

A-Engrossed
Senate Bill 559

Ordered by the Senate April 22
Including Senate Amendments dated April 22

Sponsored by Senator DEVLIN, Representative BUCKLEY

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.

Requires Department of Human Services to provide adults with developmental disabilities needing comprehensive services at least three options for [*residential care*] **placement prior to initial placement or transfer, subject to exceptions. Gives adult right to choose placement option.** Requires equal access to job placements for all adults with developmental disabilities receiving comprehensive services.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to adults with developmental disabilities; creating new provisions; amending ORS 427.402;
3 and declaring an emergency.

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

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

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

7 (a) **"Adult" means an adult with developmental disabilities who is eligible to receive**
8 **comprehensive services as defined in ORS 427.400.**

9 (b) **"Residential setting" means a living arrangement described in ORS 427.400 (3).**

10 (2) **An adult has the right to choose the adult's placement setting. The Department of**
11 **Human Services or the department's designee shall present to an adult at least three ap-**
12 **propriate placement setting options, including at least two different types of residential set-**
13 **tings, before:**

14 (a) **Making an initial placement.**

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

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

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

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

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

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

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 **SECTION 3.** ORS 427.402 is amended to read:

2 427.402. (1) Support services for adults are intended to meet the needs of adults with develop-
3 mental disabilities and to prevent or delay their need for comprehensive services. The Department
4 of Human Services shall establish by rule the application and eligibility determination processes for
5 support services for adults.

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

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

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

15 (a) Community living and inclusion supports that facilitate independence and promote commu-
16 nity integration by supporting the individual to live as independently as possible;

17 (b) Employment services;

18 (c) Environmental accessibility adaptations;

19 (d) Specialized supports; and

20 (e) Specialized medical equipment and supplies.

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

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

27 **(7) The department shall ensure that all adults with developmental disabilities receiving**
28 **comprehensive services have an equal opportunity for job placements. A provider of devel-**
29 **opmental disability services that offers job placements may not give preference to an adult**
30 **with disabilities who is a resident of a facility owned or operated by the provider when de-**
31 **termining eligibility for a job placement. The residence of an adult with developmental disa-**
32 **bilities may not be the exclusive factor in determining eligibility for a job placement.**

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

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