DHS Report for HB 4106 - OAR 461 Temporary Rules in 2016

Eff. Date	OAR	Action	Statement of Need – Reason for Action	Findings of Need to Act Promptly and Why A Temporary Rule was Appropriate
1-1-2016	461-115-0016	Amend(T)	OAR 461-115-0016 needs to be amended because Oregon has agreed to work with the federal Early Head Start Child Care Partnership project which is a three-year initiative to increase access to quality child care programs for parents needing subsidized child care. This agreement would be compromised if participants in the program are subject to the ERDC reservation list. This amendment exempts participants in the Early Head Start Child Care Partnership project from the reservation list.	The Department finds that failure to act promptly by amending OAR 461-115-0016 will result in serious prejudice to the public interest, the Department, and participants in the Early Head Start Child Care Partnership. Without proceeding by temporary rule, these clients will be subject to the ERDC reservation list which will impact the stability of these families. The Department needs to proceed by temporary rule because the public, the Department, and participants in the Early Head Start Child Care Partnership will immediately benefit because these families will be able to receive subsidized, contracted child care assistance even when the reservation list is activated. This access will increase the opportunity to impact the generational cycle of poverty in a positive way.
1-1-2016	461-130-0310	Amend(T)	OAR 461-130-0310 needs to be amended because individuals who are chronically homeless may have difficulty meeting the work requirements to continue to receive food benefits and the Food and Nutrition Service (FNS) has clarified that states may define "chronically homeless" and exempt these individuals from the ABAWD time limits. (See correspondence dated November 19, 2015.) Therefore, the Department worked with hunger advocates and the Oregon Law Center to develop these temporary amendments that define chronically homeless and clarify that these individuals are exempt from employment program participation and disqualification consistent with federal guidance. OAR 461-135-0506 needs to be amended because it does not address the situation in which an individual receiving transitional benefits (TBA) becomes an ABAWD. The amendment clarifies that ABAWD clients must meet work requirements to receive transitional benefits.	The Department finds that failure to act promptly by amending OAR 461-130-0310 will result in serious prejudice to the public interest, the Department, and SNAP clients in Multnomah and Washington counties who are subject to the time limit and who are chronically homeless. These clients may have difficulty meeting the work requirements and therefore lose food benefits which may be their only way to access food. The Department worked on these amendments with huger advocates and the Oregon Law Center and in line with FNS guidance. The Department needs to proceed by temporary rule because the public, the Department, and clients who are chronically homeless will immediately benefit because they will be eligible to be exempt from the time limit. The Department finds that failure to act promptly by amending OAR 461-135-0506 will result in serious prejudice to the public interest, the Department, and SNAP clients in Multnomah and Washington counties who are subject to the time limit. If these clients are receiving transitional benefits and do not meet the federal work requirements, they will have an overissuance of SNAP benefits. The Department needs to proceed by temporary rule because the public, the Department, and these clients will immediately benefit because the rule will accurately reflect eligibility for transitional benefits consistent with federal law.
	461-135-0506	Amend(T)		
1-1-2016	461-155-0150	Amend(T)	OAR 461-155-0150 needs to be amended because the current rule does not reflect the increased rates that have been negotiated with providers and child care centers and approved in HB 5026 (2015). The amendments ensure the rule accurately reflects the negotiated rates.	The Department finds that failure to act promptly by amending OAR 461-155-0150 will result in serious prejudice to the public interest, the Department, and ERDC clients and providers. The Department needs to proceed by temporary rule because the increased rates have been negotiated with providers and approved by the Legislature in HB 5026 (2015). The public, the Department, and ERDC clients and providers will immediately benefit because the increased rates are intended to support quality child care providers and improve provider stability for families in the ERDC program.

