

House Bill 2734

Sponsored by Representative DINGFELDER

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 **as introduced**.

Creates Oregon Bridge program in Department of Human Services to support individuals applying for, and assist them in qualifying for, federal Supplemental Security Income or Social Security disability benefits.

Establishes Oregon Bridge Program Fund. Continuously appropriates moneys to Department of Human Services for carrying out purposes of Oregon Bridge program. Directs that federal payments received as reimbursement for assistance paid in Oregon Bridge program be paid into Oregon Bridge Program Fund.

Adds recipients of Oregon Bridge program assistance to list of those presumed unable to pay child support.

A BILL FOR AN ACT

1
2 Relating to Oregon Bridge program; creating new provisions; amending ORS 25.245, 411.105 and
3 414.025; and appropriating money.

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

5 **SECTION 1. As used in sections 2 and 3 of this 2007 Act:**

6 (1) **"Resident of Oregon" means a person who lives in Oregon with the intent to reside**
7 **in Oregon and who is:**

8 (a) **A United States citizen; or**

9 (b) **Otherwise lawfully residing in the United States.**

10 (2) **"Social Security disability benefits" means assistance paid to persons on account of**
11 **age or disability under Title II of the Social Security Act, 42 U.S.C. 402.**

12 (3) **"Supplemental Security Income benefit" means assistance paid to needy persons on**
13 **account of age or disability under Title XVI of the Social Security Act, 42 U.S.C. 1382.**

14 **SECTION 2. (1) There is created in the Department of Human Services the Oregon Bridge**
15 **program.**

16 (2) **The purpose of the Oregon Bridge program is to help support residents of Oregon who**
17 **have disabilities and who are pursuing Supplemental Security Income or Social Security dis-**
18 **ability benefits, by providing to recipients:**

19 (a) **Monthly cash assistance to enable them to meet their basic requirements for a**
20 **standard of living compatible with decency and health;**

21 (b) **Medical assistance to meet ongoing health needs and to pay for medical documenta-**
22 **tion necessary to establish eligibility for Supplemental Security Income or Social Security**
23 **disability benefits; and**

24 (c) **Case management services to assist recipients in successfully qualifying for Supple-**
25 **mental Security Income or Social Security disability benefits.**

26 **SECTION 3. (1) The Department of Human Services shall provide assistance and services**
27 **under section 2 of this 2007 Act to an individual:**

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 (a) Who has a disability as described in section 4 of this 2007 Act;

2 (b) Who, as a result of a disability described in section 4 of this 2007 Act, is unable to
3 engage in any substantial gainful activity, as defined in section 5 of this 2007 Act;

4 (c) Whose resources are within the limits prescribed in section 6 of this 2007 Act; and

5 (d) Who is a resident of Oregon.

6 (2) The department shall adopt standards for cash assistance paid under this section that
7 are consistent with the requirements of ORS 411.070. However, payments may not exceed the
8 Supplemental Security Income program benefit amounts adopted by the Social Security Ad-
9 ministration under the authority of 20 C.F.R. part 416, subpart D.

10 **SECTION 4.** For purposes of section 3 of this 2007 Act, an individual is disabled if the
11 individual is unable to do any substantial gainful activity, as defined in section 5 of this 2007
12 Act, by reason of any medically determinable physical or mental impairment that can be
13 expected to result in death or that has lasted or can be expected to last for a continuous
14 period of not less than 12 months. To meet this definition, a person must have a severe
15 impairment that makes the person unable to do the person's past relevant work or any other
16 substantial gainful work that exists in the state.

17 **SECTION 5.** (1) For purposes of sections 3 and 4 of this 2007 Act, substantial gainful ac-
18 tivity means work that:

19 (a) Involves doing significant and productive physical or mental duties; and

20 (b) Is done or intended to be done for pay or profit.

21 (2) An individual is not engaged in substantial gainful activity if the earnings from the
22 activity are below the greater of:

23 (a) \$900 per month; or

24 (b) An amount adjusted for national wage growth, calculated by multiplying \$700 by the
25 ratio of the national average wage index for the year two calendar years before the year for
26 which the amount is being calculated to the national average wage index for the year 1998
27 rounded to the next higher multiple of \$10 where such amount is a multiple of \$5 but not of
28 \$10 and to the nearest multiple of \$10 in any other case.

29 **SECTION 6.** (1) If an individual lives with a spouse, the individual meets the resource
30 limit under section 3 of this 2007 Act if the value of all countable resources owned by the
31 couple does not exceed \$3,000.

