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CHAPTER 461

DEPARTMENT OF HUMAN SERVICES SELF-SUFFICIENCY PROGRAMS

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RULES:

461-140-0010, 461-140-0020, 461-140-0040, 461-140-0070, 461-140-0120, 461-145-0000, 461-145-0005, 461-145-0010, 461-145-0030, 461-145-0040, 461-145-0050, 461-145-0080, 461-145-0088, 461-145-0089, 461-145-0090, 461-145-0108, 461-145-0110, 461-145-0120, 461-145-0130, 461-145-0145, 461-145-0150

AMEND: 461-140-0010

NOTICE FILED DATE: 04/29/2026

RULE SUMMARY: OAR 461-140-0010 is being updated to change the names of the Medicare Savings Programs to their federally recognized names and acronyms and to remove the program OSIP. Other minor updates include changing "client" to "individual."

CHANGES TO RULE:

461-140-0010

Assets; Income and Resources II

- (1) An available asset, either income or a resource, is categorized as either excluded or countable (defined in OAR 461-001-0000).¶
 - (2) The availability of resources is covered in OAR 461-140-0020.¶
 - (3) The availability of income is covered in OAR 461-140-0040.¶
 - (4) Excluded assets are identified in the rules in this chapter (see divisions 140 and 145 in particular) and are not considered when a ~~client~~ individual's eligibility and benefit level are determined.¶
 - (5) ~~In the OSIP, OSIPM, and QMB programs~~ For Medicare Savings Programs (see OAR 461-001-0000) and Oregon Supplemental Income Program Medical (OSIPM), an asset excluded pursuant to a rule in OAR Chapter 461 remains excluded as long as the asset is used in a manner consistent with the rule that provided the exclusion.¶
 - (6) An available asset not specifically excluded is countable, and its value is used in determining the eligibility and benefit level of a ~~client~~ individual.¶
 - (7) An asset may not be counted as a resource and as income in the same month.
- Statutory/Other Authority: ORS 411.060, 411.070, 411.816, 412.049
- Statutes/Other Implemented: ORS 411.060, 411.070, 411.816, 412.049

NOTICE FILED DATE: 04/29/2026

RULE SUMMARY: OAR 461-140-0020 is being updated to change the names of the Medicare Savings Programs to their federally recognized names and acronyms and to remove the program OSIP. Other minor updates include changing "client" to "individual" and spelling out the names of programs that previously only used acronyms.

CHANGES TO RULE:

461-140-0020

Availability of Resources ¶¶

(1) Except as provided in sections (2) to (4) of this rule:¶¶

(a) In the ~~SNAP program~~ Supplemental Nutrition Assistance Program (SNAP), a resource owned jointly by a ~~client~~ individual and another ~~individual person~~ is available in its entirety to the ~~client~~ individual.¶¶

(b) In all other programs, jointly-owned resources are available to members of a financial group (see OAR 461-110-0530) only to the extent they own the resource. For the purposes of this rule, "liquid resources" means cash as well as other resources that can be converted to cash within 20 business days.¶¶

(2) A resource is not available to a ~~client~~ individual in each of the following situations:¶¶

(a) The ~~client~~ individual has a legal interest in the resource, but the resource is not in the ~~client~~ individual's possession and the ~~client~~ individual is unable to gain possession of it. In the Refugee Assistance (REF) and Refugee Assistance Medical (REFM) programs, if a resource remains in the applicant's country of origin, it is not available.¶¶

(b) The resource is jointly owned with others not in the financial group who are unwilling to sell their interest in the resource, and the ~~client~~ individual's interest is not reasonably saleable.¶¶

(c) The ~~client~~ individual verifiably lacks the competence to gain access to or use the resource and there is no legal representative available to act on the ~~client~~ individual's behalf.¶¶

(d) The ~~client~~ individual is a victim of domestic violence (see OAR 461-001-0000) and:¶¶

(A) Attempting to use the resource would subject the ~~client~~ individual to risk of domestic violence; or¶¶

(B) The ~~client~~ individual is using the resource to avoid the abusive situation.¶¶

(e) Except as provided in OAR 461-145-0540, the resource is included in an irrevocable or restricted trust and may not be used to meet the basic monthly needs of the financial group.¶¶

(f) In the ~~OSIP, OSIPM, and QMB-DW~~ region Supplemental Income Program Medical (OSIPM) and Qualified Disabled and Working Individual (QDWI) programs, there is a legal bar to the sale of the resource.¶¶

(3) A resource is not considered available during the time the owner does not know he or she owns the resource.¶¶

(4) If a resource is subject to an early withdrawal penalty, the amount of the penalty is not available.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049, 413.085, 414.685

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049, 413.085, 414.685, 414.839

NOTICE FILED DATE: 04/29/2026

RULE SUMMARY: OAR 461-140-0040 is being updated to change the names of the Medicare Savings Programs to their federally recognized names and acronyms and to remove the program OSIP.

CHANGES TO RULE:

461-140-0040

Determining Availability of Income ¶¶

(1) This rule describes the date income is considered available, what amount of income is considered available, and situations in which income is considered unavailable.¶¶

(2) Income is considered available the date it is received or the date a member of the financial group (see OAR 461-110-0530) has a legal right to the payment and the legal ability to make it available, whichever is earlier, except as follows:¶¶

(a) Income usually paid monthly or on some other regular payment schedule is considered available on the regular payment date if the date of payment is changed because of a holiday or weekend.¶¶

(b) Income withheld or diverted at the request of an individual is considered available on the date the income would have been paid without the withholding or diversion.¶¶

(c) An advance or draw of earned income is considered available on the date it is received.¶¶

(d) Income that is averaged, annualized, converted, or prorated is considered available throughout the period for which the calculation applies.¶¶

(e) A payment due to a member of the financial group, but paid to a third party for a household expense, is considered available when the third party receives the payment.¶¶

(f) In prospective budgeting, income is considered available in the month the income is expected to be received (see OAR 461-150-0020).¶¶

(g) ~~In the Oregon Supplemental Income For Medicare Savings Programs (OSIP), see OAR 461-001-0000) and Oregon Supplemental Income Program Medical (OSIPM), and Qualified Medicare Beneficiaries (QMB) programs,~~ except for self-employment (see OAR 461-145-0915), wages that are earned in one period of time but paid in another are considered available when they are received, such as a teacher who works for nine months but is paid over twelve.¶¶

(3) The following income is considered available even if not received:¶¶

(a) Deemed income.¶¶

(b) In the Refugee Assistance (REF), Refugee Assistance Medical (REFM), and Temporary Assistance for Needy Families (TANF) programs, the portion of a payment from an assistance program, such as public assistance, unemployment compensation, or Social Security, withheld to repay an overpayment.¶¶

(c) ~~In the OSIPM and QMB programs~~ For Medicare Savings Programs and OSIPM, the portion of a payment from an assistance program (such as public assistance, unemployment compensation, or Social Security) withheld to repay an overpayment of the same source:¶¶

(A) If withheld prior to July 1, 2014.¶¶

(B) If withheld on or after July 1, 2014 and:¶¶

(i) No member of the financial group was receiving ~~OSIP, OSIPM, or QMB~~ Medicare Savings Programs or OSIPM during the period the benefit was overpaid; or¶¶

(ii) The withheld amount is not excluded under paragraph (5)(e)(A) of this rule.¶¶

(d) In the Supplemental Nutrition Assistance Program (SNAP), the portion of a payment from the TANF program counted as disqualifying income under OAR 461-145-0105.¶¶

(4) The amount of income considered available is the gross before deductions, such as garnishments, taxes, or other payroll deductions including flexible spending accounts.¶¶

(5) The following income is not considered available:¶¶

(a) Wages withheld by an employer in violation of the law.¶¶

(b) Income received by another individual who does not pay the benefit applicant or recipient their share.¶¶

(c) Income received by a member of the financial group after the individual has left the household.¶¶

(d) Moneys withheld from or returned to the source of the income to repay an overpayment from that source unless the repayment is countable (see OAR 461-001-0000):¶¶

(A) In the SNAP program, under OAR 461-145-0105.¶¶

(B) In the REF, REFM, and TANF programs, under subsection (3)(b) of this rule.¶¶

(e) ~~In the OSIP, OSIPM, and QMB programs~~ For Medicare Savings Programs and OSIPM:¶¶

