

## HOUSE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2469

By JOINT COMMITTEE ON WAYS AND MEANS

June 25

- 1 On page 1 of the printed A-engrossed bill, line 4, after “418.132” insert “, 418.134”.
- 2 On page 2, line 9, delete “who”.
- 3 In line 10, restore the bracketed material.
- 4 After line 12, insert:
- 5 “(B) Whose caretaker relatives are not able to provide adequate care and support for the child
- 6 without public”.
- 7 In line 14, restore the bracketed material.
- 8 In line 18, delete “(B) Lives” and insert “(C) Who lives”.
- 9 In line 19, restore the bracketed material and delete the boldfaced material.
- 10 Delete lines 32 and 33.
- 11 In line 34, delete “(6)” and insert “(5)”.
- 12 On page 3, line 22, before “caretaker” insert “needy”.
- 13 In line 25, after “the” insert “needy”.
- 14 On page 4, line 1, after “the” insert “needy”.
- 15 In line 11, after “or” insert “needy”.
- 16 Delete line 45.
- 17 On page 5, delete lines 1 through 5.
- 18 In line 6, delete “(4)” and insert “(3)”.
- 19 In line 9, delete “(5)(a)” and insert “(4)(a)”.
- 20 In line 11, delete “(4)” and insert “(3)” and after “noncompliant” insert “needy”.
- 21 In line 27, delete “(6)(a)” and insert “(5)(a)”.
- 22 In line 28, delete “(5)” and insert “(4)”.
- 23 In line 32, delete “(5)(c)” and insert “(4)(c)”.
- 24 In line 39, delete “(7)” and insert “(6)”.
- 25 In line 41, delete “(6)” and insert “(5)”.
- 26 After line 42, insert:
- 27 “**SECTION 3a.** ORS 418.045, as amended by section 3 of this 2007 Act, is amended to read:
- 28 “418.045. (1) The need for and amount of aid pursuant to the temporary assistance for needy
- 29 families to be granted for any dependent child or relative pursuant to ORS 418.040 shall be deter-
- 30 mined, in accordance with the rules of the Department of Human Services, taking into account:
- 31 “(a) The income, resources and maintenance available to such child and relative from whatever
- 32 source derived, allowable deductions and the statewide income and payment standards.
- 33 “(b) The income and financial condition of the stepparent, if any, of the child for whom aid is
- 34 sought.
- 35 “(2) Subsection (1)(b) of this section is not intended to relieve any parent of any legal obligation

1 in respect of the support of the natural or adopted children of the parent.

2 **“(3) In determining the need for and amount of aid to be granted under subsection (1)**  
3 **of this section and under ORS 411.070, the department shall:**

4 **“(a) Disregard no less than \$50 of the amount of child support received for each child per**  
5 **month, up to a total of \$200 or the maximum established by federal law, for the family; and**

6 **“(b) Disregard any other amounts of income and resources of the family as the depart-**  
7 **ment may prescribe by rule.**

8 “[3] (4) The department by rule shall adopt proven methods of encouraging participants’ full  
9 engagement in the job opportunity and basic skills program, including the development of an indi-  
10 vidualized case plan in accordance with ORS 418.040.

11 “[4)(a)] (5)(a) The department may not reduce the family’s aid payment as a method of encour-  
12 aging full engagement in the job opportunity and basic skills program pursuant to subsection [(3)]  
13 (4) of this section until the department determines that the noncompliant needy caretaker relative:

14 “(A) Has no barriers or refuses to take appropriate steps to address identified barriers to partic-  
15 ipation in the program;

16 “(B) Has the ability to be fully engaged in the program as defined by the department by rule;  
17 and

18 “(C) Is willfully noncompliant with the requirements of the individualized case plan.

19 “(b) The department may not reduce aid payments under this subsection to families:

20 “(A) Receiving aid pursuant to ORS 418.155 or section 8 of this 2007 Act;

21 “(B) In which the caretaker relative participates in suitable activities for the number of hours  
22 required each month to satisfy federally required participation rates; or

23 “(C) Until the department has screened for and, if appropriate, assessed barriers to partic-  
24 ipation, including but not limited to physical or mental health needs, substance abuse, domestic vi-  
25 olence or learning needs.

26 “(c) The department may not reduce aid payments under this subsection before assessing the  
27 risk of harm posed to the children in the household by the reduction in aid payments and taking  
28 steps to ameliorate the risk.