32 (2) If an individual does not live with a spouse, the individual meets the resource limit
33 under section 3 of this 2007 Act if the value of the individual's countable resources does not
34 exceed \$2,000.

35 (3) The Department of Human Services shall prescribe by rule the resources that are not
36 counted under this section including, but not limited to:

37 (a) A home in which the individual has an ownership interest and that serves as the in-
38 dividual's principal place of residence;

39 (b) Household goods and personal effects; and

40 (c) One motor vehicle if used for transporting the individual or a member of the individ-
41 ual's household.

42 **SECTION 7.** (1) The Oregon Bridge Program Fund is established in the State Treasury,
43 separate and distinct from the General Fund. Interest earned by the fund shall be credited
44 to the fund. All moneys in the fund are continuously appropriated to the Department of
45 Human Services and may be used only to provide assistance to recipients in the Oregon

1 **Bridge program under sections 2 and 3 of this 2007 Act.**

2 (2) **All moneys received by the department pursuant to ORS 411.105 (2) shall be deposited**
 3 **in the Oregon Bridge Program Fund.**

4 **SECTION 8. There is appropriated to the Department of Human Services, for the**
 5 **biennium beginning July 1, 2007, out of the General Fund, the amount of \$_____ for the**
 6 **purpose of carrying out the provisions of sections 1 to 7 of this 2007 Act.**

7 **SECTION 9.** ORS 411.105 is amended to read:

8 411.105. (1) A person seeking public assistance shall file an application for public assistance with
 9 the Department of Human Services. At the time of application, the applicant shall declare to the
 10 department any circumstance that directly affects the applicant's eligibility to receive assistance or
 11 the amount of assistance available to the applicant. Upon the receipt of property or income or upon
 12 any other change in circumstances that directly affects the eligibility of the recipient to receive
 13 assistance or the amount of assistance available to the recipient, the applicant, recipient or other
 14 person in the assistance household shall immediately notify the department of the receipt or pos-
 15 session of such property or income, or other change in circumstances. The department shall recover
 16 from the recipient the amount of assistance improperly disbursed by reason of failure to comply with
 17 the provision of this section.

18 (2) The department may recover any cash assistance granted [*for general assistance under ORS*
 19 *411.710 to 411.730*] **under the Oregon Bridge program under section 2 of this 2007 Act** that has
 20 been paid to any recipient when that recipient is presently receiving or subsequently receives Sup-
 21 plemental Security Income. The amount of recovery shall be limited to the total amount of Sup-
 22 plemental Security Income that was received for the same time period that the [*general*] assistance
 23 **under the Oregon Bridge program** was being paid.

24 (3) Nothing in subsection (1) or (2) of this section shall be construed as [*to prevent*] **preventing**
 25 the department from entering into a compromise agreement for recovery of assistance improperly
 26 disbursed, if the department determines that the administration and collection costs involved would
 27 exceed the amount that can reasonably be expected to be recovered.

28 **SECTION 10.** ORS 414.025 is amended to read:

29 414.025. As used in this chapter, unless the context or a specially applicable statutory definition
 30 requires otherwise:

31 (1) "Category of aid" means assistance provided by the Oregon Supplemental Income Program,
 32 temporary assistance for needy families granted under ORS 418.035 to 418.125, **the Oregon Bridge**
 33 **program established by section 2 of this 2007 Act** or federal Supplemental Security Income pay-
 34 ments.

35 (2) "Categorically needy" means, insofar as funds are available for the category, a person who
 36 is a resident of this state and who:

37 (a) Is receiving a category of aid.

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

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

41 (d) Is under the age of 21 years and would be a dependent child under the program for tempo-
 42 rary assistance for needy families except for age and regular attendance in school or in a course
 43 of professional or technical training.

44 (e)(A) Is a caretaker relative named in ORS 418.035 (2)(a)(C) who cares for a dependent child
 45 who would be a dependent child under the program for temporary assistance for needy families ex-

1 cept for age and regular attendance in school or in a course of professional or technical training;
 2 or

3 (B) Is the spouse of such caretaker relative and fulfills the requirements of ORS 418.035 (1).

4 (f) Is under the age of 21 years, is in a foster family home or licensed child-caring agency or
 5 institution under a purchase of care agreement and is one for whom a public agency of this state
 6 is assuming financial responsibility, in whole or in part.