(A) The portion of a payment from an assistance program, such as public assistance, unemployment compensation, or Social Security withheld on or after July 1, 2014 to repay an overpayment from the same source if at least one member of the financial group was receiving ~~OSIP, OSIPM, or QMB~~Medicare Savings Programs or OSIPM during the period the benefit was overpaid. The amount considered unavailable cannot exceed the amount of the overpaid benefit previously counted in determining eligibility (see OAR 461-001-0000) for ~~OSIP, OSIPM, or QMB~~Medicare Savings Programs or OSIPM.¶

(B) Monies withheld from or returned to a source of income, when the source is not an assistance program, to repay an overpayment of the same source.¶

(C) Unearned income not received because a payment was reduced to cover expenses incurred by a member of the financial group to secure the payment. (For example, if a retroactive check is received from a benefit program other than Supplemental Security Income (SSI), legal fees connected with the claim are subtracted to determine available income. Or, if payment is received for damages received as a result of an accident the amount of legal, medical, or other expenses incurred by a member of the financial group to secure the payment are subtracted to determine available income.)¶

(D) For an individual determined eligible for community-based care (see OAR 461-155-0630) or nursing facility services:¶

(i) Income that cannot be accessed due to incapacity shall be considered unavailable for up to three months while a legal or financial representative is being established, if necessary to secure placement. ¶

(ii) Unavailability may be extended past the initial three months if additional time is needed to establish a legal or financial representative.¶

(iii) Unavailability of income under this paragraph is subject to approval by the APD Medicaid Financial Eligibility policy unit at initial request and for any extension.¶

(f) For an individual who is not self-employed, income required to be expended on an ongoing, monthly basis on an expense necessary to produce the income, such as supplies or rental of work space.¶

(g) Income received by the financial group but intended and used for the care of an individual not in the financial group as follows:¶

(A) If the income is intended both for an individual in the financial group and an individual not in the financial group, the portion of the income intended for the care of the individual not in the financial group is considered unavailable.¶

(B) If the income is intended only for an individual not in the financial group, the portion of the income used for the care of the individual not in the financial group is considered unavailable.¶

(C) If the income is intended both for an individual in the financial group and an individual not in the financial group and the portion intended for the care of the individual not in the financial group cannot readily be identified, the income is prorated evenly among the individuals for whom the income is intended. The prorated share intended for the care of the individual not in the financial group is then considered unavailable.¶

(h) In the REF, REFM, SNAP, and TANF programs, income controlled by the individual's abuser if the individual is a survivor of domestic violence (see OAR 461-001-0000), the individual's abuser controls the income and will not make the money available to the filing group (see OAR 461-110-0310), and the abuser is not in the individual's filing group.¶

(6) The availability of lump-sum income (see OAR 461-001-0000) is covered in OAR 461-140-0120.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.404, 411.816, 412.049, 413.085, 414.619

Statutes/Other Implemented: ORS 409.050, 411.060, 411.070, 411.404, 411.816, 412.049, 413.085, 414.619, ORS 409.010, 411.706, 414.117, 412.072

AMEND: 461-140-0070

NOTICE FILED DATE: 04/29/2026

RULE SUMMARY: OAR 461-140-0070 is being updated to change the names of the Medicare Savings Programs to their federally recognized names and acronyms and to remove the program OSIP.

CHANGES TO RULE:

461-140-0070

Treatment of Excluded Assets ¶

Unless stated otherwise in another rule in this chapter of rules:¶

(1) ~~In the OSIP, OSIPM, and QMB programs~~For Medicare Savings Programs (see OAR 461-001-0000) and Oregon Supplemental Income Program Medical (OSIPM):¶

(a) Excludable funds must be identifiable in order to be excluded. Identifiable does not require that excluded funds be kept physically apart from other funds.¶

(b) ~~In the OSIP and OSIPM programs~~For OSIPM:¶

(A) There is a rebuttable presumption that when withdrawals are made from an account with commingled funds non-excluded funds are withdrawn first.¶

(B) If excluded funds are withdrawn, the excluded funds left in the account may be added to only by deposits of subsequently received funds that are excluded under the same rule or another rule in this chapter of rules.¶

(2) In all programs except ~~the OSIP, OSIPM, and QMB programs~~Medicare Savings Programs and OSIPM:¶

(a) Excluded income remains excluded as long as it is kept in a separate account and not commingled with other funds.¶

(b) Excluded income that is commingled in an account with funds not excluded remains excluded for six months from the date it is commingled, after which it is counted as a resource.

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 411.404, 411.816, 412.014, 412.049, 413.085, 414.685

Statutes/Other Implemented: ORS 329A.500, 409.010, 411.060, 411.070, 411.404, 411.816, 412.014, 412.049, 413.085, 414.685

NOTICE FILED DATE: 04/29/2026

RULE SUMMARY: OAR 461-140-0120 is being updated to change the names of the Medicare Savings Programs to their federally recognized names and acronyms and to remove the program OSIP. Other minor updates include spelling out the names of programs that previously only used acronyms.

CHANGES TO RULE:

461-140-0120

Availability and Treatment of Lump-Sum Income ¶¶

(1) Lump-sum income (see OAR 461-001-0000) is treated as follows if it is received by a member of a financial group (see OAR 461-110-0530).¶¶

(2) In the EA, emergency Assistance (EA), Refugee Assistance (REF), Refugee Assistance Medical (REFM), SNAP, and supplemental Nutrition Assistance Program (SNAP), and Temporary Assistance for Needy Families (TANF) programs:¶¶

(a) Lump-sum income is a resource.¶¶

(b) In the EA, REF, REFM, and TANF programs:¶¶

(A) Lump-sum income is considered available to the financial group when a member of the group receives the income and until the income becomes unavailable for a reason beyond the group's control.¶¶

(B) Lump-sum income is considered unavailable for a reason beyond the group's control if the member who received the lump-sum income:¶¶

(i) Leaves the financial group before spending any of the lump-sum income; or¶¶

(ii) Spends the lump-sum income on an immediate basic need or emergency.¶¶

(3) In the OSIP, OSIPM, and QMB-DW Oregon Supplemental Income Program Medical (OSIPM) and Qualified Disabled and Working Individual (QDWI) programs, lump-sum income is treated as follows:¶¶

(a) Lump-sum income not excluded is income in the month of receipt, and any amount remaining in future months is a resource, except that ~~in the OSIP and OSIPM programs~~ for OSIPM retroactive Social Security Benefits (SSB) and Supplemental Security Income (SSI) payments are treated in accordance with OAR 461-145-0490 and 461-145-0510.¶¶

(b) The following lump-sum income is excluded when calculating countable (see OAR 461-001-0000) income for the purposes of determining eligibility and calculating patient liability under OAR 461-160-0620:¶¶

(A) The income the individual turns over to the Department as reimbursement for previous assistance; and¶¶

(B) The income the individual uses to pay for special need items approved by the Department. Special needs are explained in OAR 461-155-0500 and following.¶¶

(c) When calculating countable income for the purposes of eligibility, the following exclusions apply to the total amount of combined lump-sum income and periodic income (see OAR 461-001-0000) received by an individual each month, including non-applying spouses and children:¶¶

(A) The first \$10 of earned income received in a month.¶¶

(B) The first \$20 of unearned income received in a month.¶¶

(4) In the QMB-BAS, QMB-SMB, and QMB-SMF Qualified Medicare Beneficiary (QMB), Qualifying Individual (QI), and Specified Low-Income Medicare Beneficiary (SLMB) programs:¶¶

(a) Lump-sum income not excluded is income in the month of receipt, except that retroactive SSB and SSI payments are treated in accordance with OAR 461-145-0490 and 461-145-0510.¶¶

(b) The following lump-sum income is excluded:¶¶

(A) The income the individual turns over to the Department as reimbursement for previous assistance; and¶¶

(B) The income the individual uses to pay for special need items approved by the Department. Special needs are explained in OAR 461-155-0500 and following.¶¶

(c) The following exclusions apply to combined lump-sum income and periodic income received by an individual, including non-applying spouses and children:¶¶

(A) The first \$10 of earned income received in a month.¶¶

(B) The first \$20 of unearned income received in a month.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.404, 411.816, 412.014, 412.049, 413.085, 414.619

Statutes/Other Implemented: 409.010, 410.010, 410.020, 410.070, 410.080, 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049, 413.085, 414.619, 414.117

AMEND: 461-145-0000

NOTICE FILED DATE: 04/29/2026

RULE SUMMARY: OAR 461-145-0000 is being updated to change the names of the Medicare Savings Programs to their federally recognized names and acronyms and to remove the program OSIP.

