

## HOUSE AMENDMENTS TO HOUSE BILL 2859

By COMMITTEE ON HEALTH CARE

March 25

1 On page 1 of the printed bill, line 5, delete “411.060,” and delete “411.083,” and after  
2 “411.087,” insert “411.095,”.

3 In line 7, after “411.632,” insert “411.635,”.

4 On page 2, delete lines 6 through 16 and insert:

5 “**NOTE:** Section 2 was deleted by amendment. Subsequent sections were not renumbered.”.

6 On page 26, line 36, delete “, the Eastern Oregon Training Center”.

7 In line 39, delete “, the Department of Human Services”.

8 On page 28, line 13, delete “the Department of Human Services,”.

9 In line 23, after “involves” delete the rest of the line.

10 In line 24, delete “Services,” and delete “department or”.

11 On page 30, delete lines 5 through 23 and insert:

12 “**SECTION 25.** ORS 183.458 is amended to read:

13 “183.458. (1) Notwithstanding any other provision of law, in any contested case hearing before  
14 a state agency involving child support, public assistance as defined in ORS 411.010, **medical as-**  
15 **sistance as defined in ORS 414.025** or the right to be free from potentially unusual or hazardous  
16 treatment procedures under ORS 426.385 (3), a party may be represented by any of the following  
17 persons:

18 “(a) **An attorney licensed to practice law in any state who is an employee of or contracts**  
19 **with a nonprofit legal services program that receives funding pursuant to ORS 9.572.**

20 “[a] (b) An authorized representative who is an employee of a nonprofit legal services program  
21 that receives funding pursuant to ORS 9.572. The authorized representative must be supervised by  
22 an attorney also employed by a legal services program.

23 “[b] (c) An authorized representative who is an employee of the system described in ORS  
24 192.517 (1). The authorized representative must be supervised by an attorney also employed by the  
25 system.

26 “(2) In any contested case hearing before a state agency involving child support, a party may  
27 be represented by a law student who is:

28 “(a) Handling the child support matter as part of a law school clinical program in which the  
29 student is enrolled; and

30 “(b) Supervised by an attorney employed by the program.

31 “(3) **In any contested case hearing before a state agency involving an applicant for or**  
32 **recipient of medical assistance, the claimant may be represented by a relative, friend or any**  
33 **other person of the claimant’s choosing.**

34 “[3] (4) A person authorized to represent a party under this section may present evidence in  
35 the proceeding, examine and cross-examine witnesses and present factual and legal arguments in the

1 proceeding.”.

2 On page 34, delete lines 14 through 35 and insert:

3 “**SECTION 32.** ORS 411.010 is amended to read:

4 “411.010. As used in this chapter and in other statutes providing for assistance and services to  
5 needy persons, unless the context or a specially applicable statutory definition requires otherwise:

6 “(1) ‘General assistance’ means assistance or service of any character provided to needy persons  
7 not otherwise provided for to the extent of such need and the availability of funds, including med-  
8 ical, surgical and hospital or other remedial care.

9 “(2) ‘Public assistance’ means the following types of assistance:

10 “(a) Temporary assistance for needy families granted under ORS 412.001 to 412.069 and 418.647;

11 “(b) General assistance granted under ORS 411.710 to 411.730;

12 “[*c*] *Medical assistance*;

13 “[*d*] (c) Assistance provided by the Oregon Supplemental Income Program;

14 “[*e*] (d) General assistance other than general assistance granted under ORS 411.710 to 411.730;  
15 and

16 “[*f*] (e) Any other functions, except the administration of medical assistance by the Oregon  
17 Health Authority, that may be delegated to the Director of Human Services by or in accordance  
18 with federal and state laws.

19 “**NOTE:** Section 33 was deleted by amendment. Subsequent sections were not renumbered.”.

20 On page 35, delete lines 25 through 45 and insert:

21 “**NOTE:** Section 36 was deleted by amendment. Subsequent sections were not renumbered.”.

22 On page 36, delete lines 1 through 4.

23 After line 39, insert:

24 “**SECTION 37a.** ORS 411.095 is amended to read:

25 “411.095. (1) Except as provided in subsection (2) of this section, when the Department of Human  
26 Services **or the Oregon Health Authority** changes a benefit standard that results in the reduction,  
27 suspension or closure of a grant of [*general*] **public** assistance or a grant of [*public*] **medical** as-  
28 sistance, the department **or the authority** shall mail a notice of intended action to each recipient  
29 affected by the change at least 30 days before the effective date of the action.