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

11 (h) Is a caretaker relative named in ORS 418.035 (2)(a)(C) who cares for a dependent child re-
 12 ceiving temporary assistance for needy families or is the spouse of such caretaker relative and ful-
 13 fills the requirements of ORS 418.035 (1).

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

16 (j) Is under the age of 21 years and is in an intermediate care facility which includes institutions
 17 for the mentally retarded; or is under the age of 22 years and is in a psychiatric hospital.

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

20 (L) Is a member of a family that received temporary assistance for needy families in at least
 21 three of the six months immediately preceding the month in which such family became ineligible for
 22 such assistance because of increased hours of or increased income from employment. As long as the
 23 member of the family is employed, such families will continue to be eligible for medical assistance
 24 for a period of at least six calendar months beginning with the month in which such family became
 25 ineligible for assistance because of increased hours of employment or increased earnings.

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

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

30 (o) Is an individual or member of a group who, subject to the rules of the department and within
 31 available funds, may optionally be included in the state's medical assistance program under federal
 32 law and regulations concerning the availability of federal funds for the expenses of that individual
 33 or group.

34 (p) Is a pregnant woman who would be eligible for temporary assistance for needy families in-
 35 cluding such aid based on the unemployment of a parent, whether or not the woman is eligible for
 36 cash assistance.

37 (q) Would be eligible for temporary assistance for needy families pursuant to 42 U.S.C. 607 based
 38 upon the unemployment of a parent, whether or not the state provides cash assistance.

39 (r) Except as otherwise provided in this section and to the extent of available funds, is a preg-
 40 nant woman or child for whom federal financial participation is available under Title XIX of the
 41 federal Social Security Act.

42 (s) Is not otherwise categorically needy and is not eligible for care under Title XVIII of the
 43 federal Social Security Act or is not a full-time student in a post-secondary education program as
 44 defined by the Department of Human Services by rule, but whose family income is less than the
 45 federal poverty level and whose family investments and savings equal less than the investments and

1 savings limit established by the department by rule.

2 (3) "Income" has the meaning given that term in ORS 411.704.

3 (4) "Investments and savings" means cash, securities as defined in ORS 59.015, negotiable in-
 4 struments as defined in ORS 73.0104 and such similar investments or savings as the Department of
 5 Human Services may establish by rule that are available to the applicant or recipient to contribute
 6 toward meeting the needs of the applicant or recipient.

7 (5) "Medical assistance" means so much of the following medical and remedial care and services
 8 as may be prescribed by the Department of Human Services according to the standards established
 9 pursuant to ORS 414.065, including payments made for services provided under an insurance or
 10 other contractual arrangement and money paid directly to the recipient for the purchase of medical
 11 care:

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

13 (b) Outpatient hospital services;

14 (c) Other laboratory and X-ray services;

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

16 (e) Physicians' services, whether furnished in the office, the patient's home, a hospital, a skilled
 17 nursing facility or elsewhere;

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

20 (g) Home health care services;

21 (h) Private duty nursing services;

22 (i) Clinic services;

23 (j) Dental services;

24 (k) Physical therapy and related services;

25 (L) Prescribed drugs, including those dispensed and administered as provided under ORS chapter
 26 689;

27 (m) Dentures and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases
 28 of the eye or by an optometrist, whichever the individual may select;

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

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

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

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

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

38 (s) Hospice services.

39 (6) "Medical assistance" includes any care or services for any individual who is a patient in a
 40 medical institution or any care or services for any individual who has attained 65 years of age or
 41 is under 22 years of age, and who is a patient in a private or public institution for mental diseases.
 42 "Medical assistance" includes "health services" as defined in ORS 414.705. "Medical assistance"
 43 does not include care or services for an inmate in a nonmedical public institution.

44 (7) "Medically needy" means a person who is a resident of this state and who is considered el-
 45 igible under federal law for medically needy assistance.

1 (8) “Resources” has the meaning given that term in ORS 411.704. For eligibility purposes, “re-
 2 sources” does not include charitable contributions raised by a community to assist with medical
 3 expenses.

4 **SECTION 11.** ORS 25.245 is amended to read:

5 25.245. (1) Notwithstanding any other provision of Oregon law, a parent who is eligible for and
 6 receiving cash payments under Title IV-A of the Social Security Act, the general assistance program
 7 as provided in ORS chapter 411 or a general assistance program of another state or tribe, **the**
 8 **Oregon Bridge program under sections 2 and 3 of this 2007 Act**, the Oregon Supplemental In-
 9 come Program or the federal Supplemental Security Income Program shall be rebuttably presumed
 10 unable to pay child support and a child support obligation does not accrue unless the presumption
 11 is rebutted.

