I. Rights and Responsibilities and Nondiscrimination

1. Rights and responsibilities

   (A) Rights of clients: The department’s clients have the following rights, which branch offices must explain to them either orally or in writing:

   (1) The right to information about the programs administered by the department.

   (2) The right to confidentiality for individually identifiable information to the extent provided under federal and state law, including the administrative rules of the department.

   (3) The right to refuse social services unless the service is court-ordered or is related to a case plan (see OARs 461-001-0020 and 461-001-0025) or required treatment (see OAR 461-135-0085).

   (4) The right to request a hearing to the extent provided in OAR 461-025-0310.

   A child care provider payment is considered a client benefit paid to a provider, not a provider benefit. Therefore, the right to a hearing resides with the client and not the provider, except in circumstances where a provider is denied listing or is assessed an overpayment.

   (5) The right to apply for any program administered by the department.

   (6) The right to be offered available screenings or evaluations that identify barriers or the existence of a disability unknown to and relevant to the program.

   (7) The right to decline a screening or evaluation that would disclose the existence of a disability unknown to the program.

   (8) The right to receive a decision on eligibility within the timelines set forth in OARs 461-115-0190 and 461-115-0210.

   (9) The right to apply for and receive benefits and services without discrimination on the basis of race, color, national origin, gender, sexual orientation, disability or political beliefs.

   (10) The right to courteous, fair and dignified treatment by department personnel and to file a complaint with the department about staff conduct
or customer service to the extent provided in OAR 407-005-0100 to 407-005-0120.

(11) The right to file a complaint with the department about discrimination or unfair treatment as provided in Procedure DHS-010-005-01, “Filing a Client Complaint or Report of Discrimination” or OAR 407-005-0030.

### Rights of Clients Rule

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(B) Responsibilities of clients: To be eligible for benefits, clients must do all the following:

1. Provide true, complete and accurate information required to determine eligibility, and verify that information to the extent permitted by their physical and mental condition or authorize the branch office to obtain verification.

2. Comply with the eligibility requirements of the program for which they are requesting or receiving benefits.

3. Report within 10 calendar days any changes that could affect their eligibility for benefits.

4. Accept social services that are court-ordered or related to a case plan.

5. Cooperate with case reviews by providing requested information and verification.

6. Complete the application process or inform the branch office of their decision to withdraw the application for program benefits.

7. Share these responsibilities with a spouse who resides in the same household.

### Responsibilities of Clients Rule

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(C) Responsibilities of branch offices: Branch offices must explain the following information to clients, either orally or in writing:


3. The eligibility requirements of the program for which they are applying or receiving benefits.
(4) What the required verification is and methods for providing verification.

(5) The methods the department may use with the permission of the client to obtain verification the client is unable to provide.

(6) The social services and community resources available.

(7) The responsibility of the department to:

(a) Administer cash, medical and SNAP programs within the laws, regulations and available funds; and

(b) Establish and enforce child support obligations of noncustodial parents by referral to the proper support enforcement agency.

(8) The right of the department to do all the following:

(a) Recover overpayments.

(b) Obtain payments or repayments from medical insurance coverage.

(c) Recover cash and medical benefits from the estates of former GA, GAM, OSIP-AD, OSIPM-AD, OSIP-OAA and OSIPM-OAA clients, and medical benefits from the estate of former OSIP-AB and OSIPM-AB clients over age 65 and QMB clients.

2. Nondiscrimination

SEE GENERALLY DHS-010-005 NONDISCRIMINATION ON THE BASIS OF DISABILITY FOR PROGRAMS, SERVICES AND ACTIVITIES.

(A) Nondiscrimination in determining eligibility

Determine eligibility without discrimination on the basis of race, color, sex, national origin, disability, political beliefs, age or religious creed.

DHS Nondiscrimination Rule

407-005-0010 — DHS Nondiscrimination

Nondiscrimination in Determining Eligibility Rule

461-105-0180 — Nondiscrimination in Determining Eligibility

(B) Discriminatory actions

(1) The rules of the department protecting individuals with disabilities against discrimination are set out at OAR 407-005-0000 to 407-005-0030.
The following acts of discrimination on grounds of race, color, sex, political beliefs, age, religious creed or national origin are specifically prohibited:

(a) Denying an individual any service, financial aid or other benefit provided under any program.

(b) Providing any service, financial aid or other benefit to an individual that is different, or is provided in a different way from that provided to others under the program, unless such action is necessary to provide individuals with disabilities with aids, benefits or services that are as effective as those provided to others.

(c) Subjecting an individual to segregation or separate treatment in any way related to receipt of any service, financial aid or other program benefit.

(d) Restricting an individual in any way from any advantage or privilege enjoyed by others receiving any service, financial aid or other benefit under any program.

(e) Treating an individual differently from others in determining whether they satisfy any admission, enrollment, quota, eligibility, membership or other requirement or condition that individuals must meet to be provided any service, financial aid or other benefit provided under any program.

(f) Denying an individual an opportunity to participate in any program or afford them an opportunity to do so that is different from that afforded others under the program.

(g) Denying a person the opportunity to participate as a member of a planning or advisory body that is an integral part of the program.

**Discriminatory Actions Rule**

461-105-0190 — Discriminatory Actions

(C) Complaints about discrimination

(1) There is a department-wide complaint process.

SEE SECTIONS 21 TO 24 OF DHS-010-005.

SEE DHS-010-005-01 FILING A CLIENT COMPLAINT OR REPORT OF DISCRIMINATION.
(2) For SNAP:

(a) The SNAP analysts keep a record of all complaints and their disposition for a period of three years. All complaints should contain the information as specified in (d) below.

(b) If an individual verbally alleges that a discriminatory act has been committed but does not put it in writing, the person receiving the complaint will do so. Record the following information:

(i) Name, address and telephone number or other means of contacting the complainant.

(ii) Location and name of the organization or office accused of discriminatory practices.

(iii) The nature of the incident, action or the aspect of program administration that led the person to allege discrimination.

(iv) The reason for the alleged discrimination (age, race, color, sex, religious creed, national origin, political belief or handicap).

(v) Names, titles (if appropriate) and addresses of people who may have knowledge of the alleged discriminatory acts.

(vi) The date or dates on which the alleged discriminatory actions occurred.

(c) FNS Civil Rights staff will work with the Office of Equal Opportunity to resolve civil rights complaints.

(d) Display the USDA nondiscrimination poster “...and Justice for All” prominently in the branch office and all issuance offices. Provide participants and other low-income households with access to nondiscrimination statutes, policies, and complaint procedures within 10 days of a request.