30 “(2) If the department **or the authority** has fewer than 60 days before the effective date to  
31 implement a proposed change described in subsection (1) of this section, the department **or the**  
32 **authority** shall mail a notice of intended action to each recipient affected by the change as soon  
33 as practicable but at least 10 working days before the effective date of the action.

34 “(3) When the department **or the authority** conducts a hearing pursuant to ORS 416.310 to  
35 416.340 and 416.510 to 416.830 and 416.990 or when the department **or the authority** proposes to  
36 deny, reduce, suspend or terminate a grant of [*general*] **public** assistance, a grant of [*public*] **medical**  
37 assistance or a support service payment used to support participation in the job opportunity and  
38 basic skills program, the department **or the authority** shall provide an opportunity for a hearing  
39 under ORS chapter 183.

40 “(4) When emergency assistance or the continuation of assistance pending a hearing on the re-  
41 duction, suspension or termination of public assistance, **medical assistance** or a support service  
42 payment used to support participation in the job opportunity and basic skills program is denied, and  
43 the applicant for or recipient of public assistance, **medical assistance** or a support service payment  
44 requests a hearing on the denial, an expedited hearing on the denial shall be held within five  
45 working days after the request. A written decision shall be issued within three working days after

1 the hearing is held.

2 “(5) For purposes of this section, a reduction or termination of services resulting from an as-  
3 sessment for service eligibility as defined in ORS 411.099 is a grant of public assistance.

4 “(6) Adoption of rules, conduct of hearings and issuance of orders and judicial review of rules  
5 and orders shall be in accordance with ORS chapter 183.”.

6 On page 37, line 33, before the period insert “and medical assistance provided to recipients of  
7 assistance under the Oregon Supplemental Income Program”.

8 On page 38, line 22, delete “responsible for” and insert “on behalf of”.

9 In line 39, after “(5)” insert “(a)”.

10 After line 42, insert:

11 “(b) The department shall promptly transfer information received under this section to the au-  
12 thority for individuals who are eligible for medical assistance because they qualify for public as-  
13 sistance.”.

14 On page 40, line 29, after “recipient” delete the rest of the line and insert “at intervals specified  
15 by federal law.”.

16 In line 44, delete “qualifies” and insert “appears to qualify”.

17 On page 43, after line 25, insert:

18 “**SECTION 52a.** ORS 411.635 is amended to read:

19 “411.635. (1)(a) [*Public assistance*] **Medical assistance** improperly disbursed as a result of re-  
20 cipient conduct that is not in violation of ORS 411.630 may be recouped pursuant to ORS 293.250  
21 by the Oregon Health Authority or the Department of Human Services.

22 “**(b) Public assistance improperly disbursed as a result of recipient conduct that is not**  
23 **in violation of ORS 411.630 may be recouped pursuant to ORS 293.250 by the department.**

24 “(2) The department **and the authority** may also recoup public assistance **and medical as-**  
25 **sistance** improperly disbursed from earnings that the state disregards pursuant to ORS 411.083 and  
26 412.009 as follows:

27 “(a) The department **and the authority** shall notify the recipient that the recipient may elect  
28 to limit the recoupment monthly to an amount equal to one-half the amount of disregarded earnings  
29 by granting the department **or the authority** a confession of judgment for the amount of the over-  
30 payment.

31 “(b) If the recipient does not elect to grant the confession of judgment within 30 days the de-  
32 partment **or the authority** may recoup the overpayment from the entire amount of disregarded  
33 earnings. The recipient may at any time thereafter elect to limit the monthly recoupment to one-half  
34 the disregarded earnings by entering into a confession of judgment.

35 “(3) The department **and the authority** shall not execute on a confession of judgment until the  
36 recipient is no longer receiving public assistance **or medical assistance** and has either refused to  
37 agree to or has defaulted on a reasonable plan to satisfy the judgment.

38 “(4) This section does not prohibit the department **or the authority** from adopting rules to ex-  
39 empt from recoupment any portion of disregarded earnings.”.

40 In line 44, delete the boldfaced material.

41 On page 44, line 2, delete “or the Oregon Health Authority”.

42 In line 4, delete the boldfaced material.

43 On page 48, delete lines 12 through 16.

44 In line 17, restore the bracketed material and delete the boldfaced material.

45 On page 64, line 41, delete “135” and insert “138”.

1 On page 65, line 27, after “Services” insert “, the executive director of the Oregon Health In-  
2 surance Exchange Corporation”.

3 In line 30, after “Services” insert “, the corporation”.

4 In line 32, after “of” delete the rest of the line and insert “the respective functions of the de-  
5 partment, the corporation and the authority.”.

