supplemental Nutrition Assistance Program (SNAP) benefits is being amended to state that the definition of employee in OAR 461-001-0015 also applies to this rule. This rule also is being amended to state that a student participating in a state or federally funded work study program must be assigned to and perform work in a work study position in his or her school's current academic term to be eligible for SNAP program benefits. This rule also is being amended to state that work in an externship, graduate assistantship, graduate fellowship, or internship and work for which the student receives in-kind payments rather than wages does not qualify to meet the 20 hours per week working student criteria for SNAP program eligibility.

OAR 461-135-0575 about the specific eligibility requirements for Supplemental Nutrition Assistance Program (SNAP) expedited services is being amended to clarify when a SNAP program applicant is screened for and receives expedited services. This rule also is being amended to state cross-references to rules about eligibility process interviews, application processing timeframes, and verification requirements for SNAP program expedited services.

OAR 461-135-0730 about the specific eligibility requirements for the Department's Qualified Medicare Beneficiaries (QMB) programs is being amended to state that to be eligible for the Qualified Medicare Beneficiaries - Qualified Individuals (QMB-SMF) program a client must be receiving Medicare Part A hospital insurance, including clients who must pay a monthly premium to receive the Medicare coverage.

OAR 461-135-0832 about the definitions used in the Department's Estate Administration rules is being amended to restate the definition of an "estate" when the Department is seeking reimbursement of public assistance payments made to a recipient on or after July 18, 1995 and the recipient died on or after October 1, 2008.

OAR 461-135-0835 about the limitations on claims the Department may make against the estate of a prior recipient of public assistance is being amended to state that in the Breast and Cervical Cancer Medical (BCCM), General Assistance (GA), General Assistance Medical (GAM), Oregon Health Plan (OHP), Oregon Supplemental Income Program (OSIP), Oregon Supplemental Income Program Medical (OSIPM), and Qualified Medicare Beneficiaries (QMB) programs the Department may file a claim against the estate of a recipient's spouse when the recipient's spouse dies before the recipient.

OAR 461-135-1195 about the specific requirements to be eligible for the State Family Pre-SSI/SSDI (SFPSS) program is being amended to state that a client is required to sign an interim assistance agreement allowing 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 rule also is being amended to make permanent the temporary rule changes effective November 16, 2009.

OAR 461-145-0022 about how the Department treats annuities in the Oregon Supplemental Income Program Medical (OSIPM) program is being amended to revise and ease the requirements for an annuity to be considered actuarially sound.

OAR 461-145-0130 about how the Department treats a client's earned income when making eligibility and benefit determinations is being amended in response to a recent change in federal guidelines to exclude the earned income of temporary census workers from consideration when the Department determines eligibility and benefit level for a client in the Supplemental Nutrition Assistance Program (SNAP). This rule also is being amended to make permanent the temporary rule changes effective January 1, 2010.

OAR 461-145-0150 about the treatment of educational income is being amended to state the Department's policy for the treatment of educational income from an externship, graduate assistantship, graduate fellowship, and internship.

OAR 461-145-0184 is being adopted to state how the Department treats payments received by a veteran or the spouse of a veteran who served in the military of the Government of the Commonwealth of the Philippines during World War II and made under the Filipino Veterans Equity Compensation Fund authorized by the American Recovery and Reinvestment Act of 2009.

OAR 461-145-0320 about how the Department treats the value of life and burial insurance policies when determining a client's eligibility (the decision as to whether an individual qualifies, under financial and nonfinancial requirements, to receive program benefits) and benefit level is being amended to state that benefits paid on a life insurance policy are counted as unearned income in the month paid and as a resource in following months whether the payment resulted from the death of the insured individual or the insured individual received accelerated payments before death. This rule also is being amended to state that a deduction of $1,500 from a life insurance payment for the cost of the deceased individual's last illness and burial is allowed only when the payment resulted from the insured individual's death.

OAR 461-145-0550 about how the Department treats unemployment compensation benefits when determining a client's income is being amended -- in response to recent federal legislation, the Worker, Home Ownership, and Business Assistance Act of 2009 (Pub. Law 111-92) -- to state that the $25 supplemental payment authorized by the American Recovery and Reinvestment Act of 2009 is excluded from income when determining eligibility for all of the Department's programs. This amendment makes permanent the temporary rule changes effective November 24, 2009.

OAR 461-150-0090 about how the Department treats contract and self-employment income for clients in all programs, except the Oregon Health Plan (OHP) and Refugee Assistance Medical (REFM) programs, who are assigned to prospective budgeting is being amended to state how the Department determines countable income when current contract income is not representative of future income. This rule also is being amended to state that in the Employment Related Day Care (ERDC), Food Stamp (FS), Medical Assistance Assumed (MAA), Medical Assistance to Families (MAF), Refugee Assistance (REF), and Temporary Assistance for Needy Families (TANF) programs non-self employment income received during a less than 12-month period but intended as a full year's income is annualized. These rule amendments also make permanent the temporary rule changes effective December 1, 2009.

OAR 461-155-0700 about special needs payments for personal incidentals and room and board allowances to Oregon Supplemental Income Program - Medical (OSIPM) program clients in community-based care facilities is being amended to state when the payment is made and how the Department calculates the amount of the special needs payment for a legally married couple when one spouse is institutionalized and the other is a community spouse (not in a medical institution or nursing facility) and the client does not have sufficient income to divert to the community spouse. This rule also is being amended to remove a reference to the Oregon Supplemental Income Program (OSIP) as regular payments under the OSIP program were discontinued effective January 1, 2010 in response to HB 3065 (2009 Or. Laws ch. 849).

OAR 461-165-0200 about when and how the Department supplements or restores benefits for a client is being amended in response to federal legislation (Section 4114 of the Food, Conservation and Energy Act of 2008 (122 Stat. 923)) to remove language entitling a Supplemental Nutrition Assistance Program (SNAP) client to restoration of lost benefits when the benefits were deposited in an electronic benefit transfer (EBT) account and subsequently returned because the benefits expired.

OAR 461-165-0210 about how the Department calculates the amount of benefits to be restored or supplemented is being amended in response to federal legislation (Section 4114 of the Food, Conservation and Energy Act of 2008 (122 Stat. 923)) to remove language describing how the Department calculates the amount Supplemental Nutrition Assistance Program (SNAP) benefits being restored when the benefits were deposited in an electronic benefit transfer (EBT) account and subsequently returned because the benefits expired.

OAR 461-170-0010 about a Department client's responsibility to report a change in circumstances to the Department is being amended to indicate that a change is considered reported when reported by a client, authorized representative, or ineligible student in the household.

OAR 461-193-0000 about client rights in the New Arrival Employment Services (NAES) and Refugee Case Services Project (RCSP) programs is being amended to remove

language referencing an internal contractor complaint handling procedure.
OAR 461-193-0042 about the requirements for New Arrival Employment Services (NAES) and Refugee Case Services Project (RCSP) program clients to follow an employment plan is being amended to correct a rule reference and replace outdated language with current Department terminology concerning resolution of client disagreements over provisions of their employment plans.

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 April'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:			