

DHS Report for ORS 183.403 (HB 4106 2016) – OAR 461 Temporary Rules in 2018

Eff. Date	OAR	Action	Statement of Need – Reason for Action	Findings of Need to Act Promptly and Why A Temporary Rule was Appropriate
2-1-18	461-115-0150 461-135-0082 461-135-0900 461-193-0031	Amend(T) Amend(T) Amend(T) Amend(T)	OAR 461-115-0150 about offices where clients apply, OAR 461-135-0082 about eligibility for refugees, OAR 461-135-0900 about specific requirements for the Refugee and Refugee Medical programs, and OAR 461-193-0031 about eligibility requirements for the Refugee Case Services Project (RCSP) need to be amended because RCSP will begin the process of ending, starting February 1, 2018. After February 1, any new applications for REF or TANF within the RCSP Project area for newly arrived refugees are submitted through local branch office and follow a process that more closely tracks other programs. These amendments establish February 1 transition dates.	The Department finds that failure to act promptly by amending OAR 461-115-0150, OAR 461-135-0082, OAR 461-135-0900, and OAR 461-193-0310 will result in serious prejudice to the public interest and the Department because the rules need to reflect changes in refugee services that begin February 1, 2018. After February 1, any new applications for REF or TANF within the Refugee Case Services Project (RCSP) area for newly arrived refugees are submitted through local branch office and follow a process that more closely tracks other programs. These amendments establish February 1 transition dates.
2-1-18	461-130-0310	Amend(T)	OAR 461-130-0310 about participation classifications and exemptions needs to be amended to adjust the current, unnecessary limit, as a result of a narrow definition of disability, on the exemption for caring for an incapacitated person and on clients receiving disability benefits for a partial disability. This amendment the rule into compliance with federal intent without adding further or unnecessary limits by correcting an incorrect cross reference in the rule and expanding when a SNAP participant may be exempt from time limits and work requirements due to medical reasons.	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 some SNAP clients. This amendment brings the rule into compliance with federal intent without adding further or unnecessary limits by correcting an incorrect cross reference in the rule and expanding when a SNAP participant may be exempt due to medical reasons. This rule needs to be amended immediately to assure that clients who do not meet the more limited definition of disability are exempted from work and time limit requirements if they are responsible for the care of an incapacitated person or are receiving disability benefits for a partial disability.
2-1-18	461-135-0520	Amend(T)	OAR 461-135-0520 about time limits and special requirements in the SNAP program for able-bodied adults without dependents (ABAWDs) needs to be amended because DHS is committed to providing information to non-English speaking or reading individuals in their language. DHS is required to provide notices to these SNAP households in a timely manner. Some notices were delayed in translation and the impacted SNAP households did not receive them. This amendment will allow a few ABAWDs who have exceeded the SNAP time limit but did not receive their closure or reduction notice in their chosen language to continue to receive SNAP for one additional month without having to meet the work requirements.	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 SNAP households who did not receive closure or reduction notices in the language they requested. DHS is committed to providing information to non-English speaking or reading individuals in their language. DHS is required to provide notices to these SNAP households in a timely manner. Some notices were delayed in translation and the impacted SNAP households did not receive them. This amendment will allow a few ABAWDs who have exceeded the SNAP time limit but did not receive their closure or reduction notice in their chosen language to continue to receive SNAP for one additional month without having to meet the work requirements. The Department needs to proceed by temporary rule because so the time limits do not affect their SNAP benefits starting February 1, 2018.