6 On page 66, after line 15, insert:

7 **“SECTION 100. (1) The Oregon Health Authority shall establish a program to provide  
8 grants to coordinated care organizations to fund pilot projects designed to improve patient  
9 engagement in and patient accountability for a patient’s own health, disease prevention and  
10 wellness activities. To receive a grant through the program, a coordinated care organization  
11 must submit an application to the authority, no later than January 1, 2014, that includes:**

12 **“(a) A proposal detailing the pilot project;**

13 **“(b) An explanation of how the organization intends to promote patient responsibility and  
14 improve health care outcomes for patients through the pilot project;**

15 **“(c) The incentives or penalties that the organization will utilize in the pilot project; and**

16 **“(d) The goals of the pilot project and how the success of the pilot project will be meas-  
17 ured.**

18 **“(2) The Governor shall petition the federal government for waivers of any federal laws  
19 that prevent the implementation of the pilot projects.**

20 **“SECTION 101. (1) The Task Force on Individual Responsibility and Health Engagement  
21 is established, consisting of 11 members appointed as follows:**

22 **“(a) The President of the Senate shall appoint two members of the Senate, one of whom  
23 is a Democrat and one of whom is a Republican.**

24 **“(b) The Speaker of the House of Representatives shall appoint two members of the  
25 House of Representatives, one of whom is a Democrat and one of whom is a Republican.**

26 **“(c) The Governor shall appoint seven persons, at least two of whom are receiving med-  
27 ical assistance.**

28 **“(2) Under the direction of the Governor, the task force shall develop recommendations  
29 for legislation that will establish mechanisms to meaningfully engage medical assistance re-  
30 cipients in their own health, disease prevention and wellness activities, in addition to the  
31 pilot projects authorized by section 100 of this 2013 Act. The task force shall prioritize rec-  
32 ommendations that:**

33 **“(a) Use incentives or disincentives;**

34 **“(b) Encourage partnerships between medical assistance recipients and their health care  
35 providers;**

36 **“(c) Are appropriate to the cultural and economic circumstances of medical assistance  
37 recipients;**

38 **“(d) Can be implemented rapidly upon receipt of any necessary federal approval; and**

39 **“(e) Represent best practices and are evidence-based with respect to medical assistance  
40 recipients.**

41 **“(3) The task force may receive testimony or reports from persons or agencies that are  
42 nationally recognized experts in the field, as appropriate.**

43 **“(4) A majority of the members of the task force constitutes a quorum for the trans-  
44 action of business.**

45 **“(5) Official action by the task force requires the approval of a majority of the members**

1 of the task force.

2 “(6) The task force shall elect one of its members to serve as chairperson.

3 “(7) If there is a vacancy for any cause, the appointing authority shall make an appoint-  
4 ment to become immediately effective.

5 “(8) The task force shall meet at times and places specified by the call of the chairperson  
6 or of a majority of the members of the task force.

7 “(9) The task force may adopt rules necessary for the operation of the task force.

8 “(10) The task force shall submit its recommendations, in the manner provided in ORS  
9 192.245, to the appropriate interim committees of the Legislative Assembly no later than  
10 November 1, 2013.

11 “(11) The Oregon Health Authority shall provide staff support to the task force.

12 “(12) Members of the task force who are not members of the Legislative Assembly are  
13 not entitled to compensation, but may be reimbursed for actual and necessary travel and  
14 other expenses incurred by them in the performance of their official duties in the manner  
15 and amounts provided for in ORS 292.495.

16 “(13) All agencies of state government, as defined in ORS 174.111, are directed to assist  
17 the task force in the performance of its duties and, to the extent permitted by laws relating  
18 to confidentiality, to furnish such information and advice as the members of the task force  
19 consider necessary to perform their duties.

20 “SECTION 102. The costs of the pilot projects described in section 100 of this 2013 Act  
21 shall be paid from funds in the legislatively adopted budget that are allocated to the Oregon  
22 Health Authority to provide innovation grants to coordinated care organizations.

23 “SECTION 103. Section 101 of this 2013 Act is repealed on the date of the convening of  
24 the 2014 regular session of the Legislative Assembly as specified in ORS 171.010.”.

25 In line 16, delete “100” and insert “104”.

26 In line 18, delete “, 2”.

27 In line 21, delete “411.060,” and delete “411.083,” and after “411.087,” insert “411.095,”.

28 In line 23, after “411.632,” insert “411.635,”.

29 In line 32, delete “101” and insert “105” and delete “, 2”.

30 In line 35, delete “411.060,” and delete “411.083,” and after “411.087,” insert “411.095,”.

31 In line 37, after “411.632,” insert “411.635,”.

32 On page 67, line 1, delete “102” and insert “106”.

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