1-20-2016	461-165-0180	Amend(T)	OAR 461-165-0180 needs to be amended to clarify that providers in failed status cannot simply transfer their business to a new owner or move to another location and continue receiving child care payments despite being in failed status for failure to comply with provider requirements. The amendment makes that clarification.	The Department finds that failure to act promptly by amending OAR 461-165-0180 will result in serious prejudice to the public interest, the Department, and children receiving care from Department-approved child care providers. The Department needs to proceed by temporary rule because a child care provider who is associated with a provider or location that was previously in failed status raises concerns about that provider's ability to meet the Department's health and safety requirements for child care providers. The public, the Department, and children receiving care from Department-approved child care providers will immediately benefit if the rule is clear that previously failed child care providers may not provide child care simply by applying under a different business name, position title, or new location. This ensures that the Department is meeting its obligation to ensure that child care subsidized by the Department is only provided by caregivers who are able to meet all eligibility requirements.
1-22-2016	461-180-0010	Amend(T)	OAR 461-180-0010, 461-180-0090, and 461-180-0140 need to be amended because the current rules do not accurately reflect the policy for the effective date of medical programs for some applicants and clients. The amendments make clarifications and add limitations and exceptions to ensure the rules reflect current policy and align with the State Medicaid Plan.	The Department finds that failure to act promptly by amending OAR 461-180-0010, 461-180-0090, and 461-180-0140 will result in serious prejudice to the public interest, the Department, eligibility staff, and medical assistance applicants and clients because the rules will not accurately reflect the policy regarding the start date of medical assistance benefits for some clients. This could result in assistance starting on the wrong date. The Department needs to proceed by temporary rule because the public, the Department, eligibility staff, and medical assistance applicants and clients will immediately benefit because the correct policy will be reflected in rules and applied consistently and accurately.
	461-180-0010(T)	Suspend		
	461-180-0090	Amend(T)		
	461-180-0090(T)	Suspend		
	461-180-0140	Amend(T)		
	461-180-0140(T)	Suspend		
2-5-2016	461-135-0520	Amend(T)	OAR 461-190-0500 needs to be adopted and OAR 461-135-0520 needs to be amended as part of the Department's implementation of a three-month time limit for SNAP benefits for ABAWD clients in Multnomah and Washington counties. ABAWD clients subject to the time limit must meet work requirements to continue to receive SNAP benefits beyond the three-month time limit. The Oregon Food Bank and PCC will be starting a site to serve as an employment option for ABAWD. These temporary rules establish the requirements for Workfare so that it can be used by ABAWD clients to meet the work requirements.	The Department finds that failure to act promptly by adopting OAR 461-190-0500 and amending OAR 461-135-0520 will result in serious prejudice to the public interest, the Department, and SNAP clients in Multnomah and Washington Counties who are subject to the three-month time limit described in OAR 461-135-0520. The Department needs to proceed by temporary rule because under the temporary amendments, ABAWD clients will be able to use Workfare as an employment option to continue to receive food benefits beyond the three-month time limit.
	461-190-0500	Adopt(T)		
3-1-2016	461-125-0370	Amend(T)	Under OAR 410-200-0220, individuals who are receiving medical assistance from an OCCS Medical Program are required to pursue assets to remain eligible for benefits, including applying for Social Security benefits based on a disability and appealing unfavorable decisions. Favorable Social Security decisions provide income for individuals and allow them to move from MAGI to Medicare. Some clients with disabilities may need assistance with the application and appeals process, but there is a lack of experienced advocates to provide assistance without expectation of a fee, particularly in the first two stages of the SSA process. OAR 461-125-0370 was amended by temporary rule on October 5, 2015 to implement a pilot program to assist eligible clients served in Estacada, Oregon, with SSA applications and appeals. This amendment is needed to expand the project to additional locations to provide assistance to more clients and allow the Department to determine the feasibility and effectiveness of the pilot project.	The Department finds that failure to act promptly by amending OAR 461-125-0370 will result in serious prejudice to the public interest, the Department, and clients served in Canby or Milwaukie, Oregon who would be eligible for free assistance under the expanded pilot project. The Department needs to proceed by temporary rule because the public, the Department, and eligible clients will immediately benefit by providing access to free assistance from qualified disability benefits liaisons, which may improve the ability of clients to get favorable Social Security decisions which would provide income for the individuals and allow them to move from MAGI to Medicare.