12 (2) Each month, the Department of Human Services shall identify those persons receiving cash
 13 payments under the programs listed in subsection (1) of this section that are administered by the
 14 State of Oregon and provide that information to the administrator. If benefits are received from
 15 programs listed in subsection (1) of this section that are administered by other states, tribes or
 16 federal agencies, the obligor shall provide the administrator with written documentation of the
 17 benefits. The Department of Human Services shall adopt rules to implement this subsection.

18 (3) The administrator shall refer to the information provided in subsection (2) of this section
 19 prior to establishing any child support obligation. Within 30 days following identification of persons
 20 under subsection (2) of this section, the entity responsible for support enforcement services under
 21 ORS 25.080 shall provide notice of the presumption to the obligee and obligor and shall inform all
 22 parties to the support order that, unless a party objects as provided in subsection (4) of this section,
 23 child support shall cease accruing beginning with the support payment due on or after the date the
 24 obligor first begins receiving the cash payments and continuing through the support payment due
 25 in the last month in which the obligor received the cash payments. The entity responsible for sup-
 26 port enforcement services shall serve the notice on the obligee in the manner provided for the ser-
 27 vice of summons in a civil action or by certified mail, return receipt requested, and shall serve the
 28 notice on the obligor by first class mail to the obligor’s last-known address. The notice shall specify
 29 the month in which cash payments are first made and shall contain a statement that the adminis-
 30 trator represents the state and that low cost legal counsel may be available.

31 (4) A party may object to the presumption by sending an objection to the entity responsible for
 32 support enforcement services under ORS 25.080 within 20 days after the date of service of the no-
 33 tice. The objection must describe the resources of the obligor or other evidence that might rebut the
 34 presumption of inability to pay child support. The entity receiving the objection shall cause the case
 35 to be set for a hearing before a court or an administrative law judge. The court or administrative
 36 law judge may consider only whether the presumption has been rebutted.

37 (5) If no objection is made, or if the court or administrative law judge finds that the presumption
 38 has not been rebutted, the Department of Justice shall discontinue billing the obligor for the period
 39 of time described in subsection (3) of this section and no arrearage shall accrue for the period dur-
 40 ing which the obligor is not billed. In addition, the entity providing support enforcement services
 41 shall file with the circuit court in which the support order or judgment has been entered a copy of
 42 the notice described in subsection (3) of this section or, if an objection is made and the presumption
 43 is not rebutted, a copy of the administrative law judge’s order.

44 (6)(a) Within 30 days after the date the obligor ceases receiving cash payments under a program
 45 listed in subsection (1) of this section, the Department of Justice shall provide notice to all parties

1 to the support order:

2 (A) Specifying the last month in which a cash payment was made;

3 (B) Stating that the payment of those benefits has terminated and that by operation of law bill-
4 ing and accrual of support resumes; and

5 (C) Informing the parties of their rights to request a review and modification of the support
6 order based on a substantial change in circumstance or pursuant to ORS 25.287 or any other pro-
7 vision of law.

8 (b) The notice shall include a statement that the administrator represents the state and that low
9 cost legal counsel may be available.

10 (c) The entity providing enforcement services shall file a copy of the notice required by para-
11 graph (a) of this subsection with the circuit court in which the support order or judgment has been
12 entered.

13 (7) Receipt by a child support obligor of cash payments under any of the programs listed in
14 subsection (1) of this section shall be sufficient cause for a court or administrative law judge to al-
15 low a credit and satisfaction against child support arrearage for months that the obligor received
16 the cash payments.

17 (8) The notice and finding of financial responsibility required by ORS 416.415 shall include no-
18 tice of the presumption, nonaccrual and arrearage credit rights provided for in this section.

19 (9) The presumption, nonaccrual and arrearage credit rights created by this section shall apply
20 whether or not child support enforcement services are being provided under Title IV-D of the Social
21 Security Act.

22 (10) Application of the presumption, nonaccrual and arrearage credit rights created by this
23 section does not constitute a modification but does not limit the right of any party to seek a mod-
24 ification of a support order based upon a change of circumstances or pursuant to ORS 25.287 or any
25 other provision of law. In determining whether a change in circumstances has occurred or whether
26 two years have elapsed since entry of a support order, the court or administrative law judge may
27 not consider any action taken under this section as entry of a support order. The presumption stated
28 in subsection (1) of this section applies in any modification proceeding.

29