DHS Report for ORS 183.403 (HB 4106 2016) – OAR 461 Temporary Rules in 2018

Eff. Date	OAR	Action	Statement of Need – Reason for Action	Findings of Need to Act Promptly and Why A Temporary Rule was Appropriate
3-1-18	461-155-0180	Amend(T)	OAR 461-155-0180 needs to be amended because the current rule would be outdated for at the levels of 185 and 250 percent of federal poverty guidelines and for state median income at the level of 85 percent. This amendment promotes accurate benefit decisions in the ERDC, SNAP, and TANF programs by updating these standards.	The Department finds that failure to act promptly by amending OAR 461-155-0180 will result in serious prejudice to the public interest, the Department, and clients of its programs. The Department needs to proceed by temporary rule because the Department is determining eligibility for its clients on a continuous basis and the updated standards will allow more clients to qualify for its programs, which provide essential support for them.
4-1-18	461-001-0025	Amend(T)	OAR 461-001-0025 defining terms, components, and activities used in other rules for the JOBS, Pre-TANF, Post-TANF, and TANF programs needs to be amended to support Department staff in working more effectively with TANF participants and help improve the accuracy of federal data reporting by revising definitions to fit the family engagement model, aligning this rule with its JOBS activity guidelines (a worker guide) being released on April 1, 2018, providing definitions for activities not previously defined, removing definitions of activities the Department no longer offers or supports, and clarifying other definitions.	The Department finds that failure to act promptly by amending OAR 461-001-0025 will result in serious prejudice to the public interest and the Department because starting April 1, 2018 changes to the Department TRACS case management system will be in place and it needs to align with Department rules. This amendment supports Department staff in working more effectively with TANF participants and help improve the accuracy of federal data reporting by revising definitions to fit the family engagement model, aligning this rule with its JOBS activity guidelines (a worker guide) being released on April 1, 2018, providing definitions for activities not previously defined, removing definitions of activities the Department no longer offers or supports, and clarifying other definitions.
4-1-18	461-120-0215 461-190-0211	Adopt(T) Amend(T)	OAR 461-120-0215 about illegal activity needs to be adopted to keep the Department aligned with federal funding requirements by setting out Department policy that income from illegal activity is counted for purposes of determining eligibility, that support services are not used to support employment in illegal activity, and that employment in illegal activity does not make one eligible for jobs participation incentive, reduced co-pay, or employment payments. This rule also treats an activity as illegal if either Oregon or federal law makes the activity illegal.  OAR 461-190-0211 about case plan activities and standards for support service payments needs to be amended to keeps the Department aligned with federal funding requirements by stating that support services are not used to support employment in an activity that is illegal under either Oregon or federal law.	The Department finds that failure to act promptly by adopting OAR 461-120-0215 and amending OAR 461-190-0211 will result in serious prejudice to the public interest and the Department because the Department needs to remain aligned with federal requirements related to Employment and Training participation hours, ABAWD requirements, and SNAP time limits; and corrections would be quite complex retroactively. This rule supports this alignment by setting out Department policy that income from illegal activity is counted for purposes of determining eligibility, that support services are not used to support employment in illegal activity, and that employment in illegal activity does not make one eligible for jobs participation incentive, reduced co-pay, or employment payments. This rule also treats an activity as illegal if either Oregon or federal law makes the activity illegal.

DHS Report for ORS 183.403 (HB 4106 2016) – OAR 461 Temporary Rules in 2018

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4-1-18	461-130-0310	Amend(T)	OAR 461-130-0310 about participation classifications and exemptions needs to be amended to follow federal intent by adjusting the exemption for a SNAP participant to be exempt due to medical reasons from the work programs and from the SNAP time limit to include individuals with pending applications for disability benefits and clarify the types of physical and mental health services that qualify an individual for the exemption.	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 some SNAP clients. This amendment the rule into compliance with federal intent by expanding and clarifying when a SNAP participant may be exempt due to medical reasons. This rule needs to be amended immediately to assure that clients who do not meet the more limited definition of disability are exempted from work and time limit requirements.
4-1-18	461-135-0485	Amend(T)	OAR 461-135-0485 about the requirement in the Pre-TANF and TANF programs to complete an employability screening and an overview of the Job Opportunity and Basic Skills (JOBS) Program needs to be amended to reflect the changing of forms for these programs starting April 1, 2018 by revising the definition of “employment screening”. This rule also need to be amended to address individuals who are not permitted to work in the United States by clarifying that these individuals do not have to complete the employability screening and by stating that if all adults in the need group are not authorized to work in the United States, they are not required to participate in the JOBS program overview.	The Department finds that failure to act promptly by amending OAR 461-135-0485 will result in serious prejudice to the public interest and the Department because starting April 1, 2018 the rule would be out-of-sync with the employment screening forms used by the Department. Additionally, without these amendments, the rule would not reflect Department practices for individuals who are not authorized to work in the United States.
4-1-18	461-135-0520	Amend(T)	OAR 461-135-0520 about time limits and special requirements in the SNAP program for able-bodied adults without dependents (ABAWDs) needs to be amended because the Department is required to provide notices to SNAP households in a timely manner. This amendment will allow a few ABAWDs who have exceeded the SNAP time limit but were not sent timely closure or reduction notices to continue to receive SNAP for one additional month without having to meet the work requirements.	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 SNAP households who were not sent timely closure or reduction notices. The Department is required to provide notices to SNAP households in a timely manner. This amendment will allow a few ABAWDs who have exceeded the SNAP time limit but were not sent timely closure or reduction notices to continue to receive SNAP for one additional month without having to meet the work requirements. The Department needs to proceed by temporary rule because so the time limits do not affect their SNAP benefits starting April 1, 2018.

