

Senate Bill 843

Sponsored by Senators COURTNEY, WINTERS; Senators FERRIOLI, L GEORGE, Representatives BERGER, CAMERON, CLEM, KOMP (at the request of Blue Ribbon Task Force on Methamphetamine)

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**.

Requires Department of Human Services to provide medical assistance to parent in need of substance abuse treatment whose child has been removed from home by department.

A BILL FOR AN ACT

1
2 Relating to medical assistance; amending ORS 414.025 and 414.706.

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

4 **SECTION 1.** ORS 414.025 is amended to read:

5 414.025. As used in this chapter, unless the context or a specially applicable statutory definition
6 requires otherwise:

7 (1) "Category of aid" means assistance provided by the Oregon Supplemental Income Program,
8 temporary assistance for needy families granted under ORS 418.035 to 418.125 or federal Supple-
9 mental Security Income payments.

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

12 (a) Is receiving a category of aid.

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

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

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

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

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

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

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

31 (h) Is a caretaker relative named in ORS 418.035 (2)(a)(C) who cares for a dependent child re-

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 ceiving temporary assistance for needy families or is the spouse of such caretaker relative and ful-
 2 fills the requirements of ORS 418.035 (1).

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

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

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

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

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

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

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

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

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

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

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

36 **(t) Is in need of substance abuse treatment, and who is a parent of a child who has been**
 37 **removed from the parent's home and accepted for placement and care by the department as**
 38 **a result of a judicial determination that continued presence in the parent's home is contrary**
 39 **to the best interests of the child.**

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

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

45 (5) "Medical assistance" means so much of the following medical and remedial care and services

1 as may be prescribed by the Department of Human Services according to the standards established
 2 pursuant to ORS 414.065, including payments made for services provided under an insurance or
 3 other contractual arrangement and money paid directly to the recipient for the purchase of medical
 4 care:

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

6 (b) Outpatient hospital services;

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

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

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

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

13 (g) Home health care services;

14 (h) Private duty nursing services;

15 (i) Clinic services;

16 (j) Dental services;

17 (k) Physical therapy and related services;

18 (L) Prescribed drugs, including those dispensed and administered as provided under ORS chapter
 19 689;

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

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

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

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

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

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

31 (s) Hospice services.

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

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

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

42 **SECTION 2.** ORS 414.706 is amended to read:

43 414.706. The Legislative Assembly shall approve and fund health services to the following per-
 44 sons:

45 (1) Persons who are categorically needy as described in ORS 414.025 (2)(n) and (o);

- 1 (2) Pregnant women with incomes no more than 185 percent of the federal poverty guidelines;
2 (3) Persons under 19 years of age with incomes no more than 200 percent of the federal poverty
3 guidelines;
4 (4) Persons described in ORS 414.708; [*and*]
5 (5) Persons 19 years of age or older with incomes no more than 100 percent of the federal pov-
6 erty guidelines who do not have federal Medicare coverage; **and**
7 **(6) Persons described in ORS 414.025 (2)(t).**

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