

A-Engrossed
House Bill 3139

Ordered by the House May 2
Including House Amendments dated May 2

Sponsored by Representative SCHAUFLER

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.

[Appropriates moneys to Department of Human Services to purchase websites.]

Revises provisions relating to general assistance.

Creates General Assistance Program in Department of Human Services to help support Oregon residents who have disabilities and are pursuing Supplemental Security Income or Social Security disability benefits by providing monthly cash assistance, medical assistance and case management services.

Establishes General Assistance Program Fund and continuously appropriates moneys in fund to Department of Human Services to provide grants of general assistance. Establishes eligibility requirements for individuals to receive grants.

Declares emergency, effective [July 1, 2007] on passage.

A BILL FOR AN ACT

1
2 Relating to Department of Human Services; creating new provisions; amending ORS 293.321, 411.710,
3 411.720, 411.730 and 414.025; repealing ORS 411.750, 411.790, 411.860 and 411.865; appropriating
4 money; and declaring an emergency.

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

6 **SECTION 1. (1) The General Assistance Program Fund is established in the State**
7 **Treasury, separate and distinct from the General Fund. Interest earned by the General As-**
8 **sistance Program Fund shall be credited to the fund. All moneys in the fund are continuously**
9 **appropriated to the Department of Human Services and may be used only to provide grants**
10 **of general assistance under ORS 411.710 to 411.730.**

11 **(2) All moneys received by the department pursuant to ORS 411.105 (2) shall be deposited**
12 **in the General Assistance Program Fund.**

13 **SECTION 2. Sections 3, 4 and 5 of this 2007 Act are added to and made a part of ORS**
14 **411.710 to 411.730.**

15 **SECTION 3. (1) There is created in the Department of Human Services the General As-**
16 **sistance Program.**

17 **(2) The purpose of the General Assistance Program is to help support residents of Oregon**
18 **who have disabilities and who are pursuing Supplemental Security Income or Social Security**
19 **disability benefits, by providing to recipients:**

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

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

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 **disability benefits; and**

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

4 **SECTION 4. (1) The Department of Human Services shall provide assistance and services**
5 **under section 3 of this 2007 Act to an individual:**

6 (a) **Who has a disability as described in section 5 of this 2007 Act;**

7 (b) **Who, as a result of a disability described in section 5 of this 2007 Act, is unable to**
8 **engage in any substantial gainful activity, as defined in ORS 411.720;**

9 (c) **Whose resources are within the limits prescribed in ORS 411.730;**

10 (d) **Who is a resident of Oregon; and**

11 (e) **Who is 18 to 64 years of age and has no dependent children in the home.**

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

16 **SECTION 5. For purposes of section 4 of this 2007 Act, an individual has a disability if**
17 **the individual is unable to do any substantial gainful activity, as defined in ORS 411.720, by**
18 **reason of any medically determinable physical or mental impairment that can be expected**
19 **to result in death or that has lasted or can be expected to last for a continuous period of**
20 **not less than 12 months. To meet this definition, an individual must have a severe impair-**
21 **ment that makes the individual unable to do the individual's past relevant work or any other**
22 **substantial gainful work that exists in the state.**

23 **SECTION 6.** ORS 411.710 is amended to read:

24 *411.710. [(1) General assistance shall be granted in accordance with the rules and regulations of*
25 *the Department of Human Services and on the basis of need, taking into account the income, resources*
26 *and maintenance available to the individual from whatever source derived and the necessary expen-*
27 *ditures of the individual and the conditions existing in each case.]*

28 *[(2) With respect to health services and needs to be provided in any general assistance programs*
29 *during any period, and within the limits of funds available therefor, the department shall determine*
30 *and fix, subject to such revisions as it may make from time to time:]*

31 *[(a) The types and extent of health services and needs to be provided to applicants and*
32 *recipients.]*

33 *[(b) Statewide uniform standards to be observed in the provision of health services and needs.]*

34 *[(c) The maximum number of days of health services and needs toward the cost of which general*
35 *assistance funds will be expended in the care of any applicant or recipient.]*

36 *[(d) Schedules of maximum fees, charges and daily rates to which general assistance funds will be*
37 *applied toward meeting the costs of providing health services and needs to an applicant or recipient.]*

38 *[(3) The types and extent of health services and needs and the amounts to be paid in meeting the*
39 *costs thereof, as determined and fixed by the department, shall be the total general assistance available*
40 *to applicants and recipients for health services and needs and the total amounts from general assistance*
41 *funds available to vendors in meeting such costs.]*

42 *[(4) Payments of general assistance for medical care and services shall constitute payment in full*
43 *for all such care and services for which the payments were made.]*

44 **As used in ORS 411.710 to 411.730:**

45 (1) **“Resident of Oregon” means a person who lives in Oregon with the intent to reside**

1 in Oregon and who is:

2 (a) A United States citizen; or

3 (b) Otherwise lawfully residing in the United States.

