

Secretary of State  
Certificate and Order for Filing  
**TEMPORARY ADMINISTRATIVE RULES**

A Statement of Need and Justification accompanies this form.

I certify that the attached copies\* are true, full and correct copies of the TEMPORARY Rule(s) adopted on September 15, 2010 by the  
Date prior to or same as filing date.

SSP 31-2010(T)

Department of Human Services - Children, Adults and Families 461  
Agency and Division Administrative Rules Chapter Number

Annette Tesch Human Services Building, 500 Summer St NE - E48, Salem, OR 97301-1066 (503) 945-6067  
Rules Coordinator Address Telephone

to become effective September 15, 2010 through February 12, 2011  
Date upon filing or later A maximum of 180 days including the effective date.

**RULE CAPTION**

Changing OARs affecting public assistance, medical assistance, or Supplemental Nutrition Assistance Program clients  
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**

**ADOPT:**

**AMEND:** 461-155-0225

**SUSPEND:** 461-155-0225(T)

ORS 409.050, 411.060, 411.070, 411.404, 414.231  
Stat. Auth.

42 USC 7, 42 CFR 435, 457, Oregon Health Plan 2 Demonstration Project No. 21-W-00013/ and 11-W-00161/10  
available from: The Department of Human Resources, Division of Medical Assistance Programs, 500 Summer Street NE,  
Salem, Oregon 97301.  
Other Authority

ORS 409.050, 411.060, 411.070, 411.404, 414.231  
Stats. Implemented

**RULE SUMMARY**

OAR 461-155-0225 about the income standards used in the Healthy KidsConnect (HKC), Oregon Health Plan (OHP), and Refugee Assistance Medical (REFM) programs is being amended in response to the Healthy Kids legislation (2009 Oregon Laws Chapter 867, House Bill 2116) to state which of its provisions apply to the HKC program. This rule also is being amended to state when an HKC or OHP program financial group (the individuals whose income and resources count in determining program eligibility and benefit levels) that includes a person with significant authority in a business entity is ineligible for program benefits.

**FILED**  
SEP 15 2010  
ARCHIVES DIVISION  
SECRETARY OF STATE

[Signature]  
Authorized Signer

Robert Trachtenberg 9-15-10  
Printed Name Date

A copy of the temporary rules can be accessed at the Self-Sufficiency Programs website:

[http://www.dhs.state.or.us/policy/selfsufficiency/ar\\_search.htm](http://www.dhs.state.or.us/policy/selfsufficiency/ar_search.htm)

\*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in the Rulemaking Action, and electronic copy of rules. ARC 940-2005

**Secretary of State**  
**STATEMENT OF NEED AND JUSTIFICATION**

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Department of Human Services - Children, Adults and Families

461

Agency and Division

Administrative Rules Chapter Number

In the Matter of: Amending OAR 461-155-0225

Rule Caption: Changing OARs affecting public assistance, medical assistance, or Supplemental Nutrition Assistance Program clients

Statutory Authority: ORS 409.050, 411.060, 411.070, 411.404, 414.231

Other Authority: 42 USC 7, 42 CFR 435, 457, Oregon Health Plan 2 Demonstration Project No. 21-W-00013/ and 11-W-00161/10 available from: The Department of Human Resources, Division of Medical Assistance Programs, 500 Summer Street NE, Salem, Oregon 97301.

Statutes Implemented: ORS 409.050, 411.060, 411.070, 411.404, 414.231

Need for the Temporary Rule(s):

OAR 461-155-0225 needs to be amended in response to the Healthy Kids legislation (2009 Oregon Laws Chapter 867, House Bill 2116) to state which of its provisions apply to the Healthy KidsConnect (HKC) program. The rule had not stated which of its provisions apply to the HKC program as the HKC program was a new program effective January 1, 2010. The amended rule states which of its provisions apply to the HKC program. This rule also needs to be amended to state when an HKC or OHP program financial group (the individuals whose income and resources count in determining program eligibility and benefit levels) that includes a person with significant authority in a business entity is ineligible for program benefits. The rule had stated that such a financial group was ineligible for program benefits when the monthly gross income of the business entity was more than \$10,000, making fewer financial groups eligible for HKC or OHP program benefits. The amended rule states that such a financial group is ineligible when the monthly gross income of the business entity is \$20,000 or more, making more financial groups eligible for HKC or OHP program benefits.

Documents Relied Upon (and where they are available): None.

Justification of Temporary Rule(s):

The Department finds that failure to act promptly by amending OAR 461-155-0225 will result in serious prejudice to the public interest, Healthy KidsConnect (HKC) and Oregon Health Plan (OHP) program clients, and the Department. The Department is adding the HKC program to the rule to implement 2009 Oregon Laws Chapter 867, House Bill 2116. This legislation requires the Department to implement the HKC program to provide more Oregon children with affordable health insurance. Without this rule change the Department would be out of compliance with state law. The Department is making the HKC and OHP program rule changes to make more HKC

and OHP program financial groups containing an adult with significant authority in a business entity eligible for program benefits. Without these rule changes such all members of financial groups with a monthly gross income greater than \$10,000 and less than \$20,000 would be ineligible for program benefits, keeping fewer children and adults eligible for affordable health insurance. These rule changes cannot wait to go through the regular 49-day permanent rulemaking process as House Bill 2116 (2009 Or. Laws 867) was effective January 1, 2010 and the public interest requires these changes to be made effective September 15, 2010.

  
Authorized Signer

Robert Trachtenberg  
Printed Name

9-15-10  
Date

**461-155-0225**

**Income Standard; HKC, OHP, REFM**

(1) In the HKC and OHP programs:

(a) If a *financial group* (see OAR 461-110-0530) contains a person with significant authority in a business entity--a "principal" as defined in OAR 461-145-0088--the group is ineligible if the gross income assigned to the *budget month* (see OAR 461-001-0000) of the business entity is \$20,000 or more. If the *need group* (see OAR 461-110-0630) is not ineligible under this section, its eligibility is evaluated under subsection (b) of this section.

(b) The *countable* (see OAR 461-001-0000) income standards are as follows:

(A) Except for a child found eligible for medical assistance based on an ELA determination, the *countable* income standard for OHP-OPC and OHP-OPU is 100 percent of the federal poverty level, as listed in OAR 461-155-0180(2), based on the size of the *need group*.

(B) The *countable* income standard for OHP-OP6 is 133 percent of the federal poverty level, as listed in OAR 461-155-0180(3), based on the size of the *need group*.

(C) The *countable* income standard for OHP-OPP is 185 percent of the federal poverty level, as listed in OAR 461-155-0180(5), based on the size of the *need group*.

(D) The *countable* income standard for OHP-CHP is below 201 percent of the federal poverty level, as listed in OAR 461-155-0180(7), based on the size of the *need group*.

(E) The *countable* income standard for a child found eligible for medical assistance based on an ELA determination is determined under 461-150-0055(5).

(2) In the REFM program, the income standard is 200 percent of the federal poverty level, as listed in OAR 461-155-0180(6), based on the size of the *need group*.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404, 414.231

Stats. Implemented: ORS 409.050, 411.060, 411.070, 411.404, 414.231