	461-125-0370(T)	Suspend		
3-1-2016	461-155-0150	Amend(T)	OAR 461-155-0150 needs to be amended because the current rule does not reflect the increased	The Department finds that failure to act promptly by amending OAR 461-155-

	461-155-0150(T)	Suspend	rates that have been negotiated with the AFSCME child care provider union. The amendments ensure the rule accurately reflects the negotiated rates.	0150 will result in serious prejudice to the public interest, the Department, and ERDC clients and providers. The Department needs to proceed by temporary rule because the increased rates have been negotiated with the AFSCME child care provider union and funding was provided by the Legislature. The public, the Department, and ERDC clients and providers will immediately benefit because the increased rates are intended to support quality child care providers and improve provider stability for families in the ERDC program.
3-2-2016	461-135-0520	Amend(T)	OAR 461-135-0520 needs to be amended because the current rule could be misread to mean that an ABAWD is only ineligible after receiving benefits more than three months. Under this reading, the Department would need to wait 91 days to send a notice of closure of SNAP benefits. This would require the Department to provide benefits beyond what is allowed under federal law. The amendment makes the clarification that ABAWD are limited to three countable months of benefits and further clarifies that the limitation follows an individual ABAWD even when the individual receives benefits as part of a different household.	The Department finds that failure to act promptly by amending OAR 461-135-0520 will result in serious prejudice to the public interest, the Department, and clients subject to the federal time limit on SNAP benefits. The Department needs to proceed by temporary rule because the public, the Department, and these clients will immediately benefit because the rule will clearly reflect the federal time limit that applies to these clients and allow the Department to properly implement the time limit that took effect January 1, 2016 for ABAWD clients who reside in Multnomah or Washington County.
	461-135-0520(T)	Suspend		
3-4-2016	461-120-0110	Amend(T)	OAR 461-120-0110 needs to be amended because the Department is currently out of compliance with federal law, which requires a waiver of citizenship requirements for children participating in the Head Start program. The amendments to 461-120-0110 add in a waiver of the proof of citizenship requirements for children participating in the Head Start and Early Head Start programs, which ensures that Oregon is in compliance with federal law.	The Department finds that failure to act promptly by amending OAR 461-120-0110 will result in serious prejudice to the public interest, the Department, and Head Start participants. The Department needs to proceed by temporary rule because the public, the Department, and Head Start participants will immediately benefit because the rule will properly reflect the federal waiver of citizenship requirements for Head Start participants. Failure to immediately amend 461-120-0110 would mean the Department is out of compliance with federal law, and make the Department susceptible to losing federal funding for child care programs.
3-14-2016	461-165-0180	Amend(T)	OAR 461-165-0180 needs to be amended because currently when a provider is not in compliance with the eligibility requirements, the only option for the Department is to place them in "failed" status and allow the provider to immediately resubmit information to show the deficiency has been remedied. For some eligibility requirements, this is appropriate. For example, if the provider is failed because of a missing safety gate, the "failed" status gives the provider the opportunity to immediately remedy the deficiency. However, some eligibility requirements, such as failure to maintain records or report child abuse cannot be immediately remedied and a longer term of ineligibility may be more appropriate to ensure the provider is prepared to meet the high child safety and program integrity standards. By creating a new finding of "non-compliant" for some provider deficiencies with a six-month ineligibility period will give the Department the discretion to ensure eligible providers are able to comply with all provider requirements.	The Department finds that failure to act promptly by amending OAR 461-165-0180 will result in serious prejudice to the public interest, the Department, and families receiving child care from Department-approved providers. The Department needs to proceed by temporary rule because the public, the Department, and children receiving child care from Department-approved providers will immediately benefit as providers who have violated eligibility requirements that cannot be immediately remedied will be ineligible for a period of time to allow the Department to ensure the provider is qualified to meet all the child safety and program integrity requirements.
