

Enrolled Senate Bill 559

Sponsored by Senator DEVLIN, Representative BUCKLEY

CHAPTER

AN ACT

Relating to adults with developmental disabilities; creating new provisions; amending ORS 427.402; and declaring an emergency.

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

SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS chapter 427.

SECTION 2. (1) As used in this section:

(a) “Adult” means an adult with developmental disabilities who is eligible to receive comprehensive services as defined in ORS 427.400.

(b) “Residential setting” means a living arrangement described in ORS 427.400 (3).

(2) An adult has the right to choose the adult’s placement setting. The Department of Human Services or the department’s designee shall present to an adult at least three appropriate placement setting options, including at least two different types of residential settings, before:

(a) Making an initial placement.

(b) Transferring the adult from one placement setting to another placement setting.

(3) The department or the department’s designee may not transfer an adult from a placement setting without first complying with subsection (2) of this section.

(4) The department or the department’s designee is not required to present the options under subsection (2) of this section if:

(a) The department or the department’s designee demonstrates that three appropriate placement settings or two different types of residential settings are not available within the geographic area where the adult wishes to reside;

(b) The adult selects a placement setting option and waives the right to be presented with the placement setting options described in subsection (2) of this section; or

(c) The adult is at imminent risk to health or safety in the adult’s current placement setting.

SECTION 3. ORS 427.402 is amended to read:

427.402. (1) Support services for adults are intended to meet the needs of adults with developmental disabilities and to prevent or delay their need for comprehensive services. The Department of Human Services shall establish by rule the application and eligibility determination processes for support services for adults.

(2) Support services for adults shall be provided through a support service brokerage and pursuant to an individualized written service plan that is developed and reassessed at least annually using a person-centered planning process.

(3) The department shall ensure that each individual receiving support services for adults has an active role in choosing the services, activities and purchases that will best meet the individual's needs and preferences and to express those choices verbally, using sign language or by other appropriate methods of communication.

(4) The services, activities and purchases available as support services for adults include, but are not limited to:

(a) Community living and inclusion supports that facilitate independence and promote community integration by supporting the individual to live as independently as possible;

(b) Employment services;

(c) Environmental accessibility adaptations;

(d) Specialized supports; and

(e) Specialized medical equipment and supplies.

(5) Support services for adults must complement the existing formal and informal supports, services, activities and purchases available to an adult living in the adult's own home or the home of the adult's family.

(6) The department shall ensure that each individual has the opportunity to confirm satisfaction with the support services for adults that the individual receives and to makes changes in the services as necessary.

(7) The department shall ensure that all adults with developmental disabilities receiving comprehensive services have an equal opportunity for job placements. A provider of developmental disability services that offers job placements may not give preference to an adult with disabilities who is a resident of a facility owned or operated by the provider when determining eligibility for a job placement. The residence of an adult with developmental disabilities may not be the exclusive factor in determining eligibility for a job placement.

SECTION 4. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Passed by Senate June 19, 2013

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 24, 2013

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Tina Kotek, Speaker of House

Received by Governor:

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Approved:

.....M.,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2013

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Kate Brown, Secretary of State