DHS Report for ORS 183.403 (HB 4106 2016) – OAR 461 Temporary Rules in 2018

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4-1-18	461-140-0110 461-140-0120 461-180-0020	Amend(T) Amend(T) Amend(T)	OAR 461-140-0110 about the treatment of periodic income, OAR 461-140-0120 about the availability and treatment of lump-sum income, and OAR 461-180-0020 about the effective dates for changes in income or income deductions that cause increases need to be amended to avoid training staff to implement changes that will not endure. The Department had filed permanent rule changes on March 9, 2018 that were to take effect on April 1, 2018 and then learned that the changes to these rules would not be part of the Integrated Eligibility system. These amendments restore the rules so the April 1 permanent changes are not in place.	The Department finds that failure to act promptly by amending OAR 461-140-0110, OAR 461-140-0120, and OAR 461-180-0020 will result in serious prejudice to the public interest and the Department because training and eligibility staff would have spent time learning and implementing changes that would not endure past the start of the Integrated Eligibility system. The Department had filed permanent rule changes to these rules on March 9, 2018 that were to take effect on April 1, 2018 and then learned that the changes would not be part of the Integrated Eligibility system. These amendments restore the rules so the April 1 permanent changes are not in place.
5-4-18	461-195-0305	Amend(T)	OAR 461-195-0305 regarding liens of the Department, Coordinated Care Organization, or Prepaid Managed Care Health Services Organization needs to be amended to address the federal Bipartisan Budget Act of 2018 that repealed with retroactive effect federal legislation that had taken effect on October 1, 2017. OAR 461-195-0305 needs to be amended by restoring retroactively the Oregon policy that existed prior to October 1, 2017. This rule amendment restores the rebuttable presumption that settlement or judgment proceeds of a Medicaid assistance recipient are first allocated to medical expenses. This amendment places the burden to rebut the presumption on the Medicaid assistance recipient by clear and convincing evidence. The 2018 federal legislation effectively reinstated the US Supreme Court decision in <i>Arkansas v Ahlborn</i> which limits the personal injury lien program reimbursement to that portion of a personal injury settlement or judgment, of a Medicaid recipient, that is reimbursement for medical damages.	The Department finds that failure to act promptly by amending OAR 461-195-0305 would result in serious prejudice to the public interest and the Department. Under 42 USC § 1396b(o), the state may lose federal funds for failure to comply with Medicaid mandates to obtain reimbursement from liable third parties. The federal Bipartisan Budget Act of 2018 repealed with retroactive effect federal legislation that had taken effect on October 1, 2017. The 2018 federal legislation effectively reinstated the US Supreme Court decision in <i>Arkansas v Ahlborn</i> which limits the personal injury lien program reimbursement to that portion of a personal injury settlement or judgment, of a Medicaid recipient, that is reimbursement for medical damages. The Department needs to immediately implement this rule amendment which restores the rebuttable presumption that settlement or judgment proceeds of a Medicaid assistance recipient are first allocated to medical expenses. This amendment places burden to rebut the presumption on the Medicaid assistance recipient by clear and convincing evidence.
6-1-18	461-190-0211	Amend(T)	OAR 461-190-0211 about case plan activities and standards for support service payments needs to be amended to promote self-sufficiency of individuals participating in a JOBS activity by allowing support services for housing and utilities, preventing their homelessness or stabilizing their living situation.	The Department finds that failure to act promptly by amending OAR 461-190-0211 will result in serious prejudice to the public interest, the Department, and individuals participating in a JOBS activity who need assistance to prevent homelessness or stabilize their living situation. The Department needs this amendment to take effect starting June 1, 2018 because critical housing needs are interfering the self-sufficiency of Department clients.