	461-165-0180(T)	Suspend		
4-1-2016	461-135-0521	Amend(T)	OAR 461-135-0521 needs to be amended because as it is currently written, the job quit prohibition only applies to applicants subject to OFSET requirements. OFSET is no longer offered in districts where the ABAWD time limits apply. Therefore, it unintentionally excluded ABAWD applicants from the job quit provisions, which is inconsistent with federal law. The amendment corrects the rule by clarifying that the rule applies to all clients subject to SNAP employment and training requirements, not just OFSET. OAR 461-160-0410 needs to be amended because the current rule does not accurately reflect federal regulations which allow the Department to prorate the income and deductions of an ABAWD who is ineligible due to the time limit before applying it to the rest of the household when there are others receiving SNAP benefits. This allows the eligible members of the household to claim less income which benefits the clients and brings the Department in line with federal regulations.	The Department finds that failure to act promptly by adopting OAR 461-180-0135 and amending OAR 461-135-0521 and 461-160-0410 will result in serious prejudice to the public interest, the Department, and ABAWD clients residing in Multnomah or Washington County because the rules will be in conflict with Department practice and federal law. Without the changes, clients may receive inaccurate benefit amounts and the Department may be at risk of federal penalties. The Department needs to proceed by temporary rule because the public, the Department, and ABAWD clients residing in Multnomah or Washington County will immediately benefit when the rules accurately reflect Department practice and federal regulations relating to ABAWD clients.

	461-160-0410	Amend(T)	OAR 461-180-0135 needs to be adopted because in some cases, ABAWD clients may lose eligibility for SNAP benefits because they do not understand the new time limit or associated exemptions and work requirements they are subject to. This rule will allow the Department to restore benefits without a new application if the ABAWD shows they were exempt or met the work requirements in one of the months that counted toward reaching the three-month limit on SNAP benefits. This will reduce work for staff and help clients who may not be aware of the new time limit or understand the work requirements and exemptions that make them eligible to continue to receive benefits beyond three months.	
	461-180-0135	Adopt(T)		
4-5-2016	461-135-0520	Amend(T)	OAR 461-135-0520 needs to be amended because due to the large number of ABAWD clients (an estimated 6,000 individuals), local offices in impacted counties were unable to send timely and adequate closure notices to all households. Continuing to receive benefits beyond the three months, however, could result in an overpayment for clients. Therefore, the Department needs to adopt these temporary changes to allow the Department to grant Food and Nutrition Service (FNS) discretionary exemptions to the time limit to these clients for the month of April 2016.	The Department finds that failure to act promptly by amending OAR 461-135-0520 will result in serious prejudice to the public interest, the Department, and ABAWD clients who did not receive adequate notice regarding the loss of their SNAP eligibility as of April 1, 2016. The Department needs to proceed by temporary rule because the public, the Department, and impacted clients will immediately benefit when the Department is able to grant FNS-approved discretionary exemptions under this rule to ABAWD clients who did not receive adequate notice. This will allow those clients to continue to receive benefits without incurring an overpayment.
5-1-2016	461-135-0520	Amend(T)	OAR 461-135-0520 needs to be amended because about 200 ABAWD clients did not receive notice of the SNAP time limits or their ineligibility for benefits in their preferred language. In addition, another approximately 200 SNAP households containing an ABAWD are in simplified reporting and they did not receive timely notice of ineligibility due to the SNAP time limit because their Interim Change Report was late. Continuing to receive benefits beyond the three months, however, could result in an overpayment for clients. Therefore, the Department needs to adopt these temporary changes to allow the Department to grant Food and Nutrition Service (FNS) discretionary exemptions to the time limit to these clients.	The Department finds that failure to act promptly by amending OAR 461-135-0520 will result in serious prejudice to the public interest, the Department, and ABAWD clients who did not receive adequate notice regarding the loss of their SNAP eligibility. The Department needs to proceed by temporary rule because the public, the Department, and impacted clients will immediately benefit when the Department is able to grant discretionary exemptions approved by the Food and Nutrition Service under this rule to ABAWD clients who did not receive adequate notice. This will allow those clients to continue to receive benefits without incurring an overpayment.