CHANGES TO RULE:

461-145-0000

Achieving a Better Life Experience (ABLE) Act ¶¶

(1) In all programs, funds held in ABLE Act accounts are excluded as resources.¶¶

(2) In all programs except ~~the OSIP, OSIPM, and QMB programs~~ Medicare Savings Programs (see OAR 461-001-0000) and Oregon Supplemental Income Program Medical (OSIPM), monies withdrawn from ABLE Act accounts are excluded as income if they are used for Qualified Disability Expenses. For purposes of this rule, "Qualified Disability Expenses" include, but are not limited to, the following:¶¶

(a) Education;¶¶

(b) Housing;¶¶

(c) Transportation;¶¶

(d) Employment training and support;¶¶

(e) Assistive technology and personal support services;¶¶

(f) Health;¶¶

(g) Prevention and wellness;¶¶

(h) Financial management and administrative services;¶¶

(i) Legal fees;¶¶

(j) Expenses for oversight and monitoring; and¶¶

(k) Funeral and burial expenses.¶¶

(3) In all programs except ~~the OSIP, OSIPM, and QMB programs~~ Medicare Savings Programs and OSIPM, funds withdrawn from ABLE Act accounts for purposes other than Qualified Disability Expenses (see section (2) of this rule) are counted as unearned income.¶¶

(4) ~~In the OSIP, OSIPM, and QMB programs~~ For Medicare Savings Programs and OSIPM, funds withdrawn from ABLE Act accounts for any purpose are excluded as income.

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 411.083, 411.404, 411.816, 412.014, 412.049, 413.085, 414.685

Statutes/Other Implemented: ORS 178.375, 178.380, 329A.500, 409.010, 411.060, 411.070, 411.083, 411.404, 411.816, 412.014, 412.049, 414.685, Section 103 of Public Law 113-295

AMEND: 461-145-0005

NOTICE FILED DATE: 04/29/2026

RULE SUMMARY: OAR 461-145-0005 is being updated to change the names of the Medicare Savings Programs to their federally recognized names and acronyms and to remove the program OSIP.

CHANGES TO RULE:

461-145-0005

Agent Orange Disability Benefits II

(1) For all programs except ~~OSIP, OSIPM, and QMB~~ Medicare Savings Programs (see OAR 461-001-0000) and Oregon Supplemental Income Program Medical (OSIPM): ¶

(a) Benefits from the Agent Orange Settlement Fund made by Aetna Life and Casualty for settling Agent Orange disability claims are excluded. ¶

(b) Payments made under the Agent Orange Act of 1991, and issued by the U.S. Treasury through the Department of Veterans Affairs, are counted as unearned income. ¶

(2) For ~~OSIP, OSIPM, and QMB~~ Medicare Savings Programs and OSIPM, all payments made under the Agent Orange Act of 1991 or from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the Agent Orange product liability litigation are excluded.

Statutory/Other Authority: ORS 411.060, 411.070, 411.083, 411.404, 411.816, 412.049

Statutes/Other Implemented: ORS 411.060, 411.070, 411.083, 411.404, 411.816, 412.049

AMEND: 461-145-0010

NOTICE FILED DATE: 04/29/2026

RULE SUMMARY: OAR 461-145-0010 is being updated to change the names of the Medicare Savings Programs to their federally recognized names and acronyms and to remove the program OSIP.

CHANGES TO RULE:

461-145-0010

Animals ¶¶

- (1) Animals that are kept as pets or raised as food for the filing group (see OAR 461-110-0310) are excluded.¶¶
- (2) The treatment of an animal considered income-producing property (see OAR 461-001-0000) is covered by the income-producing property rules (see OAR 461-145-0250 and 461-145-0252).¶¶
- (3) In the ~~OSIP, Oregon Supplemental Income Program (OSIPM), and QMB-DW~~ Qualified Disabled and Working Individual (QDWI) programs:¶¶
- (a) The fair market value (see OAR 461-001-0000) of animals that are kept or retained for sale or resale is a countable (see OAR 461-001-0000) resource.¶¶
- (b) If an animal is a source of both food and income for the filing group (see OAR 461-110-0410):¶¶
- (A) The fair market value of the animal remains excluded.¶¶
- (B) The proceeds of any sales of the animal or its products are counted as unearned income.¶¶
- (c) Animals that are used, kept, or raised for the purpose of self-employment (see OAR 461-145-0600 and OAR 461-145-0915) are excluded.¶¶
- (4) In the ~~QMB-BAS, QMB-SMB, and QMB-SMF~~ Qualified Medicare Beneficiary (QMB), Qualifying Individual (QI), and Specified Low-Income Medicare Beneficiary (SLMB) programs:¶¶
- (a) All animals are excluded as a resource.¶¶
- (b) If an animal is a source of both food and income for the filing group (see OAR 461-110-0410), the proceeds of any sale of the animal or its products are counted as unearned income.
- Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 411.083, 411.404, 411.816, 412.014, 412.049, 413.085, 414.685
- Statutes/Other Implemented: ORS 329A.500, 409.050, 409.010, 411.060, 411.070, 411.083, 411.404, 411.706, 411.816, 412.014, 412.049, 414.839

AMEND: 461-145-0030

NOTICE FILED DATE: 04/29/2026

RULE SUMMARY: OAR 461-145-0030 is being updated to change the names of the Medicare Savings Programs to their federally recognized names and acronyms and to remove the program OSIP. Other minor updates include changing "client" to "individual."

CHANGES TO RULE:

461-145-0030
Bank Account ¶

(1) As used in this rule, a bank account includes a money market account and an account in a financial institution (see OAR 461-001-0000), except that accounts in financial institutions for stocks, bonds, and certificates of deposit (CDs) are covered in OAR 461-145-0520.¶

(2) Money in a bank account available to one or more members of the financial group (see OAR 461-110-0530) is counted as a resource in accordance with OAR 461-140-0020, unless it is excluded under this rule or another rule in this chapter of rules.¶

(3) In each of the following situations, money in a bank account is excluded as a resource:¶

(a) An approved account if excluded under OAR 461-145-0025.¶

(b) A burial fund if excluded under OAR 461-145-0040.¶

(c) ~~A designated bank account for an OSIPM ICP client~~ For Oregon Supplemental Income Program Medical (OSIPM), a designated bank account for an individual receiving benefits under the Independent Choices Program under OAR 411-030-0100 if:¶

(A) The account is designated to receive program benefits by direct deposit through electronic funds transfer; and¶

(B) The benefit funds are not commingled with other assets of the ~~client~~ individual.¶

(d) Funds from excluded income if excluded as a resource under OAR 461-140-0070.¶

(e) An Individual Education Account if excluded under OAR 461-145-0145.¶

(f) Money for a plan for self-support if excluded under OAR 461-145-0405.¶

(g) Proceeds from the sale of a home if excluded as a resource under OAR 461-145-0460.¶

(4) ~~In the OSIP, OSIPM, and QMB programs~~ For Medicare Savings Programs (see OAR 461-001-0000) and OSIPM, interest and dividends earned on funds in a bank account are excluded as income.¶

(5) In all programs except ~~the OSIP, OSIPM, and QMB programs~~ Medicare Savings Programs and OSIPM, interest and dividends earned on funds in a bank account are counted as unearned income, unless the account is excluded as a resource under section (3) of this rule or under another rule in this chapter of rules.

Statutory/Other Authority: ORS 411.060, 411.070, 411.816, 414.042, 412.049

Statutes/Other Implemented: ORS 411.060, 411.070, 411.700, 411.816, 414.042, 412.049

NOTICE FILED DATE: 04/29/2026

RULE SUMMARY: OAR 461-145-0040 is being updated to change the names of the Medicare Savings Programs to their federally recognized names and acronyms and to remove the program OSIP.

