

House Bill 2862

Sponsored by Representative CLEM (at the request of Neal Feldman)

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, in determining income available for costs of care for recipient of federal Social Security disability benefits receiving medical assistance, to disregard amount no less than federal poverty guideline.

A BILL FOR AN ACT

1
2 Relating to medical assistance for recipients of Social Security disability benefits; amending ORS
3 414.042.

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

5 **SECTION 1.** ORS 414.042 is amended to read:

6 414.042. (1) The need for and the amount of medical assistance to be made available for each
7 eligible group of recipients of medical assistance shall be determined, in accordance with the rules
8 of the Department of Human Services, taking into account:

9 (a) The requirements and needs of the person, the spouse and other dependents;

10 (b) The income, resources and maintenance available to the person but, except as provided in
11 ORS 414.025 (2)(r), resources shall be disregarded for those eligible by reason of having income be-
12 low the federal poverty level and who are eligible for medical assistance only because of the
13 enactment of chapter 836, Oregon Laws 1989;

14 (c) The responsibility of the spouse and, with respect to a person who is blind or is permanently
15 and totally disabled or is under 21 years of age, the responsibility of the parents; and

16 (d) The report of the Health Services Commission as funded by the Legislative Assembly and
17 such other programs as the Legislative Assembly may authorize. However, medical assistance, in-
18 cluding health services, shall not be provided to persons described in ORS 414.025 (2)(r) unless the
19 Legislative Assembly specifically appropriates funds to provide such assistance.

20 (2) [*Such amounts of income and resources may be disregarded as*] The department may prescribe
21 by [*rules*] **rule, within the limits required or permitted by federal law, the amounts of income**
22 **and resources to be disregarded in the determination of need for and the amount of medical**
23 **assistance**, except that the department:

24 (a) May not require any needy person over 65 years of age, as a condition of entering or re-
25 maining in a hospital, nursing home or other congregate care facility, to sell any real property
26 normally used as such person's home[. *Any rule of the department inconsistent with this section is to*
27 *that extent invalid. The amounts to be disregarded shall be within the limits required or permitted by*
28 *federal law, rules or orders applicable thereto.*]; **and**

29 (b) **In determining the amount of income available for the costs of care of a recipient of**
30 **federal Social Security disability benefits receiving medical assistance under ORS 411.706 (2),**
31 **shall disregard an amount of income no less than the federal poverty guideline.**

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 (3) In the determination of the amount of medical assistance available to a medically needy
2 person, all income and resources available to the person in excess of the amounts prescribed in ORS
3 414.038, within limits prescribed by the department, shall be applied first to costs of needed medical
4 and remedial care and services not available under the medical assistance program and then to the
5 costs of benefits under the medical assistance program.

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