5-12-2016	461-155-0030	Amend(T)	OAR 461-155-0030 needs to be amended because the Department's eligibility system will not allow REF program benefits to be coded using the new TANF ELI. Generally, REF policy is aligned with TANF policy to avoid confusion for clients and eligibility staff. However, due to system limitations, the rule needs to be amended to apply the ELI only to TANF clients who become ineligible due to increased income. This is a temporary change until the system can be modified to apply the ELI to REF clients.	The Department finds that failure to act promptly by amending OAR 461-155-0030 will result in serious prejudice to the public interest, the Department, eligibility staff, and REF clients. The Department needs to proceed by temporary rule because the public, the Department, eligibility staff, and REF clients will immediately benefit when the rule establishing income limits for program eligibility accurately reflects the way income is used to determine eligibility for REF benefits until a permanent solution can be implemented to the Department's eligibility system to allow the ELI to be applied to REF cases.

5-13-2016	461-125-0370	Amend(T)	OAR 461-125-0370 needs to be amended because clients with disabilities who enter community-based care no longer receive SNAP benefits and therefore they are excluded from participation in the pilot project. These clients are the type of clients the pilot project was intended to help and therefore the rule needs to be amended to allow them to qualify for free assistance with Social Security disability benefits. Helping these clients with applications may lead to more successful outcomes which would mean income to help clients be self-sufficient and also ensure that they are meeting the requirement to pursue assets under OAR 410-200-0220.	The Department finds that failure to act promptly by amending OAR 461-125-0370 will result in serious prejudice to the public interest, the Department, and clients who are excluded from participation in the pilot project under the current rule. The Department needs to proceed by temporary rule because the public, the Department, and these clients will immediately benefit if more clients are able to get favorable Social Security decisions.
5-23-2016	461-165-0180	Amend(T)	OAR 461-165-0180 needs to be amended to comply with federal Child Care and Development Block Grant regulations. 45 CFR 98.2 states that a child care provider may be a sibling of the child receiving care but only if the sibling "lives in separate residence." The amendment clarifies that providers may not be a sibling living in the same home as a child in the filing group to ensure the Department is in compliance with federal child care regulations.	The Department finds that failure to act promptly by amending OAR 461-165-0180 will result in serious prejudice to the public interest, the Department, and families and providers in the ERDC program. The Department needs to proceed by temporary rule because the public, the Department, and ERDC participants will immediately benefit when the Department's child care provider eligibility rules are in compliance with federal law.
	461-165-0180(T)	Suspend		
7-1-2016	461-001-0000	Amend(T)	The GA program has been reinstated as a result of HB 4042. GA was not removed from most of the OARs following its discontinuance in 2005 (other than the rule specifically addressing the discontinuance); however, the new GA program is differs from the former in significant ways. These changes accommodate the reinstatement of and changes to the GA program.	The Department finds that failure to act promptly by adopting, amending, and repealing these rules will result in serious prejudice to the public interest, the Department, and individuals who would be eligible for GA benefits because the Department would be in violation of HB 4042 as of July 1, 2016 and eligible individuals would not receive benefits they are entitled to under the law. The Department needs to proceed by temporary rule because the public, the Department, and eligible clients will immediately benefit when the Department is in compliance with the law and is able to provide assistance to needy clients who are eligible as soon as legally allowed.
