

House Bill 2701

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 rules adopted to prescribe criteria for eligibility for medical assistance, to exclude an amount not less than federal poverty guideline from consideration of income available for costs of care of certain applicants who are also Oregon Supplemental Income Program recipients.

A BILL FOR AN ACT

1
2 Relating to medical assistance; amending ORS 411.404.

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

4 **SECTION 1.** ORS 411.404 is amended to read:

5 411.404. (1) The Department of Human Services shall determine eligibility for medical assistance
6 according to criteria prescribed by rule in consultation with the Oregon Health Authority that take
7 into account:

8 (a) The requirements and needs of the applicant and of the spouse and dependents of the appli-
9 cant;

10 (b) The income, resources and maintenance available to the applicant; and

11 (c) The responsibility of the spouse of the applicant and, with respect to an applicant who is
12 blind or is permanently and totally disabled or is under 21 years of age, the responsibility of the
13 parents.

14 (2) Rules adopted by the department under subsection (1) of this section:

15 (a) Shall disregard resources for those who are eligible for medical assistance only by reason
16 of ORS 414.025 (3)(s), except for the resources described in ORS 414.025 (3)(s).

17 **(b) Shall exclude an amount that is not less than the federal poverty guideline from the**
18 **income considered available for the costs of care of an applicant who is a recipient of federal**
19 **Social Security disability benefits and who qualifies for medical assistance under ORS 411.706**
20 **(2).**

21 *[(b)]* (c) May disregard **other** income and resources within the limits required or permitted by
22 federal law, regulations or orders.

23 *[(c)]* (d) May not require any needy person over 65 years of age, as a condition of entering or
24 remaining in a hospital, nursing home or other congregate care facility, to sell any real property
25 normally used as the person's home.

26 (3) Notwithstanding subsections (1) and (2) of this section, the authority may adopt rules nec-
27 essary to implement the Health Care for All Oregon Children program established by ORS 414.231
28 or applicable provisions of federal law.
29

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.