CHANGES TO RULE:

461-145-0040

Burial Arrangements and Burial Fund ¶

(1) The following definitions apply to this rule:¶

(a) "Burial arrangement" means an agreement with an entity - such as a funeral agreement (which means an arrangement made with a licensed funeral provider), burial insurance, or a burial trust designating a funeral director as the beneficiary that establishes provisions for payment of an individual's burial costs. A "burial arrangement" does not include a burial space, which is covered in OAR 461-145-0050, or a burial fund (see subsection (b) of this section).¶

(b) "Burial fund" means an identifiable fund set aside for an individual's burial costs. A "burial fund" does not include a burial space, which is covered in OAR 461-145-0050, or a burial arrangement (see subsection (a) of this section).¶

(c) In all programs except ~~OSIP~~, regon Supplemental Income Program Medical (OSIPM), and ~~QMB-DWI~~ Qualified Disabled and Working Individual (QDWI), burial insurance is considered a form of life insurance and treated in accordance with OAR 461-145-0320.¶

(2) A burial arrangement is treated as follows:¶

(a) In the Refugee Assistance (REF), Refugee Assistance Medical (REFM), ~~SNAP~~, and ~~TANF~~ Supplemental Nutrition Assistance Program (SNAP), and Temporary Assistance for Needy Families (TANF) programs, the equity value (see OAR 461-001-0000) of one prepaid burial arrangement for each member of the filing group (see OAR 461-110-0310) is excluded.¶

(b) For individuals eligible for ~~OSIP~~ and OSIPM under OAR 461-125-0330(2), 461-125-0370(1)(b), and 461-135-0771, up to \$1,000 in combined equity value of each burial arrangement with a licensed funeral director (plus accrued interest) and life insurance policies ~~are~~ is excluded. The amount of combined cash and equity value of all life insurance and burial arrangements that exceeds \$1,000 is counted as a resource.¶

(c) In the OSIP, ~~OSIPM~~, M and ~~QMB-DWI~~ programs:¶

(A) The amount in an irrevocable burial trust or any other irrevocable arrangement to cover burial costs is excluded.¶

(B) Burial insurance that does not generate a cash surrender value or generates cash surrender value to which the owner does not have access, is considered an irrevocable arrangement and excluded.¶

(C) Burial insurance that generates a cash surrender value to which the owner has access is considered life insurance and is treated in accordance with OAR 461-145-0320 and, as applicable, subsection (b) of this section.¶

(d) Except as provided in subsections (b) and (c) of this section, in all programs not listed in subsection (a) of this section, a burial arrangement is treated in the manner as the program treats a burial fund under section (3) of this rule.¶

(3) A burial fund is treated as follows:¶

(a) In the OSIP, ~~OSIPM~~, M and ~~QMB-DWI~~ programs:¶

(A) A burial fund may be established only from financial means such as cash, burial contracts, bank accounts, stocks, bonds, or life insurance policies.¶

(B) A burial fund is counted as a resource if it is commingled with assets unrelated to a burial. The amount set aside for burial must be in a separate account to be excluded from resource consideration.¶

(C) A burial fund may be established if the countable (see OAR 461-001-0000) resources of the individual exceed allowable limits. A burial fund is excluded from the resource calculation to the extent allowed in paragraph (D) of this subsection.¶

(D) The following calculation determines the exclusion for a burial fund:¶

(i) Up to \$1,500 of a burial fund may be excluded from resources for each of the following:¶

(I) The individual.¶

(II) The individual's spouse.¶

(ii) The amount in subparagraph (i) of this paragraph is reduced by the total of the following amounts:¶

(I) The face value of life insurance policies owned by the individual that have already been excluded from resources. This does not include term life insurance policies that do not generate a cash surrender value.¶

(II) The amount in an irrevocable burial trust or any other irrevocable arrangement designated to cover burial costs, including the face value of burial insurance considered an irrevocable arrangement (see subsection (2)(c)(B) of this rule). Burial costs do not include burial spaces or merchandise (see OAR 461-145-0050).¶¶

(E) All interest earned on an excluded burial fund or increases in the value of an excluded burial arrangement if left in the fund is excluded from income.¶¶

(b) In the ~~QMB-BAS~~, ~~QMB-Qualifying Individual (QI)~~, Qualified Medicare Beneficiary (QMB), and ~~QMB-SMF~~ Specified Low-Income Medicare Beneficiary (SLMB) programs, a burial fund is excluded as a resource.¶¶

(c) In all programs not listed in subsections (a) or (b) of this section, a burial fund is counted as a resource.¶¶

(4) There is no overpayment for the time period during which the burial arrangement or burial fund existed if the individual:¶¶

(a) Cancels an excluded burial arrangement; or¶¶

(b) Uses an excluded burial fund for any purpose other than burial costs.¶¶

(5) If an asset originally used as a burial arrangement or burial fund is converted to other uses, the asset is treated under the other applicable rules.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.049, 413.085, 414.619

Statutes/Other Implemented: ORS 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.049, 413.085, 414.619, ORS 409.010, 414.117

AMEND: 461-145-0050

NOTICE FILED DATE: 04/29/2026

RULE SUMMARY: OAR 461-145-0050 is being updated to change the names of the Medicare Savings Programs to their federally recognized names and acronyms and to remove the program OSIP.

CHANGES TO RULE:

461-145-0050

Burial Space and Merchandise ¶¶

(1) For the purpose of this rule, burial spaces include conventional gravesites, crypts, mausoleums, urns, niches, burial vaults, and other repositories that are traditionally used for the remains of deceased individuals. Burial spaces also include headstones and the opening and closing of the gravesite, and the reasonable and necessary improvements or additions to such spaces. Burial merchandise includes, but is not limited to, urns, caskets, liners, headstones, markers, plaques and foundations.¶¶

(2) In the Refugee Assistance (REF), Refugee Assistance Medical (REFM), SNAP, and Supplemental Nutrition Assistance Program (SNAP), and Temporary Assistance for Needy Families (TANF) programs, the Department excludes as a resource the equity value (see OAR 461-001-0000) of all burial space or merchandise for each member of the financial group (see OAR 461-110-0530), except that for burial space and merchandise that serves the same purpose, only one item per individual is excluded.¶¶

(3) In the OSIP, Oregon Supplemental Income Program Medical (OSIPM), and QMB-DW, Qualified Disabled and Working Individual (QDWI) programs, the Department excludes as a resource the equity value (see OAR 461-001-0000) of a burial space and merchandise if owned by the individual and designated for the individual, the spouse (see OAR 461-001-0000) of the individual, minor and adult children, siblings, parents, and the spouse of any of these individuals - except that for burial space and merchandise that serves the same purpose, only one item per individual is excluded.

Statutory/Other Authority: ORS 409.050, 410.070, 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049, 413.085, 414.619

Statutes/Other Implemented: ORS 409.050, 410.070, 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049, 413.085, 414.619, ORS 409.010, 410.020, 410.080, 414.117

NOTICE FILED DATE: 04/29/2026

RULE SUMMARY: OAR 461-145-0080 is being updated to change the names of the Medicare Savings Programs to their federally recognized names and acronyms and to remove the program OSIP.

CHANGES TO RULE:

461-145-0080

Child Support and Cash Medical Support ¶

(1) Child support and cash medical support paid by a non-custodial parent for a dependent child (see OAR 461-001-0000) or minor parent (see OAR 461-001-0000) in the financial group (see OAR 461-110-0530) are considered income of the dependent child or minor parent, whether the support is paid voluntarily or in accordance with an order to pay child support.¶

(2) For the purposes of this rule:¶

(a) "Absent parent" means a parent (see OAR 461-001-0000) whose parental rights have not been legally severed or a stepparent currently legally married (see OAR 461-001-0000) to a parent of a child (see OAR 461-001-0000) who does not live in the same household as the child.¶

(b) "Disregard" means child support, up to \$50 per dependent child or minor parent per financial group per month and not to exceed \$200 per financial group per month, that is not counted as income of the individual. "Disregard" includes current child support only.¶

(c) "Pass-through" means child support, up to \$50 per dependent child or minor parent per financial group per month and not to exceed \$200 per financial group per month, that is sent to the individual before any remaining amount of current child support is withheld by the State. "Pass-through" includes current child support only.¶

(3) In the ~~SNAP program~~ Supplemental Nutrition Assistance Program (SNAP), child support and cash medical support are treated as follows:¶

(a) Child support payments the group receives that are subject to assignment of support rights under OAR 461-120-0310 in order to maintain ~~TANF~~ Temporary Assistance for Needy Families (TANF) eligibility are excluded, even if the group fails to turn the payments over to the Oregon Child Support Program.¶

(b) Child support payments received by a filing group (see OAR 461-110-0370) with at least one member working under a TANF JOBS Plus agreement are excluded, except:¶

(A) It is considered countable unearned income in the calculation of the wage supplement; and¶

(B) Any pass-through pursuant to section (2) of this rule is considered countable unearned income.¶

(c) All other child support, including any pass-through pursuant to section (2) of this rule, is considered countable unearned income.¶

(d) Cash medical support is considered countable unearned income except to the extent it is used to reimburse (see OAR 461-145-0440) an actual medical cost.¶