DHS Report for ORS 183.403 (HB 4106 2016) – OAR 461 Temporary Rules in 2018

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7-1-18	461-135-0570 461-155-0150 461-165-0010 461-165-0160	Amend(T) Amend(T) Amend(T) Amend(T)	<p>OAR 461-135-0570 about eligible and ineligible students in the SNAP program needs to be amended to expand student eligibility for community college students, consistent with federal regulations, by adding employment and training programs for which a full-time student may be eligible for SNAP benefits. This expansion includes Career and Technical Education programs (CTE) meeting the definition outlined in the Perkins IV.</p> <p>OAR 461-155-0150 about child care eligibility standard, payment rates, and copayments needs to be amended because contracted EHS-CCP providers were losing money when caring for contracted children. This amendment removes a roadblock and encourages more providers to contract with the Department, supporting parents to become self-sufficient, by allowing providers contracted with the Department through the Early Head Start Partnership (EHS-CCP) to receive the Quality Rating Improvement System incentive payment when providing full-time care for a child in the contracted slot.</p> <p>OAR 461-165-0010 about the legal status of benefit payments needs to be amended to clarify the rule and conform to current practices by indicating that TANF benefits are removed from EBT cards if not used within 12 months, by stating that that neither SNAP nor TANF unused benefits are restored once they age off the EBT cards, and by removing outdated vested rights language.</p> <p>OAR 461-165-0160 about direct provider payments needs to be amended to promote family access to quality child care in a certified center setting by piloting the process to allow the Department to pay certified centers for child care prospectively prior to the delivery of services, connecting payments to enrollment and supporting center business practices.</p>	<p>The Department finds that failure to act promptly by amending OAR 461-135-0570 will result in serious prejudice to the public interest, community college students, and the Department because the Department is determining SNAP benefits for community college students each month. This amendment needs to occur immediately to support the food budget of low-income community college students, allowing SNAP benefits for students in Career and Technical Education programs (CTE) meeting the definition outlined in the Perkins IV.</p> <p>The Department finds that failure to act promptly by amending OAR 461-155-0150 would result in serious prejudice to the public interest, the Department, Early Head Start child care providers, and their clients. Contracted EHS-CCP providers were losing money when caring for contracted children, and the Department needs to amend this rule retroactive to February 1, 2018 to remove a roadblock and encourage more providers to contract with the Department, supporting parents to become self-sufficient, by allowing providers contracted with the Department through the Early Head Start Partnership (EHS-CCP) to receive the Quality Rating Improvement System incentive payment when providing full-time care for a child in the contracted slot.</p> <p>The Department finds that failure to act promptly by amending OAR 461-165-0010 will result in serious prejudice to the public interest and the Department. This amendment is needed to clarify the rule and conform to current practices by indicating that TANF benefits are removed from EBT cards if not used within 12 months, by stating that that neither SNAP nor TANF unused benefits are restored once they age off the EBT cards, and by removing outdated vested rights language. There are a large number of clients who receive these benefits and the Department needs the policy which is clear in its manual to be in its rules to comply with state statutes mandating that policies be in rules.</p> <p>The Department finds that failure to act promptly by amending OAR 461-165-0160 will result in serious prejudice to the public interest, the Department, certified child-care centers, and their clients. This amendment is needed at this time to promote family access to quality</p>

