

## RAC Worksheet

Rule: 461-115-0071

Your Name: **Veronica Hillebrand**

**What does your change do?** **The changes to the rule, include language for consideration of future application submission methods via electronic sources as well as defining filing group members over the age of 18 and for long term care applicants to include community spouse.**

**What problem is the change intended to address?** **The change is intended to provide clear guidance and allow more flexibility on who can sign an application.**

### RAC's Draft Fiscal Impact Information

Will these rule changes cause any anticipated fiscal impact (**either negative or positive**) on the following groups.

- a. Identify any state agencies (**including DHS**) likely to be economically affected by the rule change and summarize the impact. **There will be impact to state agencies.**
- b. Identify the types of clients and providers likely to be economically affected by the rule change and summarize the impact. **There will be no impact to state agencies or providers.**
- c. Identify any units of local government (e.g. county-operated AAAs) likely to be economically affected by the rule change and summarize the impact. **There will be no impact to local government.**
- d. Small Business (50 or fewer employees)
  - A. Identify the types of small businesses and industries subject to the rule change (if any) and summarize the likely economic impact on each type. **There will be impact to small businesses or industries.**
  - B. Identify the cost of compliance (if any) for small business. Describe the projected reporting, recordkeeping, and other administrative activities required for compliance. How much employee time is required to comply and be trained, what types of employees will be doing the compliance or training, what is their average compensation expense for the business for that time. Does equipment or supplies need to be purchased or rented? What is the estimated cost of professional services. Estimate fixed and out-of-pocket expenses. **There is no cost of compliance for small business.**
  - C. Is the fiscal impact on small business combined with the cost of compliance significantly adverse? **N/A**
- e. Identify any other likely economic impact on small or large business. **There will be no impact on small or large business.**
- f. Consider d - e above. Is the economic effect on business significant? **N/A**
- g. Identify any other members of the public likely to be economically affected by the rule change and summarize the impact. **There will be no impact to members of the public.**

**461-115-0071 Effective 09/01/16**

**Who Must Sign the Application and Complete the Application Process**

1. In the ERDC and TANF programs, the following individuals must sign the application and complete the application process:
  - a. In the ERDC program, a *caretaker* (see OAR [461-001-0000](#)).
  - b. In the TANF program, at least one *caretaker relative* (see OAR [461-001-0000](#)).
2. In the EA program:
  - a. A *caretaker relative* must sign the application and complete the application process for a *child* (see OAR [461-001-0000](#)). If the *child* is not living with a *caretaker relative*, another adult may act on behalf of the *child*.
  - b. If the *caretaker relative* lives with a *spouse* (see OAR [461-001-0000](#)), both must sign the application.
  - c. A dependent *child* 18 years of age who applies must sign the application and complete the application process.
3. In the GA, OSIP, OSIPM, and QMB programs:
  - ~~a.~~ At least one member of the filing group (see OAR [461-115-0310](#)) ~~individual~~ 18 years of age or older requesting assistance must complete the application process and sign the application, if able.
  - b. For individuals applying for long-term care (see OAR [461-001-0000](#)) services, the individual's community spouse (see OAR [461-001-0030](#)) who lives with the individual or who was living with the individual immediately prior to the continuous period of care (see OAR [461-001-0030](#)) may complete the application process and sign the application.
  - ~~c.~~ If no such individual is able to sign the application and complete the application process, this may be done by the *authorized representative* (see OAR [461-115-0090](#)). If the applicant dies prior to the determination of eligibility for OSIPM, the application may be processed if the Department receives the required verification.
- 3.4. In the REF and REFM programs, at least one *adult* (see OAR [461-110-0430](#)) member of the *filing group* (see OAR [461-110-0430](#)) must sign the application.
- 4.5. In the SNAP program, the *primary person* (see OAR [461-001-0015](#)), the *spouse* of the *primary person*, or another *adult* (see OAR [461-001-0015](#)) member of the *filing group* (see OAR [461-110-0370](#)) must sign the application and complete the application process.

~~5.6.~~ An individual required to sign the application but unable to sign may sign with a mark, witnessed by an employee of the:

- a. *Branch office* (see OAR [461-001-0000](#)); or
- b. *Public institution* (see OAR [461-135-0950](#)), when the individual applying is an *inmate* (see OAR [461-135-0950](#)) and is applying for benefits under the OSIPM program.

Stat. Auth.: ORS [411.060](#), [411.070](#), [411.404](#), [411.816](#), [412.049](#)

## RAC Worksheet

Rule: 461-115-0230

Your Name: **Veronica Hillebrand**

**What does your change do?** This change removes the interview requirement at redetermination for all MSP recipients except QMB-DW, rather than those whose eligibility may be determined by use of electronic information. It also establishes that the interview can be completed by the same individuals who may complete the application process.

**What problem is the change intended to address?** The current rule does not align with how Integrated ONE will function in regard to interview requirements. This change aligns the Department with Integrated One.

### RAC's Draft Fiscal Impact Information

Will these rule changes cause any anticipated fiscal impact (**either negative or positive**) on the following groups.