(e) Payments made by an absent parent (see section (2) of this rule) to a third party for the benefit of the financial group are treated in accordance with OAR 461-145-0280.¶

(4) In the TANF program:¶

(a) Cash medical support is excluded in determining countable income.¶

(b) Child support paid to a third party for the benefit of the financial group is considered countable unearned income. This includes but is not limited to payments made by an absent parent to a third party for rent, mortgage, utilities, or child care.¶

(c) Initial eligibility (see OAR 461-001-0000) and benefit amount -¶

(A) In determining initial eligibility for all households, child support payments, except for disregard pursuant to section (2) of this rule, are considered countable unearned income. This includes any child support payments that would be assigned to the Oregon Child Support Program if the TANF application is approved.¶

(B) In calculating initial benefit amount for single parent or single caretaker relative (see OAR 461-001-0000) households, child support payments received after eligibility is determined and authorized are excluded, except certain child support arrears payments. Child support arrears payments that the Department reasonably determines will continue to be sent by the Oregon Child Support Program to the financial group are considered countable unearned income.¶

(C) In calculating initial benefit amount for two parent or two caretaker relative households, child support payments, except for disregard, are considered countable unearned income.¶

(d) Ongoing eligibility (see OAR 461-001-0000) and benefit amount, except households with an individual working under a TANF JOBS Plus agreement -¶

(A) In determining on-going eligibility for single parent or single caretaker relative households, child support payments received by the Oregon Child Support Program or received directly and turned over to the Oregon Child Support Program are considered countable unearned income, except disregard, which is excluded in determining countable income. No disregard is allowed for child support payments received directly and not turned over to the Oregon Child Support Program.¶¶

(B) In determining ongoing eligibility for two parent or two caretaker relative households, child support payments are considered countable unearned income, except disregard which is excluded in determining countable income.¶¶

(C) In calculating ongoing benefit amount for single parent or single caretaker relative households --¶¶

(i) Child support payments received by the Oregon Child Support Program and pass-through are excluded, except certain child support arrears payments. Child support arrears payments that are sent by the Oregon Child Support Program to the financial group and reasonably anticipated to continue are considered countable unearned income.¶¶

(ii) Child support payments paid directly to the financial group that are not turned over to the Oregon Child Support Program are considered countable unearned income. No disregard is allowed.¶¶

(D) In calculating ongoing benefit amount for two parent or two caretaker relative households, child support payments are considered countable unearned income, except for disregard which is excluded in determining countable income.¶¶

(e) Ongoing eligibility and benefit amount for households that include an individual working under a TANF JOBS Plus agreement:¶¶

(A) Child support payments are excluded in determining countable income.¶¶

(B) Child support payments are excluded when calculating the TANF portion of the benefit equivalency standards (see OAR 461-190-0416).¶¶

(C) All child support payments paid directly to the financial group are considered countable unearned income in the calculation of the wage supplement (see OAR 461-190-0416).¶¶

~~(5) Effective July 6, 2020, in the OSIP, OSIPM, and QMB programs~~ For Medicare Savings Programs (see OAR 461-001-0000) and Oregon Supplemental Income Program Medical (OSIPM):¶¶

(a) Child support and cash medical support paid to the financial group are considered countable unearned income, except as follows:¶¶

(A) One-third of all cash child support (including cash medical support) paid to an individual is excluded.¶¶

(B) All in-kind child support paid to the financial group is excluded.¶¶

(C) Child support collected from an absent parent (see section (2) of this rule) by the State on behalf of a child in the custody of the State of Oregon (such as foster care) that is not given to the child or the custodial parent of the child is excluded. ¶¶

(D) Child support payments collected by the State of Oregon that are given to the individual or to the custodial parent are counted in accordance with paragraph (A) or (C) of this subsection.¶¶

(b) Child support and cash medical support paid by the financial group are not deductible from income except as provided in OAR 461-160-0550, OAR 461-160-0551, and OAR 461-160-0552.¶¶

(6) In the State Family Pre-SSI/SSDI (SFPSS) program, notwithstanding section (4) of this rule, for on-going eligibility and benefit determination:¶¶

(a) Except for disregard pursuant to section (2) of this rule, child support is considered countable unearned income.¶¶

(b) Cash medical support is excluded in determining countable income.¶¶

(c) Payments made by an absent parent to a third party for the benefit of the financial group are considered countable unearned income. This includes but is not limited to payments made by an absent parent to a third-party for rent, mortgage, utilities, or child care.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.404, 411.816, 412.009, 412.014, 412.049, 413.085, 414.619

Statutes/Other Implemented: 409.010, 411.060, 411.070, 411.404, 411.816, 412.009, 412.014, 412.049, 413.085, 414.619

AMEND: 461-145-0088

NOTICE FILED DATE: 04/29/2026

RULE SUMMARY: OAR 461-145-0088 is being updated to change the names of the Medicare Savings Programs to their federally recognized names and acronyms and to remove the program OSIP.

CHANGES TO RULE:

461-145-0088

Corporations and Business Entities; Income and Resources; Not ~~OSIP, OSIPM, or QMB~~ Medicare Savings Programs or OSIPM ¶¶

Retroactively effective July 6, 2020:¶¶

(1) The value of stocks or other ownership interest in a corporation is a resource.¶¶

(2) Resources of the corporation essential to the employment of an individual are excluded. For instance, if the corporation owns equipment used by the individual to produce income for the corporation, the equipment is an excluded resource. If an individual must own stock in the corporation as a condition of working for the corporation, the stock is an excluded resource.¶¶

(3) Except as provided in OAR 461-140-0040(2), gross income of a corporation is income of an individual if determined to be self-employment as defined in OAR 461-145-0910(2) and is considered available when the business receives the income. If not self-employment, the income of a corporation is considered income of the business until distributed to the individual.¶¶

(4) For an expenditure by a business entity or corporation that benefits a principal such as a car or housing payment:¶¶

(a) The payment is considered available when the expenditure is made.¶¶

(b) For purposes of this rule, a "principal" means an individual with significant authority in a business entity or corporation, including a sole proprietor, a self-employed person (see OAR 461-145-0910), a partner in a partnership, a member or manager of a limited liability company, and an officer or principal stockholder of a closely held corporation.¶¶

(c) See OAR 461-145-0130, 461-145-0280, and 461-145-0470 for the treatment of earned in-kind income.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.816, 412.049

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.816, 412.049

AMEND: 461-145-0089

NOTICE FILED DATE: 04/29/2026

RULE SUMMARY: OAR 461-145-0089 is being updated to change the names of the Medicare Savings Programs to their federally recognized names and acronyms and to remove the program OSIP.

CHANGES TO RULE:

461-145-0089

Corporations and Other Business Entities; Income and Resources, Not Self-Employment; ~~OSIP, OSIPM, QMB~~ Medicare Savings Programs and OSIPM

~~Retroactively effective July 6, 2020, in the OSIP, OSIPM, and QMB programs~~ For Medicare Savings Programs (see OAR 461-001-0000) and Oregon Supplemental Income Program Medical (OSIPM): ¶

(1) For purposes of this rule:¶

(a) "Business entity" includes a sole proprietorship, a partnership, and an unincorporated limited liability company.¶

(b) "Principal" means an individual with significant authority in and responsibility for the success or failure of a corporation or "business entity" (see subsection (a) of this section), including:¶

(A) A sole proprietor.¶

(B) A general partner in a partnership.¶

(C) A member or manager of a limited liability company.¶

(D) An officer or stockholder with controlling shares in a closely-held corporation.¶

(2) This rule applies to an individual who has an ownership interest in:¶

(a) A corporation; or¶

(b) A business entity, but is not considered self-employed (see OAR 461-145-0915).¶

(3) For an individual with an ownership interest in and actively working for a corporation:¶

(a) Unless the individual meets the specific criteria for self-employment in OAR 461-145-0915, the individual is not considered self-employed, regardless of whether or not the individual is a principal (see subsection (1)(b) of this rule). Income from actively working for the corporation is counted as earned income as provided in OAR 461-145-0130.¶

(b) Dividends or profits are counted as unearned income.¶

(c) Income not paid to an individual but retained by the corporation is not considered income of the individual.¶

(d) Property and resources owned by the corporation are excluded.¶

(e) Except in the ~~QMB-BAS, QMB-SMB, and QMB-SMF~~ Qualified Medicare Beneficiary (QMB), Qualifying Individual (QI), and Specified Low-Income Medicare Beneficiary (SLMB) programs, if maintaining an ownership interest in a corporation is required for employment, the equity value (see OAR 461-001-0000) of the ownership interest is excluded; otherwise it is counted as provided in subsection (6)(a) of this rule. ¶