DHS Report for ORS 183.403 (HB 4106 2016) – OAR 461 Temporary Rules in 2018

Eff. Date	OAR	Action	Statement of Need – Reason for Action	Findings of Need to Act Promptly and Why A Temporary Rule was Appropriate
				child care in a certified center setting by piloting the process to allow the Department to pay certified centers for child care prospectively prior to the delivery of services, connecting payments to enrollment and supporting center business practices.
7-1-18	461-135-0520	Amend(T)	OAR 461-135-0520 about time limits and special requirements in the SNAP program for able-bodied adults without dependents (ABAWDs) needs to be amended because the Department is required to comply with federal ABAWD requirements. This amendment will allow the Department to be in federal compliance in two branches by using special exemptions permitted under federal law.	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 SNAP households in two branches. The Department is required to comply with federal ABAWD requirements. This amendment will allow the Department to be in federal compliance in two branches by using special exemptions permitted under federal law. The Department needs to proceed by temporary rule because so the Department will be in federal compliance as of July 1, 2018.

DHS Report for ORS 183.403 (HB 4106 2016) – OAR 461 Temporary Rules in 2018

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7-11-18	461-135-0950	Amend(T)	<p>OAR 461-135-0950 about eligibility for inmates and residents of public institutions needs to be amended to align with federal policy by adding Medicare Savings Programs (QMB programs) to the exception of ineligibility for certain individuals in the state hospital, and by changing the requirements for receiving benefits in a state hospital from 21 or older to 21 or younger and specifying that 21-year-old individuals must be receiving services in a certified ward before age 21, not just enter the state hospital prior to age 21.</p>	<p>The Department finds that failure to act promptly by amending OAR 461-135-0950 will result in serious prejudice to the public interest, the Department, and individual residing at the Oregon State Hospital who meet the requirements for Medicare Savings Programs who may incur medical expenses which should be covered by Medicaid, including the expense of the Part B premium. This rule needs to be amended at this time to bring the Department into compliance with federal policy and avoid delaying benefits for three months for up to 19 individuals. This amendment aligns with federal policy by adding Medicare Savings Programs (QMB programs) to the exception of ineligibility for certain individuals in the state hospital, and by changing the requirements for receiving benefits in a state hospital from 21 or older to 21 or younger and specifying that 21-year-old individuals must be receiving services in a certified ward before age 21, not just enter the state hospital prior to age 21.</p>

DHS Report for ORS 183.403 (HB 4106 2016) – OAR 461 Temporary Rules in 2018

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8-1-18	461-165-0180	AMEND(T)	<p>OAR 461-165-0180 about eligibility of child care providers needs to be amended to support an individual with criminal or CPS history to participate in the JOBS program, or the education or employment covered by the ERDC program, by creating a narrow exemption to allow another member of this household to be approved to provide subsidized child care. This rule also needs to be amended to support child safety by specifying that a child care provider have competence, sound judgment and self-control when working with children as well as being mentally, physically and emotionally capable of performing duties related to child care, by broadening the requirements related to being within sight or sound of all children, by broadening background check requirements to apply to individuals who have unsupervised access to children who are not employees. This rule needs to be further amended to set out Department policy as to when child care facilities that are tribally licensed are eligible for Department payments. This rule also needs to be amended to support technical assistance from the Department to child care providers by requiring that providers allow the Department to visit the site while child care is being provided. This rule needs to be further amended to promote more accurate and timely billing records by specifying that records showing the arrival and departure times for each child in care be recorded as the children arrive and depart. This rule also needs to be amended to improve documentation requirements related to immunization by requiring retention of exemption forms. This rule needs be further amended to support child health by providing further specificity in the safe drinking water requirements. This rule also needs to be amended to support program integrity by stating that the provider may not be in the same ERDC or TANF filing group as the child cared for; the parent of a child in the filing group, or a sibling living in the home of the child. This rule needs to be further amended to clarify the arrest requirements in the rule by specifying that indictments must be reported to the Direct Pay Unit within five days of occurrence. This rule is being further amended to specify that indictments must be reported to the Direct Pay Unit within five days of occurrence, clarifying the arrest requirements in the rule. This rule also needs to be amended to be consistent with current practices, by updating orientation and training requirements.</p>	<p>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 in Department subsidized child care. This amendment needs to take effect by August 1, 2018 to support child health and safety and program integrity immediately by establishing an exemption to allow a member of a household to be approved to provide subsidized child care to support another household member with criminal or CPS history so the latter may participate in the JOBS program, or the education or employment covered by the ERDC program; by specifying that a child care provider have competence, sound judgment and self-control and be mentally, physically and emotionally capable of performing duties related to child care; by broadening the requirements related to being within sight or sound of all children; by broadening background check requirements to apply to individuals who have unsupervised access to children who are not employees; by setting out Department policy as to when child care facilities that are tribally licensed are eligible for Department payments; by requiring that providers allow the Department to visit the site while child care is being provided; by specifying that records showing the arrival and departure times for each child in care be recorded as the children arrive and depart; by requiring retention of exemption forms for immunizations to improve documentation requirements related to immunization; by providing further specificity in the safe drinking water requirements; by stating that the provider may not be in the same ERDC or TANF filing group as the child cared for; the parent of a child in the filing group, or a sibling living in the home of the child; by specifying that indictments must be reported to the Direct Pay Unit within five days of occurrence; and by updating orientation and training requirements.</p>

