

**Authorized Representatives; General**

- (1) “Authorized representative” means an individual aged 18 years or older or an organization permitted by this rule to act on behalf of an applicant or beneficiary in assisting the applicant or beneficiary with their application, renewal of eligibility, and other on-going communications with the Department.
- (2) “Department” in this rule refers to the Department of Human Services and the Oregon Health Authority.
- (3) “Eligibility determination group” in this rule refers to all individuals whose financial and non-financial information are considered in determining program eligibility.
- (4) In the Temporary Assistance for Domestic Violence Survivors (TA-DVS) program, an *authorized representative* (see section (1) of this rule) may not be established.
- (5) An *authorized representative* designated for one program is the *authorized representative* for all programs and benefits of the *head of household* (see OAR [461-001-0015](#)), *primary person* (see OAR [461-001-0000](#)), or *primary contact* (see OAR [410-200-0015](#)), excluding the TA-DVS program and not when the exception in subsection (6)(c) of this rule applies.
- (6) Unless limited elsewhere in this rule, an *authorized representative* may do any of the following:
  - (a) With the exception of the *authorized representative* designation form and subject to the exception in subsection (c) of this section: complete, sign, and submit any applications, renewals, or documents on behalf of the applicant or beneficiary.
  - (b) Receive copies of notices and other communications from the Department for the applicant or beneficiary.

- (c) Act on behalf of the applicant or recipient by reporting information and submitting requests to the Department, except an individual's *long-term care* (see OAR [461-001-0000](#)) services provider may not serve as the *designated representative* (see OAR [411-004-0010](#)) or *representative* (see OAR [411-028-0010](#) and OAR [411-030-0020](#)) of the individual for *long-term care* services.
- (7) The following individuals may appoint an *authorized representative* on a form designated by the Department subject to the limitations listed in sections (4), (5), and (8) – (12) of this rule, unless the individual is included in the *eligibility determination group* (see section 3 of this rule) solely for the purpose of determining eligibility based on tax filing status:
- (a) The *head of household, primary person, or primary contact* of any age.
  - (b) Any individual age 18 and older who is included in each *eligibility determination group* of the *head of household, primary person, or primary contact*.
  - (c) An individual given legal guardianship or power of attorney for an individual age 18 and older who is included in each *eligibility determination group* of the *head of household, primary person, or primary contact*.
- (8) The Department may accept a designation of an *authorized representative* via any of the following methods, which must include either a handwritten or electronic signature of both the individual designating the *authorized representative* and the *authorized representative*:
- (a) The Internet.
  - (b) E-mail.
  - (c) Mail.
  - (d) Telephonic recording.

- (e) In person.
  - (f) Other electronic means.
- (9) The following may not serve as an *authorized representative*:
- (a) An individual serving an *Intentional Program Violation* (see OAR [461-195-0601](#)), unless the Department determines no one else is available to serve as the *authorized representative*.
  - (b) Homeless meal providers (see 7 CFR 271.2) for homeless Supplemental Nutrition Assistance Program (SNAP) recipients.
  - (c) A person who may cause harm to the individual.
  - (d) A person who may have a conflict of interest.
  - (e) Department employees or an employee of a contractor involved in the certification or issuance processes for Department program benefits, unless a designated Department official determined no one else is available to serve as an *authorized representative* and has given approval.
  - (f) Retailers who are authorized to accept Department Electronic Benefit Transfer (EBT) cards, unless a designated Department official determined no one else is available to serve as an *authorized representative* and has given approval.
- (10) An individual who resides in a drug or alcohol residential treatment facility identified in OAR [461-135-0510](#) may apply for SNAP program benefits only through an *authorized representative*. The *authorized representative* must be a designated employee of the treatment center. The employee must complete the *authorized representative* form designated by the Department and follow the responsibilities in OAR [461-115-0145](#).
- (11) An individual with a *disability* (see OAR [461-001-0015](#)) who participates in the SNAP program while residing in a *group living* (see OAR [461-001-0015](#)) arrangement (GLA) may apply through an

*authorized representative* or on their own behalf. The GLA must determine if a resident may apply on their own behalf based on the physical and mental ability of the resident to handle their own affairs. If the *authorized representative* is a designated employee of the GLA, the employee must complete the *authorized representative* form designated by the Department and follow the responsibilities in OAR [461-115-0145](#).

- (12) While the individual is residing in a correctional facility or during a temporary period of hospitalization that occurs outside of the correctional facility, a designee of a correctional facility may apply for the *Medicare Savings Programs* (see OAR [461-001-0000](#)) and Oregon Supplemental Income Program Medical (OSIPM) on behalf of an individual for the purpose of establishing eligibility for medical assistance.
  - (a) The designee may obtain information necessary to determine eligibility for medical assistance, including the person's Social Security number or information that is not otherwise subject to disclosure under ORS 411.320 or ORS 413.175.
  - (b) The information obtained under subsection (a) of this section may be used only for the purpose of assisting the person in applying for medical assistance and may not be re-disclosed without the authorization of the individual.
- (13) The *authorized representative* must maintain the confidentiality of any information provided by the Department regarding the represented individual.
- (14) An individual or organization ceases to be an *authorized representative* when:
  - (a) A represented individual notifies the Department that the designation is terminated;
  - (b) A represented individual appoints a different *authorized representative*;

- (c) The *authorized representative* notifies the Department that the designation is terminated;
  - (d) The Department determines the *authorized representative* is no longer permitted to be the *authorized representative*; or
  - (e) There is a change in the legal authority upon which the individual or organization's authority was based.
- (15) An *authorized representative* may be subject to an overpayment (see OAR [461-195-0501](#) and OAR [461-195-0541](#)) in addition to other penalties. These other penalties include:
- (a) In GLA or drug or alcohol residential treatment facilities, the facility may be prosecuted under applicable federal or state law.
  - (b) For an *authorized representative* not covered by subsection (a) of this section, the Department may prohibit the person from serving as an *authorized representative* for one year.

Statutory/Other Authority: ORS [329A.500](#), [409.050](#), [411.060](#), [411.404](#), [411.816](#), [412.014](#), [412.049](#), [413.085](#), [414.685](#)

Statutes/Other Implemented: ORS [329A.500](#), [409.010](#), [411.060](#), [411.404](#), [411.447](#), [411.816](#), [412.014](#), [412.049](#), 412.072, 7 CFR 273.2, 42 CFR 435.907, 42 CFR 435.923

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