(f) A non-business expenditure - including, but not limited to, a car or housing payment - paid by the corporation that benefits the individual is treated as earned income of the individual.¶

(4) If the individual has an ownership interest in a business entity, is considered a principal, and is actively working in the business entity, the individual is considered self-employed (see OAR 461-145-0915).¶

(5) If the individual has an ownership interest in a business entity, is not considered a principal, and is actively working in the business entity:¶

(a) The individual's income, not including dividends or profits from the business entity, is counted as earned income as provided in OAR 461-145-0130.¶

(b) Dividends or profits are treated as unearned income.¶

(c) Except in the ~~QMB-BAS, QMB-SMB, and QMB-SMF~~ QI, and SLMB programs, if maintaining an ownership in the business entity is required for employment, the equity value of the ownership interest is excluded; otherwise it is counted as provided in subsection (6)(a) of this rule.¶

(d) A non-business expenditure - including, but not limited to, a car or housing payment - paid by a business entity that benefits the individual is counted as earned income of the individual.¶

(6) If the individual has an ownership interest in a corporation or business entity, but is not actively working in the corporation or business entity:¶

(a) Except in the ~~QMB-BAS, QMB-SMB, and QMB-SMF~~ QI, and SLMB programs, and except as provided in OAR 461-140-0020, the equity value of an ownership interest in a corporation or business entity, other than stock in the corporation, is counted as a resource. See OAR 461-145-0520 for how to treat stock.¶

(b) Except as provided in OAR 461-140-0040, income of the individual from a corporation or business entity is counted as unearned income of the individual.¶

(c) A non-business expenditure - including, but not limited to, a car or housing payment - paid by a corporation or business entity that benefits the individual is counted as unearned income of the individual.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.083, 411.404, 411.706, 413.085, 414.685

Statutes/Other Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.083, 411.404, 411.706, 413.085, 414.685, 414.839

AMEND: 461-145-0090

NOTICE FILED DATE: 04/29/2026

RULE SUMMARY: OAR 461-145-0090 is being updated to change the names of the Medicare Savings Programs to their federally recognized names and acronyms and to remove the program OSIP.

CHANGES TO RULE:

461-145-0090

Disability Benefit ¶

(1) This rule covers public and private disability benefits, except the following:¶

(a) Agent Orange disability benefits (covered in OAR 461-145-0005).¶

(b) Paid Leave Oregon benefits (covered in OAR 461-145-0375).¶

(c) Radiation Exposure Compensation Act payments (covered in OAR 461-145-0415).¶

(d) Social security based on disability or Supplemental Security Income (SSI) (covered in OAR 461-145-0490 and 461-145-0510).¶

(e) Veterans benefits (covered in OAR 461-145-0580).¶

(f) Workers compensation (covered in OAR 461-145-0590).¶

(2) For each disability payment covered under this rule:¶

(a) If received monthly or more frequently:¶

(A) In the Refugee Assistance (REF), Refugee Assistance Medical (REFM), SNAP, and TANF Supplemental Nutrition Assistance Program (SNAP), and Temporary Assistance for Needy Families (TANF) programs, income from employer-sponsored disability insurance is counted as earned income (see OAR 461-145-0130) if paid to an individual who is still employed while recuperating from an illness or injury.¶

(B) ~~In the OSIP, OSIPM, and QMB programs~~ For Medicare Savings Programs (see OAR 461-001-0000) and Oregon Supplemental Income Program Medical (OSIPM), income from employer-paid disability insurance is counted as earned income if received within six full calendar months after stopping work.¶

(C) Except as provided in paragraphs (A) and (B) of this subsection, the payment is counted as unearned income.¶

(b) All payments other than those in subsection (a) of this section are counted as periodic or lump-sum income (see OAR 461-140-0110 and 461-140-0120).

Statutory/Other Authority: ORS 411.060, 411.816, 412.049

Statutes/Other Implemented: ORS 411.060, 411.083, 411.816, 412.049

AMEND: 461-145-0108

NOTICE FILED DATE: 04/29/2026

RULE SUMMARY: OAR 461-145-0108 is being updated to change the names of the Medicare Savings Programs to their federally recognized names and acronyms and to remove the program OSIP. Other minor updates include changing "client" to "individual."

CHANGES TO RULE:

461-145-0108

Dividends, Interest and Royalties ¶

(1) ~~In the OSIP, OSIPM, and QMB programs~~ For Medicare Savings Programs (see OAR 461-001-0000) and Oregon Supplemental Income Program Medical (OSIPM): ¶

(a) Unless otherwise stated in chapter 461 of the Oregon Administrative Rules, dividends and interest earned on mutual funds and securities, including stocks, bonds, educational savings bonds, and certificates of deposit (CDs), are excluded as income. Interest earned on other assets is treated according to the rule for that asset. ¶

(b) Royalties include compensation paid to the owner for the use of property, usually copyrighted material or natural resources, such as coal, oil, or natural gas, which normally are extracted from the ground. Except as provided in paragraphs (A) and (B) of this subsection, royalties are treated as unearned income. ¶

(A) For an individual who is actively working in the trade or business that generates the royalties: ¶

(i) Income is treated as self-employment if self-employment criteria are met (see OAR 461-145-0915 regarding self-employment criteria). ¶

(ii) Income that does not meet self-employment criteria is counted as earned income. ¶

(B) Royalties received by an individual in connection with any publication of the individual's work are treated as earned income (see OAR 461-145-0130). ¶

(2) ~~In~~ For all programs except the OSIP, OSIPM, and QMB programs Medicare Savings Programs and OSIPM: ¶

(a) Dividends are counted as unearned income. ¶

(b) Interest income is counted as unearned income. ¶

(c) Royalties are counted as unearned income, except that royalties are counted as earned income if the ~~client~~ individual is actively engaged in the activity from which the royalties are accrued.

Statutory/Other Authority: ORS 411.060, 411.070, 411.816, 414.042, 412.049

Statutes/Other Implemented: ORS 411.060, 411.070, 411.816, 414.042, 412.049

AMEND: 461-145-0110

NOTICE FILED DATE: 04/29/2026

RULE SUMMARY: OAR 461-145-0110 is being updated to change the names of the Medicare Savings Programs to their federally recognized names and acronyms and to remove the program OSIP.

CHANGES TO RULE:

461-145-0110

Domestic Volunteer Services Act (VISTA, RSVP) and Small Business Act (SCORE, ACE) ¶

In all Department programs covered by Chapter 461 of the Oregon Administrative Rules, with respect to federal programs under the Domestic Volunteers Service Act of 1973 (Pub. L. No. 93 113):¶

(1) Payments under Title I - VISTA, University Year of Action, and Urban Crime Prevention - are treated as follows:¶

(a) ~~In the OSIP, OSIPM, and QMB programs~~For Medicare Savings Programs (see OAR 461-001-0000) and Oregon Supplemental Income Program Medical (OSIPM), these payments are excluded.¶

(b) ~~In~~For all programs except the ~~OSIP, OSIPM, QMB, Medicare Savings Programs, OSIPM, Refugee Assistance (REF), Refugee Assistance Medical (REFM), and TANF program~~Temporary Assistance for Needy Families (TANF):¶

(A) The payments are excluded if the individual is receiving Department program benefits when they join the Title I program. The exclusion of payments continues until the individual has a break in receiving Department benefits of more than one month.¶

(B) The payments are counted as earned income for individuals who joined the Title I program before applying for Department program benefits.¶

(c) In the REF, REFM, and TANF programs, the value of the educational award is excluded; all remaining payments count as earned income.¶

(2) Payments are excluded for programs under Title II (National Older Americans Volunteer Programs), which include:¶

(a) Retired Senior Volunteer Program (RSVP) Title II, Section 201.¶

(b) Foster Grandparent Program Title II, Section 211.¶

(c) Older American Community programs.¶

(d) Senior Companion Program.¶

(3) Payments are excluded for programs under 15 USC 637(a)(1) (the Small Business Act), which include:¶

(a) Service Corps of Retired Executives (SCORE); and¶

(b) Active Corps of Executives (ACE).