DHS Report for ORS 183.403 (HB 4106 2016) – OAR 461 Temporary Rules in 2018

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8-1-18	461-190-0211	AMEND(T)	OAR 461-190-0211 about case plan activities and standards for support service payments needs to be amended to promote self-sufficiency of JOBS clients by preventing their homelessness or stabilizing their living situation by allowing support services for housing and utilities when an individual is participating in a JOBS activity. These changes need to be re-adopted following the July 1, 2018 adoption of other permanent changes to this rule to continue the policy first adopted by temporary rule June 1, 2018	The Department finds that failure to act promptly by amending OAR 461-190-0211 will result in serious prejudice to the public interest, the Department, and individuals participating in a JOBS activity who need assistance to prevent homelessness or stabilize their living situation. The Department needs this amendment to take effect retroactive to July 1, 2018 because critical housing needs are interfering the self-sufficiency of Department clients.
10-1-18	461-140-0296	AMEND(T)	OAR 461-140-0296 needs to be amended to remain consistent with federal law and using the average monthly cost to a private patient of nursing facility services in Oregon to set the length of ineligibility due to a disqualifying transfer of assets. This policy is maintained by updating the amount of the divisor effective October 1, 2018.	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. This rule needs to be amended to remain consistent with federal law and using the average monthly cost to a private patient of nursing facility services in Oregon to set the length of ineligibility due to a disqualifying transfer of assets. This policy is maintained by updating the amount of the divisor effective October 1, 2018. 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. The continued use of and outdated amount likely would cause clients to be disqualified for more months than they would with the updated figure, and the Department would be out of compliance with federal law.
10-19-18	461-135-0400, 461-155-0150, 461-160-0040	AMEND(T)	OAR 461-135-0400 about requirements for the ERDC program, OAR 461-155-0150 about child care eligibility standard, payment rates, and copayments, and OAR 461-160-0040 about coverage and deduction of dependent care costs need to be amended to support low-income participants with dependent children to access quality child care while receiving career coaching and occupational training to assist entry into middle income employment.	The Department finds that failure to act promptly by amending OAR 461-135-0400, OAR 461-155-0150 and OAR 461-160-0040 will result in serious prejudice to the public interest, the Department, and low-income families with dependent children. These amendments are needed at this time to provide immediate support to low-income participants with dependent children to access quality child care while receiving career coaching and occupational training, assist their entry into middle income employment.