29 “[5)(a)] (6)(a) The department may reduce the aid payment to a family in accordance with  
30 subsection [(4)] (5) of this section following notice and an opportunity for a hearing under ORS  
31 chapter 183, as follows:

32 “(A) The department may reduce the aid payment by the portion attributable to the needs of the  
33 noncompliant individual for up to three months.

34 “(B) After three months of noncompliance and subject to subsection [(4)(c)] (5)(c) of this section,  
35 the department may terminate the aid payment to the family.

36 “(b) Any reduction or termination in aid under this section may continue until the noncompliant  
37 individual participates in suitable activities required by the case plan for two consecutive weeks.

38 “(c) A caretaker relative may request a hearing to contest the basis for a reduction in or ter-  
39 mination of an aid payment within 90 days of a reduction in or termination of aid.

40 “[6)] (7) Every six months, the department shall report to the Family Services Review Com-  
41 mission established under ORS 411.125 the status of and outcomes for families for whom aid has  
42 been reduced or terminated under subsection [(5)] (6) of this section. The department shall work  
43 with the commission to establish the details to be provided in the report.”.

44 On page 7, delete lines 39 through 45 and insert:

45 “(d) Receives aid under ORS 418.035 to 418.172 that is not funded with grants under Title IV-A

1 of the Social Security Act;

2 “(e) Is enrolled at an educational institution under section 1, chapter 212, Oregon Laws 2003;

3 “(f) Is exempt from time limits pursuant to rules adopted by the department in accordance with  
4 section 408(a)(7)(C) of the Social Security Act; or

5 “(g) Is unable to obtain or maintain employment for a sufficient number of hours in a month to  
6 satisfy the federally required participation rates because the needy caretaker relative:

7 “(A) Is a victim of domestic violence as defined in ORS 411.117;

8 “(B) Has a certified learning disability;

9 “(C) Has a mental health condition or an alcohol or drug abuse problem;

10 “(D) Has a disability as defined by the department by rule in a manner consistent with the de-  
11 finition of disability in the Americans with Disabilities Act;

12 “(E) Has a child with a disability;

13 “(F) Is deprived of needed medical care; or

14 “(G) Is subjected to battery or extreme cruelty as defined by the department by rule.”.

15 On page 8, delete lines 1 through 9.

16 After line 19, insert:

17 “**SECTION 5a.** ORS 418.134 is amended to read:

18 “418.134. (1) The Department of Human Services shall refer a person applying for or receiving  
19 temporary assistance for needy families to an evaluation by a mental health or drug abuse profes-  
20 sional if the department reasonably believes such referral is necessary. The Department of Human  
21 Services shall develop guidelines to assist in the identification and referral of individuals requiring  
22 mental health or drug abuse treatment.

23 “(2) If an evaluation conducted under subsection (1) of this section determines that mental  
24 health or drug abuse treatment is necessary for the person to function successfully in the workplace,  
25 the department shall provide such resources as are necessary and available for the person to par-  
26 ticipate in and successfully complete treatment.

27 “(3) A person who refuses to participate in an evaluation under subsection (1) of this section  
28 or treatment under subsection (2) of this section shall *[have payments reduced by the amount of \$50*  
29 *for a period of two months. Continued refusal to participate during the two months of payment re-*  
30 *duction shall result in removal of the nonparticipating person from the eligibility determination for two*  
31 *months. Continued refusal to participate during the two months of ineligibility shall result in termi-*  
32 *nation of all aid payments for the family]* **be subject to the provisions of ORS 418.045 (4) and**  
33 **(5).**

34 “(4) The department shall provide training to staff who work directly with persons applying for  
35 or receiving temporary assistance for needy families in assessment and evaluation of mental health  
36 disorders, addictions and battered women’s syndrome as may be necessary to implement the pro-  
37 visions of subsection (1) of this section.

38 “**SECTION 5b.** ORS 418.134, as amended by section 5a of this 2007 Act, is amended to read:

39 “418.134. (1) The Department of Human Services shall refer a person applying for or receiving  
40 temporary assistance for needy families to an evaluation by a mental health or drug abuse profes-  
41 sional if the department reasonably believes such referral is necessary. The Department of Human  
42 Services shall develop guidelines to assist in the identification and referral of individuals requiring  
43 mental health or drug abuse treatment.

44 “(2) If an evaluation conducted under subsection (1) of this section determines that mental  
45 health or drug abuse treatment is necessary for the person to function successfully in the workplace,

1 the department shall provide such resources as are necessary and available for the person to partic-  
2 cipate in and successfully complete treatment.