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

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

8 **SECTION 7.** ORS 411.720 is amended to read:

9 411.720. *[No person shall be eligible for general assistance unless the person is a resident of the*
10 *State of Oregon.]*

11 (1) For purposes of sections 4 and 5 of this 2007 Act, "substantial gainful activity" means
12 work that:

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

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

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

17 (a) \$900 per month; or

18 (b) An amount adjusted for national wage growth, calculated by multiplying \$700 by the
19 ratio of the national average wage index for the year two calendar years before the year for
20 which the amount is being calculated to the national average wage index for the year 1998
21 rounded to the next higher multiple of \$10 where such amount is a multiple of \$5 but not of
22 \$10 and to the nearest multiple of \$10 in any other case.

23 **SECTION 8.** ORS 411.730 is amended to read:

24 411.730. *[The Department of Human Services shall receive all applications for general assistance,*
25 *and shall determine in accordance with its rules and regulations the eligibility for and the amount of*
26 *the assistance which any person shall receive.]*

27 (1) If an individual lives with a spouse, the individual meets the resource limit under
28 section 4 of this 2007 Act if the value of all countable resources owned by the couple does
29 not exceed \$3,000.

30 (2) If an individual does not live with a spouse, the individual meets the resource limit
31 under section 4 of this 2007 Act if the value of the individual's countable resources does not
32 exceed \$2,000.

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

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

37 (b) Household goods and personal effects; and

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

40 **SECTION 9.** ORS 414.025 is amended to read:

41 414.025. As used in this chapter, unless the context or a specially applicable statutory definition
42 requires otherwise:

43 (1) "Category of aid" means assistance provided by the Oregon Supplemental Income Program,
44 temporary assistance for needy families granted under ORS 418.035 to 418.125, **general assistance**
45 **granted under ORS 411.710 to 411.730** or federal Supplemental Security Income payments.

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

3 (a) Is receiving a category of aid.

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

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

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

10 (e)(A) Is a caretaker relative named in ORS 418.035 (2)(a)(C) who cares for a dependent child
11 who would be a dependent child under the program for temporary assistance for needy families ex-
12 cept for age and regular attendance in school or in a course of professional or technical training;
13 or

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

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

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

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

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

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

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

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

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

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

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

45 (p) Is a pregnant woman who would be eligible for temporary assistance for needy families in-

1 cluding such aid based on the unemployment of a parent, whether or not the woman is eligible for
2 cash assistance.

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

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

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

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

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

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

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

24 (b) Outpatient hospital services;

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

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

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

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

31 (g) Home health care services;

32 (h) Private duty nursing services;

33 (i) Clinic services;

34 (j) Dental services;

35 (k) Physical therapy and related services;

36 (L) Prescribed drugs, including those dispensed and administered as provided under ORS chapter
37 689;

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

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

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

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

44 (q) Periodic screening and diagnosis of individuals under the age of 21 years to ascertain their
45 physical or mental impairments, and such health care, treatment and other measures to correct or

1 ameliorate impairments and chronic conditions discovered thereby;

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

4 (s) Hospice services.

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

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

12 (8) "Resources" has the meaning given that term in ORS 411.704. For eligibility purposes, "re-
13 sources" does not include charitable contributions raised by a community to assist with medical
14 expenses.

15 **SECTION 10.** ORS 293.321 is amended to read:

16 293.321. (1) A person having a claim against the state shall present the claim, with the evidence
17 in support thereof, to the Oregon Department of Administrative Services or the state agency that
18 incurred the obligation or made the expenditure on which the claim is based within two years after
19 the date on which the claim accrues. However, if any federal funding arrangement requires payment
20 of a claim within one year, that claim, with evidence in support thereof, must be presented within
21 one year after the date on which the claim accrues.

22 (2) All claims, with evidence in support thereof, presented for health services under [*ORS*
23 *411.710*] **section 3 of this 2007 Act** must be presented within one year after the date in which the
24 claim accrues.

25 **SECTION 11.** ORS 411.750, 411.790, 411.860 and 411.865 are repealed.

26 **SECTION 12.** This 2007 Act being necessary for the immediate preservation of the public
27 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect
28 on its passage.

29