DHS Report for ORS 183.403 (HB 4106 2016) – OAR 461 Temporary Rules in 2018

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1-1-19	461-130-0327, 461-135-0520, 461-190-0310, 461-190-0360	AMEND(T)	<p>OAR 461-130-0327 about good cause needs to be amended to align with federal regulations by expanding the reasons that are considered good cause in the SNAP program in the context of work requirements for able-bodied adults without dependents (ABAWDs).</p> <p>OAR 461-135-0520 about time limits and work requirements for able-bodied adults without dependents (ABAWDs) in the SNAP program needs to be amended to align with federal regulations about SNAP clients who must meet work requirements to continue to receive SNAP benefits beyond the three-month time limit by adding six new SNAP time-limit (non-waivered) counties; removing these six counties from the time-limit exempt (waivered) category; updating the new 36-month time limit period and countable month dates; clarifying how SNAP defines self-employment; and expanding the SNAP time limit exemptions to include the reservation land of the Confederated Tribe of Grand Ronde.</p> <p>OAR 461-190-0310 about limits to SNAP Employment and Training components and activities needs to be amended to support the Department’s implementation of federal time-limits in the areas representing the new time limit counties -- Clatsop, Columbia, Crook, Deschutes, Jackson, Jefferson, Josephine, and Tillamook counties -- and the Department’s contracts for these counties focusing on services for ABAWDs by terminating OFSET retroactive to September 30, 2018 in these counties.</p> <p>OAR 461-190-0360 about special payments in the SNAP Employment and Training Programs needs to be amended to support the SNAP contracts that focus on services for ABAWDs by allowing Employment and Training contractors to authorize special payments and removing OFSET special payments from the rule.</p>	<p>The Department finds that failure to act promptly by amending OAR 461-130-0327, OAR 461-135-0520, OAR 461-190-0310, and OAR 461-190-0360 will result in serious prejudice to the public interest, the Department, and individuals subject to ABAWD requirements. The Department needs these rule changes and ABAWD implementation in effect by January 1, 2019, to comply with federal regulations. The new counties subject to the time limits were not counties approved for the waiver. Failure to comply with federal requirements would leave participants still subject to the federal ABAWD time limits and incur overpayments for benefits they were not eligible for (which can be a hardship to payback). Eligibility staff would also incur the added workload of writing overpayments and this would also result in an increased workload by the overpayment unit. OAR 461-130-0327 about good cause needs to be amended to align with federal regulations by expanding the reasons that are considered good cause in the SNAP program in the context of ABAWD work requirements. OAR 461-135-0520 about time limits and work requirements for ABAWDs in the SNAP program needs to be amended to align with federal regulations about SNAP clients who must meet work requirements to continue to receive SNAP benefits beyond the three-month time limit by adding six new SNAP time-limit (non-waivered) counties; removing these six counties from the time-limit exempt (waivered) category; updating the new 36-month time limit period and countable month dates; clarifying how SNAP defines self-employment; and expanding the SNAP time limit exemptions to include the reservation land of the Confederated Tribe of Grand Ronde. OAR 461-190-0310 about limits to SNAP Employment and Training components and activities needs to be amended to support the Department’s implementation of federal time-limits in the areas representing the new time limit counties -- Clatsop, Columbia, Crook, Deschutes, Jackson, Jefferson, Josephine, and Tillamook counties -- and the Department’s contracts for these counties focusing on services for ABAWDs by terminating OFSET retroactive to September 30, 2018 in these counties. OAR 461-190-0360 about special payments in the SNAP Employment and Training Programs needs to be amended to support the SNAP contracts that focus on services for ABAWDs by allowing Employment and Training contractors to authorize special payments and removing OFSET special payments from the rule.</p>

DHS Report for ORS 183.403 (HB 4106 2016) – OAR 461 Temporary Rules in 2018

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1-1-19	461-155-0150	AMEND(T)	OAR 461-155-0150 about child care eligibility standard, payment rates, and copayments which was amended by temporary rule effective October 19, 2018 needs to be further amended to implement the decisions made through collective bargaining by increasing rates for child care providers.	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 providers of subsidized child care. The Department needs to amend this rule effective January 1, 2019 to comply with its collective bargaining agreements with SEIU and AFSCME and properly support child care providers by increasing their rates.