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.083, 411.404, 411.706, 411.816, 412.049, 413.085, 414.619

Statutes/Other Implemented: 411.060, 411.070, 411.083, 411.404, 411.706, 411.816, 412.049, 413.085, 414.619, ORS 409.010

AMEND: 461-145-0120

NOTICE FILED DATE: 04/29/2026

RULE SUMMARY: OAR 461-145-0120 is being updated to change the names of the Medicare Savings Programs to their federally recognized names and acronyms and to remove the program OSIP.

CHANGES TO RULE:

461-145-0120

Earned Income; Defined ¶¶

~~Retroactively effective July 6, 2020:¶¶~~

Earned income is income received in exchange for an individual's physical or mental labor. Earned income includes all of the following:¶¶

- (1) Compensation for services performed, including wages, salaries, commissions, tips, sick leave, vacation pay, draws, or the sale of blood or plasma.¶¶
- (2) Income from on-the-job-training, paid job experience, JOBS Plus work experience, or Welfare-to-Work work experience.¶¶
- (3) In-kind income, when an individual is an employee of the person providing the in-kind income and the income is in exchange for work performed by the individual, or when received as compensation from self-employment.¶¶
- (4) For self-employment, gross receipts and sales, including mileage reimbursements, before costs.¶¶
- (5) In:¶¶
 - (a) ~~The SNAP program~~ Supplemental Nutrition Assistance Program (SNAP), cafeteria plan (see OAR 461-001-0000) benefits, and funds placed in a flexible spending account.¶¶
 - (b) All programs except the SNAP program, cafeteria plan benefits that an employee takes as cash, and funds placed in a flexible spending account.¶¶
- (6) Income from work-study.¶¶
- (7) Income from profit sharing that the individual receives monthly or periodically, except as provided in OAR 461-145-0089 ~~in the OSIP, OSIPM, and QMB programs for Medicare Savings Programs (see OAR 461-001-0000) and Oregon Supplemental Income Program Medical (OSIPM).~~¶¶
- (8) The fee for acting as an individual's representative payee, when that individual is not included in the filing group (see OAR 461-110-0310).¶¶
- (9) In the SNAP program, expenditure by a business entity that substantially benefits a principal (see OAR 461-145-0088).¶¶
- (10) The income a principal (see OAR 461-145-0089) earns working for a corporation, unless the individual can be considered self-employed under OAR 461-145-0910 or OAR 461-145-0915.¶¶
- (11) ~~In the OSIP, OSIPM, and QMB programs~~ For Medicare Savings Programs and OSIPM, a non-business expenditure - including, but not limited to, a personal car or housing payment - paid by an individual's corporation or business entity (see OAR 461-145-0089) that benefits the individual.

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.049, 413.085, 414.685

Statutes/Other Implemented: ORS 329A.500, ORS 409.010, 411.060, 411.070, 411.404, 411.706, 411.816, 412.049, 413.085, 414.685, 414.839

NOTICE FILED DATE: 04/29/2026

RULE SUMMARY: OAR 461-145-0130 is being updated to change the names of the Medicare Savings Programs to their federally recognized names and acronyms and to remove the program OSIP. Other minor updates include spelling out the names of programs that previously only used acronyms.

CHANGES TO RULE:

461-145-0130

Earned Income; Treatment ¶¶

(1) Earned income (see OAR 461-145-0120) is countable (see OAR 461-001-0000) in determining eligibility (see OAR 461-001-0000) for programs, subject to the provisions in sections (2) to (9) of this rule.¶¶

(2) JOBS Plus income is earned income and is treated as follows:¶¶

(a) In the ~~SNAP program~~:¶¶

~~(A) JOBS Plus income earned by a TANF-PLS (see OAR 461-101-0010) Supplemental Nutrition Assistance Program (SNAP) program:¶¶~~

(A) JOBS Plus income earned by a Temporary Assistance for Needy Families - Plus (TANF-PLS) participant:¶¶

(i) Is counted in determining initial SNAP program eligibility.¶¶

(ii) Is excluded in determining ongoing eligibility.¶¶

(B) JOBS Plus wages received after the individual's last month of work under a TANF-PLS JOBS Plus agreement are counted.¶¶

(b) In the Temporary Assistance for Needy Families (TANF) program, when determining the need for a TANF supplement for a TANF-PLS individual, the income is treated as follows:¶¶

(A) It is excluded in determining the countable income limit and in calculating the benefit equivalency standards.¶¶

(B) It is counted in calculating the wage supplement.¶¶

(C) JOBS Plus wages received after the individual's last month of work under a JOBS Plus agreement are counted.¶¶

~~(c) In the OSIPM and QMB programs~~For Medicare Savings Programs (see OAR 461-001-0000) and Oregon Supplemental Income Program Medical (OSIPM), JOBS Plus wages received after the individual's last month of work under a TANF-PLS JOBS Plus agreement are counted.¶¶

(d) In all programs not covered under subsections (a) to (c) of this section, TANF-PLS income is counted as earned income.¶¶

(e) In all programs, wages received under the Tribal TANF JOBS programs are counted as earned income.¶¶

~~(3) TANF YEP~~Temporary Assistance for Needy Families Youth Employment Program (TANF YEP) income is treated as follows:¶¶

(a) In all programs except SNAP, the income is excluded.¶¶

(b) In the SNAP program, unless excluded under section (8) of this rule, the income is treated as earned income. ¶¶

(4) Welfare-to-Work work experience income is treated as follows:¶¶

(a) In the Refugee Assistance (REF), Refugee Assistance Medical (REFM), and TANF programs, the income is earned income, and the first \$260 is excluded each month.¶¶

(b) In the SNAP program, the income is earned income.¶¶

~~(5) In the OSIP, OSIPM, and QMB programs~~For Medicare Savings Programs and OSIPM, documented net losses from a self-employment business (see OAR 461-150-0095) are excluded from any other source of earned income of the financial group (see OAR 461-110-0530). This does not include dividends or profits (see OAR 461-145-0089).¶¶

(6) In the REF and REFM programs:¶¶

(a) Income remaining after the month of receipt is a resource.¶¶

(b) Earned in-kind income is excluded (see OAR 461-145-0280 and 461-145-0470).¶¶

(7) In the TANF program:¶¶

(a) Earned income of the following children is excluded:¶¶

(A) Dependent children under the age of 19 years, and minor parents under the age of 18 years, who are full-time students in grade 12 or below (or the equivalent level of vocational training, in GED courses), or in home schooling approved by the local school district.¶¶

(B) Dependent children under the age of 18 years who are attending school part-time (as defined by the institution) and are not employed full-time.¶¶

(C) Dependent children too young to be in school.¶¶

(b) Income remaining after the month of receipt is a resource.¶¶

(c) Earned in-kind income is excluded (see OAR 461-145-0280 and 461-145-0470).¶¶

(8) In the SNAP program:¶¶

(a) If a cafeteria plan (see OAR 461-001-0000) benefit that the employee may not elect to receive as a cash payment is designated and used to pay for child care, medical care, or health insurance, the benefit is excluded unless it is reimbursed by the Department. If reimbursed, the Department counts it as earned income.¶¶

(b) The following types of income are excluded:¶¶

(A) The earned income of an individual under the age of 18 years who is under the parental control of another member of the household and is:¶¶

(i) Attending elementary or high school;¶¶

(ii) Attending GED classes recognized by the local school district;¶¶

(iii) Completing home-school elementary or high school classes recognized by the local school district; or¶¶

(iv) Too young to attend elementary school.¶¶

(B) Earned in-kind income, except as provided in section (9) of this rule.¶¶

(C) Deductions from base pay for future educational costs under Pub. L. No. 99-576, 100 Stat. 3248 (1986), for an individual on active military duty.¶¶

(D) Income remaining after the month of receipt is a resource.¶¶

(9) In the SNAP program, earned in-kind income (see OAR 461-145-0280) is excluded unless it is one of the following:¶¶

(a) An expenditure by a business entity that benefits a principal (see OAR 461-145-0088).¶¶

(b) A credit card company gift card, such as Mastercard or Visa, which is received regularly and can be reasonably anticipated. This does not include specific gift cards, such as those from a retailer or restaurant.¶¶

(10) In all programs, the income of a temporary employee of the U.S. Census Bureau employed to assist in taking the census is excluded.

Statutory/Other Authority: ORS 409.050, 411.060, 411.070, 411.083, 411.404, 411.706, 411.816, 411.892, 412.014, 412.049, 413.085, 414.619

Statutes/Other Implemented: ORS 409.010, 411.060, 411.070, 411.083, 411.404, 411.706, 411.816, 411.892, 412.014, 412.049, 413.085, 414.619, 414.117

NOTICE FILED DATE: 04/29/2026

RULE SUMMARY: OAR 461-145-0145 is being updated to change the names of the Medicare Savings Programs to their federally recognized names and acronyms and to remove the program OSIP.

