

Business Continuity Provisions

- (1) The use of this rule by any self-sufficiency *branch office* (see OAR [461-001-0000](#)) requires the approval for that site by --
 - (a) The Director of Self Sufficiency Programs or the designee of this official; or
 - (b) The Deputy Director of Self Sufficiency Programs.
- (2) The Department will only approve the use of this rule after considering the feasibility of avoiding the use of the rule by moving enough employees who are able to perform the needed tasks to the sites that have too few employees.
- (3) For purposes of this rule:
 - (a) "Business continuity disruption" refers to an emergency event or a work stoppage that causes the absence of most of the employees in at least one *branch office* for an expected time period of sufficient duration that compliance with applicable administrative rules in Chapter 461 is not feasible. A "business continuity disruption" continues until a sufficient number of employees return to work to permit compliance at the *branch office* with the administrative rules in Chapter 461.
 - (b) "Emergent need".
 - (A) In the SNAP program, the term "emergent need" refers to an individual who qualifies for expedited services under OAR [461-135-0575](#).
 - (B) In the medical assistance programs:
 - (i) The term "emergent need" refers to an individual reporting either of the following:
 - (I) A medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention or medication

may reasonably be expected to result in placing the health of the patient in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.

- (II) A need for prompt processing of an application to secure provider services for mental health, substance abuse, or long-term care.
- (ii) An individual does not need to document the "emergent need".
- (C) In the REF and TANF programs, the term "emergent need" refers to a household that meets the requirements of one of the following subparagraphs:
 - (i) Countable income less than \$150 a month, and liquid resources that do not exceed \$100.
 - (ii) Gross income and resources that combined are less than the total of the household's monthly rent or mortgage, plus its utilities.
 - (iii) Liquid resources (see subsection (c) of this section) that do not exceed \$100 as well as being a destitute household of migrant and seasonal farmworkers (see OAR [461-001-0015](#)) with little or no income at the time of application.
- (D) In the TA-DVS program, the term "emergent need" refers to an individual with an immediate safety need.
- (c) "Liquid resources" refers to cash on hand, a checking or savings account, a savings certificate, and a lump sum payment.
- (4) During a *business continuity disruption*, a *branch office* issues DSNAP benefits as provided in OAR [461-135-0491 to 461-135-0497](#) if the *branch office* is in a location authorized by the Food and

Nutrition Service (FNS) during a disaster benefit period. This rule does not otherwise apply to the DSNAP program.

- (5) Notwithstanding any other administrative rule in Chapter 461, during a *business continuity disruption* under the authorization required in section (1) of this rule, a Self-Sufficiency *branch office* may use any or all of the following special provisions:
 - (a) Application process.
 - (A) Individuals qualifying as *emergent need*.
 - (i) In the medical assistance, REF, and TANF programs, acceptance or processing by the Department of applications may be limited to individuals in *emergent need*.
 - (ii) In the SNAP program, processing of applications for new individuals may be limited to individuals in *emergent need*.
 - (B) Application process for individuals without an *emergent need*.
 - (i) In the REF and TANF programs, each *branch office* using this provision may document a request for benefits by maintaining a dated list of the names of these new individuals as well as social security numbers (if available). The Department will use these lists to establish the date of request for those who request assistance during the *business continuity disruption* and complete the application within 30 days after the conclusion of the *business continuity disruption* or by the deadline that applies under another program rule, whichever occurs later.
 - (ii) In the SNAP program, for a new applicant, each *branch office* using this provision may document a filing date by maintaining a file of completed filing pages. The Department will schedule and conduct

interviews with each applicant after the conclusion of the *business continuity disruption*.

- (iii) In the medical assistance programs, each *branch office* should establish a date of request using OAR [461-115-0030](#).
 - (iv) In the TA-DVS program, the Department may document a request for benefits by maintaining a dated list of the names of the applicants as well as social security numbers (if available). The Department will use this list to establish a filing date for those applicants who request assistance during the *business continuity disruption*. After the conclusion of the *business continuity disruption*, the Department will schedule and conduct interviews with each applicant within two business days, or when an immediate safety need arises, whichever occurs sooner.
- (b) Benefit levels. In the REF, SFPSS, and TANF programs:
- (A) Except as provided for REF in OAR [461-135-0900](#)(4), a current benefit recipient, including an individual in the Simplified Reporting System (SRS), may continue to receive benefits at the level in effect the day before the special provisions of this rule applied to the *branch office*.
 - (B) In the SFPSS and TANF programs, the Department may authorize a *branch office* to automatically extend certification periods for the duration of the *business continuity disruption*.
 - (C) Payments for *support services* (see OAR [461-001-0025](#)) listed in a *case plan* (see OAR [461-001-0025](#)) may continue at the level in effect the day before the special provisions of this rule applied to the *branch office*. The Department approves or denies any new request for a *support services* payment on a case by case basis.

- (D) In the REF and TANF programs, for an *emergent need* household, the Department may issue a temporary benefit in the following amounts:
 - (i) \$200 for a single individual.
 - (ii) \$100 for each additional individual to a maximum payment of \$900.
- (E) In the TA-DVS program, payments will be made to address immediate safety needs.
- (c) Processing changes for current recipients. Except in the SNAP program, a *branch office* may suspend the processing of changes during the *business continuity disruption*.
- (d) Redetermination of benefits issued in accordance with this rule; payments for supplemental benefits and establishment of overpayments. For each individual who receives a benefit under the provisions of this rule, after the *business continuity disruption* ends:
 - (A) The Department will determine the correct benefit amount and either provide a supplemental payment or assess an overpayment as appropriate.
 - (B) In the SNAP program, the Department will make the determination about supplemental payments under paragraph (A) of this subsection within 10 days of the end of the *business continuity disruption*.
- (e) In the SNAP program, in addition to the other processes described in this rule:
 - (A) SNAP program benefits may be maintained at the current level and extended for two additional months when the Department receives FNS approval within any month described in the following situations:
 - (i) The last month of a *certification period* (see OAR [461-001-0000](#)).

- (ii) The month a Periodic Report form is due.
 - (iii) The month a Transitional Benefit Alternative period ends.
 - (iv) The month a Monthly Change Report is due.
 - (B) A current benefit recipient must report changes described in OAR [461-170-0011](#) by the last day of the month following the month in which the change occurred.
- (6) Notwithstanding any other administrative rule in Chapter 461, during a *business continuity disruption* with the approval of the Direct Service Delivery Administrator for Aging and People with Disabilities (APD) or the designee of this official:
- (a) A *branch office* may limit acceptance or processing of applications for long-term services to individuals in *emergent need* who do not yet have a placement or are at risk of losing their current one.
 - (b) An APD or AAA office may apply any exception in this rule for SNAP and Medicaid programs to the extent authorized.

Statutory/Other Authority: ORS [409.050](#), [411.060](#), [411.404](#), [411.816](#), [412.014](#), [412.049](#)

Statutes/Other Implemented: ORS [409.010](#), [411.060](#), [411.404](#), [411.816](#), [412.014](#), [412.049](#)

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