	461-101-0010	Amend(T)		
	461-110-0390	Suspend		
	461-110-0630	Amend(T)		
	461-110-0750	Amend(T)		
	461-115-0030	Amend(T)		
	461-115-0050	Amend(T)		
	461-115-0071	Amend(T)		
	461-115-0430	Amend(T)		
	461-115-0700	Amend(T)		
	461-120-0030	Amend(T)		
	461-120-0125	Amend(T)		
	461-120-0210	Amend(T)		
	461-120-0315	Amend(T)		
	461-120-0345	Amend(T)		
	461-120-0350	Amend(T)		
	461-120-0510	Amend(T)		
	461-125-0510	Suspend		
	461-125-0810	Amend(T)		
	461-135-0560	Amend(T)		
	461-135-0700	Amend(T)		
	461-135-0701	Amend(T)		
	461-135-0705	Suspend		

	461-135-0708	Amend(T)		
	461-135-0950	Amend(T)		
	461-135-0990	Amend(T)		
	461-140-0010	Amend(T)		
	461-140-0040	Amend(T)		
	461-140-0120	Amend(T)		
	461-140-0210	Amend(T)		
	461-140-0242	Amend(T)		
	461-140-0250	Amend(T)		
	461-140-0296	Amend(T)		
	461-140-0300	Amend(T)		
	461-145-0005	Amend(T)		
	461-145-0040	Amend(T)		
	461-145-0050	Amend(T)		
	461-145-0110	Amend(T)		
	461-145-0220	Amend(T)		
	461-145-0230	Amend(T)		
	461-145-0240	Amend(T)		
	461-145-0250	Amend(T)		
	461-145-0259	Amend(T)		
	461-145-0260	Amend(T)		
	461-145-0320	Amend(T)		
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	461-145-0340	Amend(T)		
	461-145-0360	Amend(T)		
	461-145-0365	Amend(T)		
	461-145-0370	Amend(T)		
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	461-145-0910	Amend(T)		
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	461-155-0020	Amend(T)		
	461-155-0210	Amend(T)		
	461-155-0360	Amend(T)		
	461-155-0580	Amend(T)		
	461-155-0600	Amend(T)		
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	461-155-0670	Amend(T)		
	461-160-0010	Amend(T)		
	461-160-0015	Amend(T)		
	461-160-0055	Amend(T)		
	461-160-0060	Amend(T)		
	461-160-0500	Amend(T)		
	461-160-0620	Amend(T)		
	461-165-0030	Amend(T)		
	461-165-0050	Amend(T)		
	461-165-0120	Amend(T)		
	461-170-0011	Amend(T)		
	461-175-0210	Amend(T)		
	461-175-0240	Amend(T)		
	461-175-0310	Amend(T)		
	461-180-0010	Amend(T)		
	461-180-0065	Amend(T)		
	461-180-0070	Amend(T)		
	461-180-0090	Amend(T)		

	461-195-0521	Amend(T)		
	461-195-0541	Amend(T)		
7-1-2016	461-145-0000	Adopt(T)	OAR 461-145-0000 needs to be adopted to comply with the Achieving a Better Life Experience (ABLE) Act of 2014 and SB 777 by excluding funds held in an ABLE Act account from eligibility determination for DHS assistance programs. The rule adoption allows disbursements from such accounts to be excluded as income so long as such payments are consistent with the definition of Qualified Disability Expenses (QDEs) as outlined in the ABLE Act and SB 777.	The Department finds that failure to act promptly by amending OAR 461-145-0000 will result in serious prejudice to the public interest, the Department, and agency clients. The Department needs to proceed by temporary rule because funds in ABLE Act accounts in other states may be used erroneously by DHS staff in determining eligibility and calculating benefit levels for public assistance programs in Oregon. If the Department does not act quickly, agency clients may not have benefits calculated properly because money held in ABLE Act accounts will not be used to determine eligibility for public assistance benefits. Agency staff who are unaware of this law, may inaccurately calculate benefit eligibility, which could lead to Department staff having to write administrative underissuances to clients who have wrongly had their ABLE Act resources used to lower or eliminate their benefits. Enacting these rules immediately will allow Department staff to know how to properly account for ABLE Act accounts resources and prevent clients having benefits calculated in an improper manner.