3 “(3) A person who refuses to participate in an evaluation under subsection (1) of this section  
4 or treatment under subsection (2) of this section shall be subject to the provisions of ORS 418.045  
5 [(4) and] (5) **and (6)**.”

6 “(4) The department shall provide training to staff who work directly with persons applying for  
7 or receiving temporary assistance for needy families in assessment and evaluation of mental health  
8 disorders, addictions and battered women’s syndrome as may be necessary to implement the pro-  
9 visions of subsection (1) of this section.”.

10 In line 20, delete “5a” and insert “5c”.

11 In line 24, restore the bracketed material.

12 Delete lines 31 and 32.

13 On page 9, line 45, after “program” insert “, including activities that promote family stability”.

14 On page 10, line 15, delete “temporary assistance for needy families” and insert “aid described  
15 in section 8 (3) of this 2007 Act”.

16 In line 16, delete “under ORS 418.040 and 418.155”.

17 In line 21, delete “temporary assistance” and insert “aid received under section 8 of this 2007  
18 Act”.

19 In line 44, after “(b)” insert “During a period for which support is assigned under ORS 418.042,  
20 for an obligee described in subsection (1)(b) of this section,”.

21 On page 15, line 44, after “418.125” insert “and 418.155”.

22 On page 21, line 5, delete “needy”.

23 In line 30, delete “in the preceding month”.

24 In line 31, delete “and” and insert “in at least three of the six months immediately preceding  
25 the month in which the family”.

26 On page 23, after line 13, insert:

27 “**SECTION 18a.** ORS 414.025, as amended by section 18 of this 2007 Act, is amended to read:

28 “414.025. As used in this chapter, unless the context or a specially applicable statutory defi-  
29 nition requires otherwise:

30 “(1) ‘Category of aid’ means assistance provided by the Oregon Supplemental Income Program,  
31 aid granted under ORS 418.035 to 418.125 or federal Supplemental Security Income payments.

32 “(2) ‘Categorically needy’ means, insofar as funds are available for the category, a person who  
33 is a resident of this state and who:

34 “(a) Is receiving a category of aid.

35 “(b) Would be eligible for, but is not receiving a category of aid.

36 “(c) Is in a medical facility and, if the person left such facility, would be eligible for a category  
37 of aid.

38 “(d) Is under the age of 21 years and would be a dependent child as defined in ORS 418.035 ex-  
39 cept for age and regular attendance in school or in a course of professional or technical training.

40 “(e)(A) Is a caretaker relative, as defined in ORS 418.035, who cares for a child who would be  
41 a dependent child except for age and regular attendance in school or in a course of professional or  
42 technical training; or

43 “(B) Is the spouse of the caretaker relative.

44 “(f) Is under the age of 21 years, is in a foster family home or licensed child-caring agency or  
45 institution under a purchase of care agreement and is one for whom a public agency of this state

1 is assuming financial responsibility, in whole or in part.

2 “(g) Is a spouse of an individual receiving a category of aid and who is living with the recipient  
3 of a category of aid, whose needs and income are taken into account in determining the cash needs  
4 of the recipient of a category of aid, and who is determined by the Department of Human Services  
5 to be essential to the well-being of the recipient of a category of aid.

6 “(h) Is a caretaker relative as defined in ORS 418.035 who cares for a dependent child receiving  
7 aid granted under ORS 418.035 to 418.125 or is the spouse of the caretaker relative.

8 “(i) Is under the age of 21 years, is in a youth care center and is one for whom a public agency  
9 of this state is assuming financial responsibility, in whole or in part.

10 “(j) Is under the age of 21 years and is in an intermediate care facility which includes insti-  
11 tutions for the mentally retarded; or is under the age of 22 years and is in a psychiatric hospital.

12 “(k) Is under the age of 21 years and is in an independent living situation with all or part of the  
13 maintenance cost paid by the Department of Human Services.

14 “(L) Is a member of a family that received aid **in the preceding month** under ORS 418.040 or  
15 under section 8 of this 2007 Act [*in at least three of the six months immediately preceding the month*  
16 *in which the family*] **and** became ineligible for aid due to increased hours of or increased income  
17 from employment. As long as the member of the family is employed, such families will continue to  
18 be eligible for medical assistance for a period of at least six calendar months beginning with the  
19 month in which such family became ineligible for assistance due to increased hours of employment  
20 or increased earnings.

21 “(m) Is an adopted person under 21 years of age for whom a public agency is assuming financial  
22 responsibility in whole or in part.