CHANGES TO RULE:

461-145-0145

Educational Account ¶

(1) The Individual Education Account (IEA) is an asset accrued by JOBS Plus participants. The IEA is excluded while it accumulates, while it is saved, and when it is withdrawn for educational purposes.¶

(2) For purposes of this rule, "educational expenses" are tuition, fees, and other necessary expenses for education at any educational institution. Examples of other necessary expenses for education include books, laboratory fees, student activity fees, transportation, stationery supplies, technology fees, and impairment-related expenses necessary to attend school or perform schoolwork (such as special prosthetic devices necessary to operate school machines or equipment). "Educational expenses" do not include the cost of shelter.¶

(3) In the ~~OSIP~~, Oregon Supplemental Income Program Medical (OSIPM), and ~~QMB-DW~~ Qualified Disabled and Working Individual (QDWI) programs:¶

(a) Funds in a Qualified Tuition Programs under Section 529 of the Internal Revenue Code are treated as follows:¶

(A) They are a countable (see OAR 461-001-0000) resource to the individual who owns the account.¶

(B) They are excluded as a resource for the beneficiary, unless the beneficiary is also the owner.¶

(b) Funds in a Coverdell Education Savings Accounts are treated as follows:¶

(A) They are excluded as a resource to the designated beneficiary. ¶

(B) If the contributor is not a designated beneficiary, funds deposited into the account are no longer the resource of the contributor beginning with the month after the month the cash is transferred. The transfer may be considered a disqualifying transfer of resources by the contributor under OAR 461-140-0210 and 461-140-0220.¶

(c) Distributions from a Coverdell Education Savings Account to a designated beneficiary are treated as follows:¶

(A) Educational expenses (see section (2) of this rule) are excluded as income in the month of receipt.¶

(B) If the excluded distribution is retained into the month following the month of receipt, it is excluded as a resource for nine months beginning with the month after the month of receipt.¶

(C) If the beneficiary spends any portion of a distribution for a purpose other than the educational expenses of the beneficiary, or no longer intends to use the funds for the educational expenses of the beneficiary, the non-education portion of the funds is countable as unearned income at the earlier of the following:¶

(i) The month the funds are spent.¶

(ii) The month the beneficiary no longer intends to use the funds for educational expenses.¶

(D) If a countable distribution is retained into the month following the month of receipt, it is a countable resource of the designated beneficiary. See OAR 461-145-0150 for information on other types of educational income.¶

(d) Gifts that are set aside to pay educational expenses are treated in accordance with subsection (c) of this section, except that the exclusion does not apply to any portion set aside or actually used for food or shelter. See OAR 461-145-0150 for information on other types of educational income.¶

(4) In the ~~QMB-BAS, QMB-SMB, and QMB-SMF~~ Qualified Medicare Beneficiary (QMB), Qualifying Individuals (QI), and Specified Low-Income Medicare Beneficiary (SLMB) programs:¶

(a) Funds held in a Qualified Tuition Program under Section 529 of the Internal Revenue Code or a Coverdell Education Savings Accounts are excluded as a resource.¶

(b) Distributions from a Coverdell Education Savings Account to a designated beneficiary are treated as follows:¶

(A) They are excluded as income in the month of receipt.¶

(B) If the excluded distribution is retained following the month of receipt, it is excluded as a resource.¶

(C) If the beneficiary spends any portion of a distribution for a purpose other than the educational expenses of the beneficiary, or no longer intends to use the funds for the educational expenses of the beneficiary, the non-education portion of the distribution is countable as unearned income at the earlier of the following:¶

(i) The month the funds are spent.¶

(ii) The month the beneficiary no longer intends to use the funds for educational expenses.¶

(5) In the ~~SNAP program~~ Supplemental Nutrition Assistance Program (SNAP), the value of funds in a qualified tuition program under section 529 of the Internal Revenue Code or in a Coverdell education savings account is excluded.

Statutory/Other Authority: ORS 329A.500, 409.050, 411.060, 411.404, 411.816, 413.085, 414.025, 414.685

Statutes/Other Implemented: ORS 329A.500, 409.010, 411.060, 411.404, 411.816, 413.085, 414.025, 414.685

RULE SUMMARY: OAR 461-145-0150 is being updated to change the names of the Medicare Savings Programs to their federally recognized names and acronyms and to remove the program OSIP.

CHANGES TO RULE:

461-145-0150

Educational Income ¶

(1) Educational income is income designated specifically for educational expenses. To be considered educational income, the income must be received by one of the following:¶

(a) A student at a recognized institution of post-secondary education. Post-secondary education is education offered primarily to individuals 18 years of age or older. Admission may - but does not necessarily - require a high school diploma or equivalent.¶

(b) A student at a school for individuals with disabilities.¶

(c) A student in a vocational education program.¶

(d) A student in a program that provides for completion of requirements for a secondary school diploma or the equivalent.¶

(2) To determine the amount of educational income to exclude, education expenses listed in the financial aid award letter are used unless one of the following is true:¶

(a) The student provides verification of amounts different from those listed in the award letter, in which case the verified amounts from the student are used.¶

(b) The student receives child care benefits through the Employment Related Day Care (ERDC) program under the Department of Early Learning and Care (DELC) or other child care subsidies. The amount the student actually pays for child care (including the ERDC copay) is excluded as educational income instead of the amount shown in the award letter.¶

(c) The student states that actual transportation costs exceed the amount allowed for the expense in the award letter. In that situation, the number of miles to and from school is multiplied by \$0.20. The product or the amount from the award letter, whichever is greater, is excluded.¶

(3) The following items are excluded:¶

(a) Educational income authorized by the Carl D. Perkins Vocational and Applied Technology Education Act or Title IV of the Higher Education Act or made available by the Bureau of Indian Affairs (BIA).¶

(b) All income from educational loans.¶

(c) ~~In the OSIP, OSIPM, and QMB programs~~ For Medicare Savings Programs (see OAR 461-001-0000) and Oregon Supplemental Income Program Medical (OSIPM), the augmented portion of a shelter stipend from the Department of Veterans Affairs designated for the individual's dependent.¶

(4) Except as provided in section (5) of this rule, the cost of the following items from remaining educational funds (including non-Title IV work study, externship (see OAR 461-001-0015), graduate assistantship (see OAR 461-001-0015), graduate fellowship (see OAR 461-001-0015) wages, and internship (see OAR 461-001-0015)) is excluded: dependent care, tuition, mandatory fees, books and supplies, transportation, required rental or purchase of equipment or materials charged to students enrolled in a specific curriculum, other miscellaneous personal expenses (except room and board), and loan originator fees and insurance premiums required to obtain an educational loan.¶

(5) For a participant in the Parents as Scholars (PAS) component of the JOBS program who has been approved for PAS pursuant to OAR 461-190-0199, all remaining educational funds, including those funds intended for room and board, are excluded.¶

(6) In all programs covered by chapter 461 of the Oregon Administrative Rules, after allowing exclusions, the remaining income is treated as follows:¶

(a) Income received through work study (including work study provided through a Veterans Affairs (VA) program or other educational program), fellowships and teaching-assistant positions not excluded by section (3) or (4) of this rule is earned income.¶

(b) Educational income not covered by subsection (a) of this section is prorated over the period it is intended to cover. If the individual has already received the income, the prorated amount is counted monthly beginning with the first month of the period. If the individual has not received the income at the time the determination is made, the prorated income is counted starting in the month the individual expects to receive it.¶

(7) Educational awards paid under the National and Community Service Trust Act of 1993 (including AmeriCorps)

are treated in accordance with OAR 461-145-0365.¶

(8) ~~In the OSIP, OSIPM, and QMB programs~~ For Medicare Savings Programs and OSIPM, distributions from a Coverdell Education Savings account and gifts used for education purposes are treated in accordance with OAR 461-145-0145.

Statutory/Other Authority: ORS 409.050, 411.060, 411.083, 411.404, 411.706, 411.816, 412.014, 412.049, 413.085, 414.619

Statutes/Other Implemented: 411.060, 411.083, 411.404, 411.706, 411.816, 412.014, 412.049, 413.085, 414.619, ORS 409.010, 411.620, 411.630, 411.635, 411.640, 411.660, 411.690, 411.825