7-1-2016	461-165-0180	Amend(T)	OAR 461-165-0180 needs to be amended to comply with federal Child Care and Development Block Grant regulations. 45 CFR 98.2 states that a child care provider may be a sibling of a child receiving care, but only if the sibling "lives in separate residence." The amendment clarifies that providers may not be a sibling living in the same home as a child in the filing group to ensure the Department is in compliance with federal child care regulations.	The Department finds that failure to act promptly by amending OAR 461-165-0180 will result in serious prejudice to the public interest, the Department, and families and providers in the Employment Related Day Care (ERDC) program. The Department needs to proceed by temporary rule because the public, the Department, and ERDC participants will immediately benefit when the Department's child care provider eligibility rules are in compliance with federal law.
9-1-2016	461-110-0530	Amend(T)	The GA program was reinstated by HB 4042 (2016). (The program was discontinued in 2005.) On July 1, 2016, the Department adopted temporary rules to reflect the requirements of the new program and to remove references to GA and GAM (General Assistance Medical) throughout the rules that had not been removed in 2005. OAR 461-110-0530 was inadvertently left out of the temporary rule filing on July 1, 2016. The rule needs to be amended by temporary rule now to remove reference to the GA program to ensure the rules accurately reflect eligibility requirements for the new GA program.	The Department finds that failure to act promptly by amending OAR 461-110-0530 will result in serious prejudice to the public interest, Department staff who rely on rules to determine eligibility, and clients who may be eligible for benefits under HB 4042 (2016). The Department needs to proceed by temporary rule because the public, the Department, and clients will immediately benefit when all Department rules accurately reflect Department policy and procedure related to eligibility for benefits under HB 4042 (2016).
10-1-2016	461-140-0296	Amend(T)	OAR 461-140-0296 needs to be amended to update the amount used to calculate the number of months of ineligibility due to a disqualifying transfer of assets. This amount is calculated by using the average monthly cost to a private patient of nursing facility services in Oregon and needs to be updated effective October 1, 2016. The continued use of the outdated amount likely would cause clients to be disqualified for more months than they would with the updated figure. The amended rule will reflect the correct amount used to calculate the number of months of ineligibility due to a disqualifying transfer of assets.	The Department finds that failure to act promptly by amending OAR 461-140-0296 will result in serious prejudice to the public interest, the Department, and OSIP and OSIPM clients because the Department would be out of compliance with federal law. The Department needs to proceed by temporary rule because the public, the Department, and clients will immediately benefit when the rule accurately reflects the figure used to calculate the length of disqualification.

10-1-2016	461-165-0180	Amend(T)	OAR 461-165-0180 needs to be amended to comply with federal requirements. Proposed changes to 45 CFR §§ 98.16(ee) and 98.33 will require the Lead Agency for CCDF funding (the Office of Child Care (OCC) of the Oregon Department of Education (ODE)) to have policies on suspension and expulsion of children in child care and other early childhood programs and disseminate them as part of consumer and provider education efforts. OCC, as the Lead Agency in Oregon, has requested that the Department require its child care providers to develop and disclose suspension and expulsion policies as part of OCC's efforts to comply with federal guidance which encourages states to "establish statewide policies, applicable across settings, including publicly and privately funded early childhood programs, to promote children's social-emotional and behavioral health and to eliminate or severely limit the use of expulsion, suspension, and other exclusionary discipline practices." The amendments ensure the state of Oregon is in compliance with regulations applicable to programs that receive CCDF funding.	The Department finds that failure to act promptly by amending OAR 461-165-0180 will result in serious prejudice to the public interest, the Department, and clients who receive child care assistance because the Department would not be in full compliance with federal regulations applicable to state programs who receive CCDF funding. The Department needs to proceed by temporary rule because the public, the Department, and clients will immediately benefit when the Department is in compliance with federal regulations applicable to state programs who receive CCDF funding.
10-19-2016	461-115-0020	Amend(T)	OAR 461-115-0020 needs to be amended to address a potential loophole under which an individual may attempt to qualify for benefits in the contested case hearing process through testimony about efforts to mail application materials to the Department. This amendment addresses this loophole with an explicit requirement that the materials be received by the Department.	The Department finds that failure to act promptly by amending OAR 461-115-0020 will result in serious prejudice to the public interest and the Department. The Department has deadlines for application and recertification materials for a very large number of clients, and needs to address any perception that there is no requirement for the Department to actually receive these materials.