23 “(n) Is an individual or is a member of a group who is required by federal law to be included  
24 in the state’s medical assistance program in order for that program to qualify for federal funds.

25 “(o) Is an individual or member of a group who, subject to the rules of the department and  
26 within available funds, may optionally be included in the state’s medical assistance program under  
27 federal law and regulations concerning the availability of federal funds for the expenses of that in-  
28 dividual or group.

29 “(p) Is a pregnant woman who would be eligible for aid granted under ORS 418.035 to 418.125,  
30 whether or not the woman is eligible for cash assistance.

31 “(q) Except as otherwise provided in this section and to the extent of available funds, is a  
32 pregnant woman or child for whom federal financial participation is available under Title XIX of the  
33 federal Social Security Act.

34 “(r) Is not otherwise categorically needy and is not eligible for care under Title XVIII of the  
35 federal Social Security Act or is not a full-time student in a post-secondary education program as  
36 defined by the Department of Human Services by rule, but whose family income is less than the  
37 federal poverty level and whose family investments and savings equal less than the investments and  
38 savings limit established by the department by rule.

39 “(3) ‘Income’ has the meaning given that term in ORS 411.704.

40 “(4) ‘Investments and savings’ means cash, securities as defined in ORS 59.015, negotiable in-  
41 struments as defined in ORS 73.0104 and such similar investments or savings as the Department of  
42 Human Services may establish by rule that are available to the applicant or recipient to contribute  
43 toward meeting the needs of the applicant or recipient.

44 “(5) ‘Medical assistance’ means so much of the following medical and remedial care and services  
45 as may be prescribed by the Department of Human Services according to the standards established

1 pursuant to ORS 414.065, including payments made for services provided under an insurance or  
2 other contractual arrangement and money paid directly to the recipient for the purchase of medical  
3 care:

4 “(a) Inpatient hospital services, other than services in an institution for mental diseases;

5 “(b) Outpatient hospital services;

6 “(c) Other laboratory and X-ray services;

7 “(d) Skilled nursing facility services, other than services in an institution for mental diseases;

8 “(e) Physicians’ services, whether furnished in the office, the patient’s home, a hospital, a skilled  
9 nursing facility or elsewhere;

10 “(f) Medical care, or any other type of remedial care recognized under state law, furnished by  
11 licensed practitioners within the scope of their practice as defined by state law;

12 “(g) Home health care services;

13 “(h) Private duty nursing services;

14 “(i) Clinic services;

15 “(j) Dental services;

16 “(k) Physical therapy and related services;

17 “(L) Prescribed drugs, including those dispensed and administered as provided under ORS  
18 chapter 689;

19 “(m) Dentures and prosthetic devices; and eyeglasses prescribed by a physician skilled in dis-  
20 eases of the eye or by an optometrist, whichever the individual may select;

21 “(n) Other diagnostic, screening, preventive and rehabilitative services;

22 “(o) Inpatient hospital services, skilled nursing facility services and intermediate care facility  
23 services for individuals 65 years of age or over in an institution for mental diseases;

24 “(p) Any other medical care, and any other type of remedial care recognized under state law;

25 “(q) Periodic screening and diagnosis of individuals under the age of 21 years to ascertain their  
26 physical or mental impairments, and such health care, treatment and other measures to correct or  
27 ameliorate impairments and chronic conditions discovered thereby;

28 “(r) Inpatient hospital services for individuals under 22 years of age in an institution for mental  
29 diseases; and

30 “(s) Hospice services.

31 “(6) ‘Medical assistance’ includes any care or services for any individual who is a patient in a  
32 medical institution or any care or services for any individual who has attained 65 years of age or  
33 is under 22 years of age, and who is a patient in a private or public institution for mental diseases.  
34 ‘Medical assistance’ includes ‘health services’ as defined in ORS 414.705. ‘Medical assistance’ does  
35 not include care or services for an inmate in a nonmedical public institution.

36 “(7) ‘Medically needy’ means a person who is a resident of this state and who is considered el-  
37 igible under federal law for medically needy assistance.

38 “(8) ‘Resources’ has the meaning given that term in ORS 411.704. For eligibility purposes, ‘re-  
39 sources’ does not include charitable contributions raised by a community to assist with medical ex-  
40 penses.”.

41 On page 24, line 22, delete “by section 10” and insert “, 414.025, 418.045 and 418.134 by sections  
42 3a, 5b, 10 and 18a”.