

A-Engrossed
House Bill 2464

Ordered by the House April 5
Including House Amendments dated April 5

Sponsored by Representatives HANNA, GELSER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Directs Department of Human Services to adopt rules under which person with developmental disability receiving medical assistance and residential services from department may retain earned income and remain eligible for services.

Directs department to apply for federal waiver **amendment** necessary to adopt rules. **Establishes notification and reporting requirements for department regarding implementation of waiver amendment.**

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to retention of earned income while maintaining eligibility for services for persons with a
3 developmental disability; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. The Department of Human Services shall adopt rules to allow a person with**
6 **a developmental disability receiving services from the department in a residential setting to**
7 **retain an amount of earned income in a calendar quarter that is equal to the amount of in-**
8 **come that qualifies for a quarter of coverage under the Social Security Act.**

9 **SECTION 2. (1) Within 30 days of the effective date of this 2007 Act, the Department of**
10 **Human Services shall request from the Centers for Medicare and Medicaid Services an**
11 **amendment to its Intermediate Care Facility for the Mentally Retarded Home and**
12 **Community-Based Care Waiver number 0117.90.R3 as necessary to implement the provisions**
13 **of section 1 of this 2007 Act.**

14 **(2) The department shall adopt rules implementing section 1 of this 2007 Act as soon as**
15 **practicable after receipt of federal approval for the waiver amendment described in sub-**
16 **section (1) of this section.**

17 **SECTION 3. (1) Section 1 of this 2007 Act becomes operative on the day after the date**
18 **the Department of Human Services receives Centers for Medicare and Medicaid Services**
19 **approval of the department's request to amend its waiver under section 2 of this 2007 Act.**

20 **(2) The department shall notify the Legislative Counsel upon receipt of the Centers for**
21 **Medicare and Medicaid Services approval or denial of the department's request to amend its**
22 **waiver under section 2 of this 2007 Act.**

23 **SECTION 4. The Department of Human Services shall report to the appropriate interim**
24 **committee, no later than January 1, 2008, on the progress in implementing section 1 of this**
25 **2007 Act, including but not limited to a report of the number of individuals with develop-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **mental disabilities who have increased the amount of income retained and the amount of**
2 **increased income each one has retained under section 1 of this 2007 Act.**

3 **SECTION 5. This 2007 Act being necessary for the immediate preservation of the public**
4 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
5 **on its passage.**

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