- a. Identify any state agencies (**including DHS**) likely to be economically affected by the rule change and summarize the impact. **There will be impact to state agencies.**
- b. Identify the types of clients and providers likely to be economically affected by the rule change and summarize the impact. **There will be no impact to state agencies or providers.**
- c. Identify any units of local government (e.g. county-operated AAAs) likely to be economically affected by the rule change and summarize the impact. **There will be no impact to local government.**
- d. Small Business (50 or fewer employees)
  - A. Identify the types of small businesses and industries subject to the rule change (if any) and summarize the likely economic impact on each type. **There will be impact to small businesses or industries.**
  - B. Identify the cost of compliance (if any) for small business. Describe the projected reporting, recordkeeping, and other administrative activities required for compliance. How much employee time is required to comply and be trained, what types of employees will be doing the compliance or training, what is their average compensation expense for the business for that time. Does equipment or supplies need to be purchased or rented? What is the estimated cost of professional services. Estimate fixed and out-of-pocket expenses. **There is no cost of compliance for small business.**
  - C. Is the fiscal impact on small business combined with the cost of compliance significantly adverse? **N/A**
- e. Identify any other likely economic impact on small or large business. **There will be no impact on small or large business.**
- f. Consider d - e above. Is the economic effect on business significant? **N/A**
- g. Identify any other members of the public likely to be economically affected by the rule change and summarize the impact. **There will be no impact to members of the public.**

**461-115-0230 Effective 04/01/19**  
**Interviews**

1. In the REF, REFM, and TANF programs, the Department may conduct a required face-to-face interview by telephone or home visit if an *authorized representative* (see OAR [461-001-0000](#) and [461-115-0090](#)) has not been appointed, and participating in a face-to-face interview is a *hardship* (see section (2) of this rule) for the household.
2. For the purposes of this rule, "hardship" includes, but is not limited to:
  - a. Care of a household member;
  - b. An individual's age, *disability* (see OAR [461-001-0000](#)), or illness;
  - c. A commute of more than two hours from the individual's residence to the nearest *branch office* (see OAR [461-001-0000](#));
  - d. A conflict between the individual's work or training schedule and the business hours of the *branch office*; and
  - e. Transportation difficulties due to prolonged severe weather or financial hardship.
3. In the SNAP program:
  - a. An interview must be scheduled so that the *filing group* (see OAR [461-110-0370](#)) has at least ten days to provide any needed verification before the deadline under OAR [461-115-0210](#).
  - b. A face-to-face interview must be granted at the applicant's request.
  - c. When an applicant misses the first scheduled interview appointment, the Department must inform the applicant by regular mail of the missed interview.
  - d. An applicant who fails to attend a scheduled interview must contact the Department no later than 30 days following the *filing date* (OAR [461-115-0040](#)) to be eligible for benefits.
  - e. An *adult* (see OAR [461-001-0015](#)) in the filing group or the *authorized representative* of the filing group is interviewed once every 12 months.
4. In the ERDC program:
  - a. Except as provided otherwise in subsection (c) of this section, an interview with an adult in the filing group (see OAR [461-110-0350](#)) or the *authorized representative* of the filing group is required to process an initial application and a renewal of benefits.
  - b. A phone interview is preferred; however, a face-to-face interview must be granted at the applicant's request.

- c. An interview is not required when the Department has implemented the Child Care Reservation List and it is determined that a *decision notice* of ineligibility will be sent under OAR [461-115-0016](#).
5. In the OSIPM ~~and QMB~~ programs, the Department must complete an interview with at least ~~one applicant who is 18 years of age or older or an applicant's authorized representative~~ one individual authorized to sign the application in accordance in OAR 461-115-0071(3), except as follows:
- a. Individuals who meet both requirements below are not required to complete an interview A at initial application; except in the OSIPM program, for individuals who are not requesting services, and are receiving SSI or are in 1619(b) status.
    - A. The individual is receiving SSI or has 1619(b) status.
    - A. The individual is in a *standard living arrangement* (see OAR 461-001-0000).
    - B.
  - b. ~~At annual redetermination, except:~~
  - c. ~~In the OSIPM program, individuals who are receiving SSI or are in 1619(b) status.~~
  - b. In the QMB program (except QMB-DW), if eligibility may be determined by use of electronic information. Individuals who are receiving SSI or have 1619(b) status are not required to complete an interview at annual redetermination.
  - d. ~~—~~

6. In the QMB programs:

- a. The Department must complete an interview with at least one individual authorized to sign the application in accordance in OAR 461-115-0071(3) at initial application.
- b. An interview is not required at redetermination except in the QMB-DW program.

~~6.7.~~ In the REF and REFM programs, a face-to-face interview is required.

~~7.8.~~ In the TA-DVS program, the Department will conduct a required face-to-face interview with the victim, unless there is a safety concern related to the *domestic violence* (see OAR 461-001-0000) situation or there is a *hardship*. An interview due to safety concern or hardship may be completed via phone, home visit, or offsite appointment.

Statutes/Other Implemented: ORS [409.010](#), [409.050](#), [411.060](#), [411.070](#), [411.117](#), [411.404](#),  
[411.706](#), [411.816](#), [412.049](#), [414.025](#), [414.231](#), [414.826](#), [414.839](#)