10-19-2016	461-130-0305	Amend(T)	OAR 461-130-0305, 461-130-0310, 461-130-0315, 461-130-0330, and 461-135-0520 need to be amended because the current rules do not support federal E&T eligibility requirements in the SNAP program which were previously embedded in OFSET participation. The changes described below ensure the rules support Department practice consistent with federal requirements. • OAR 461-130-0305 is amended to include the SNAP E&T requirement to register for work in the definition of mandatory. • OAR 461-130-0310 and 461-030-0315 are amended to show which criteria is truly an exemption from all of the E&T requirements and which requirements could make an individual exempt from participating in work-related activities but not exempt from work registration or other E&T eligibility requirements such as maintaining employment. • OAR 461-130-0330 is amended to state that a mandatory E&T client is subject to disqualification if they do not perform the E&T eligibility requirements. ABAWDs are not limited to only the need to maintain employment. • OAR 461-135-0520 is amended to reflect that an ABAWD may be exempt from the time limit under either list of exemption criteria in OAR 461-130-0310(3) described above.	The Department finds that failure to act promptly by amending these rules will result in serious prejudice to the public interest, the Department, and SNAP clients because the October 1, 2016 E&T changes inadvertently made some persons who are required to register for work exempt from disqualification. It also did not clearly delineate the E&T requirements which still exist even though some individuals are no longer required to participate in work-related activities. The Department needs to proceed by temporary rule because the public, the Department, and SNAP clients will immediately benefit when the rules accurately reflect all the requirements clients must meet to maintain SNAP eligibility.
	461-130-0310	Amend(T)		
	461-130-0315	Amend(T)		
	461-130-0330	Amend(T)		
	461-135-0520	Amend(T)		

11-1-2016	461-165-0180	Amend(T)	Federal law requires training and professional development standards for child care providers who receive child care subsidy payments paid to families by the Department. Training is required prior to being approved by the Department, or during an orientation period, and on an annual basis. Training is to include 10 basic health and safety topics as well as recognizing and reporting child abuse and neglect. Federal law also requires (and Oregon law authorizes) a pre-service inspection and annual unannounced visits of certain providers receiving CCDF funds to ensure that health and safety standards are being followed. This requires the Early Learning Division (ELD) of the OCC and the Department to begin annual health and safety reviews of license exempt non-relative child care providers in home and center environments by November 1, 2016. These rule amendments implement these requirements.	The Department finds that failure to act promptly by amending OAR 461-165-0180 will result in serious prejudice to the public interest, the Department, and families served be the Department's child care subsidy recipients because the Department is not in compliance with federal regulations and requirements of the Lead Agency charged with the administration of CCDF funds (the ELD). The Department needs to proceed by temporary rule because the public, the Department, and families and providers in the child care subsidy program will immediately benefit when the Department's practice and rules are in compliance with all state and federal requirements related to the use of CCDF funds.
11-4-2016	461-145-0540	Amend(T)	OAR 461-145-0540 needs to be amended because the treatment of distributions from a revocable trust was changed for all programs on January 1, 2016 to make such distributions excluded as income if the balance of the trust was countable as a resource. The SNAP program later realized the change contradicted federal SNAP rules. This amendment restores the Department rules back to what was in place before January 1, 2016 for the SNAP program.	The Department finds that failure to act promptly to amend OAR 461-145-0540 will result in serious prejudice to the public interest, the Department, and individuals who receive SNAP benefits, as the Department is currently not in compliance with the federal rules. The Department needs to proceed by temporary rule because if the Department does not change the rules, it would perpetuate incorrect interpretation of the treatment of distributions from revocable trusts in the SNAP program and could lead to federal sanctions or a loss of federal funding. If the Department does not amend the rules it could also lead to inaccurate SNAP eligibility determinations. The Department needs to immediately fix the rules, so the Department can comply with the federal rules and ameliorate the risk of federal sanctions or losing federal funding or incorrectly determining SNAP eligibility.