

# Senate Bill 640

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 **as introduced**.

Requires Department of Human Services to calculate amount paid to all providers of services to adults with developmental disabilities using uniform tool that reimburses for all services provided under individualized written service plan.

Requires department to reevaluate individualized written service plan at least every three years for adult with developmental disabilities receiving comprehensive services, or within 30 days after request for reevaluation by adult or adult's service provider, guardian or legal representative if request is based on specified criteria.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to services provided to adults with developmental disabilities; creating new provisions;  
3 amending ORS 427.400; and declaring an emergency.

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

5 **SECTION 1. Sections 2 and 3 of this 2013 Act are added to and made a part of ORS**  
6 **chapter 427.**

7 **SECTION 2. (1) As used in this section and section 3 of this 2013 Act, "service provider"**  
8 **means any person who contracts with the Department of Human Services to provide one or**  
9 **more of the services identified in the individualized written service plan of an adult with a**  
10 **developmental disability regardless of whether the service is provided in a group home, adult**  
11 **foster home or any other residential setting, including the adult's own home.**

12 **(2) The department shall reimburse a service provider an amount that includes payment**  
13 **for the cost of all of the services identified in the individualized written service plan that are**  
14 **provided by the service provider.**

15 **(3) The department shall use a uniform tool to calculate the amount of reimbursement**  
16 **paid to a service provider in accordance with this section. The tool must clearly indicate to**  
17 **the service provider the formula, factors and rates used in the calculation.**

18 **SECTION 3. (1) At least once every three years, the Department of Human Services shall**  
19 **reevaluate an individualized written service plan for each adult with developmental disabili-**  
20 **ties who is receiving comprehensive services that include 24-hour residential care to ensure**  
21 **that the plan meets the needs of the adult.**

22 **(2) Notwithstanding subsection (1) of this section, the department shall reevaluate the**  
23 **individualized written service plan for an adult with developmental disabilities receiving**  
24 **comprehensive services that include 24-hour residential care no later than 30 days after the**  
25 **adult, or the adult's service provider, guardian or legal representative, requests a reevalu-**  
26 **ation based on documentation that:**

27 **(a) The adult's medical condition has changed; or**

28 **(b) The adult's behavioral health needs have changed.**

**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) The department may not treat a request for a reevaluation under subsection (2) of**  
 2 **this section as:**

3       **(a) A request to transfer or discharge the adult; or**

4       **(b) The basis for initiating a transfer or discharge of the adult.**

5       **SECTION 4.** ORS 427.400 is amended to read:

6       427.400. As used in this section and ORS 427.402 and 427.410 **and sections 2 and 3 of this 2013**

7 **Act:**

8       (1) “Adult” means an individual who is 18 years of age or older.

9       (2) “Community living and inclusion supports” means services that may or may not be work-  
 10 related and includes services designed to develop or maintain the individual’s skills in the following  
 11 areas:

12       (a) Eating, bathing, dressing, personal hygiene, mobility and other personal needs;

13       (b) Self-awareness and self-control, social responsiveness, social amenities, interpersonal skills,  
 14 interpersonal relationships and social connections;

15       (c) Community participation, recreation and the ability to use available community services, fa-  
 16 cilities or businesses;

17       (d) Expressive and receptive skills in verbal and nonverbal language, the functional application  
 18 of acquired reading and writing skills and other communication needs; and

19       (e) Planning and preparing meals, budgeting, laundering, housecleaning and other personal en-  
 20 vironmental needs.

21       (3) “Comprehensive services” means a package of services, other than support services for  
 22 adults, that is provided by or under the direction of a community developmental disabilities program  
 23 and that includes at least one of the following living arrangements licensed or regulated by the  
 24 Department of Human Services:

25       (a) Twenty-four-hour residential care, including but not limited to a group home, a foster home  
 26 or a supported living program.

27       (b) Assistance provided to maintain an individual in the individual’s own home or the home of  
 28 the individual’s family and that costs more than an amount specified by the department by rule.

29       **(4) “Documentation” includes, but is not limited to:**

30       **(a) A written statement from the adult’s physician or other primary health care provider;**

31       **(b) Staff schedules showing changes that are attributable to changes in the adult’s med-**  
 32 **ical or behavioral health needs; and**

33       **(c) A discharge plan.**

34       [(4)] **(5)** “Employment services” means services provided to develop or maintain the skills nec-  
 35 essary for an individual to obtain and retain employment, including job assessment, job exploration,  
 36 job development, job training, job coaching, work skills, and ongoing supports.

37       [(5)] **(6)** “Environmental accessibility adaptations” means physical modifications to an  
 38 individual’s home that are necessary to ensure the health, welfare and safety of the individual in the  
 39 home, or that enable the individual to function with greater independence in the home.

40       [(6)] **(7)** “Individualized written service plan” means a plan described in ORS 430.210 (1)(a), (b)  
 41 and (c) that identifies the resources, services and purchases necessary for an individual with a de-  
 42 velopmental disability to achieve identified personal goals and maximize self-determination.

43       [(7)] **(8)** “Person-centered planning” means an informal or formal process for gathering and or-  
 44 ganizing information that helps an individual to:

45       (a) Enhance self-determination by choosing personal goals and lifestyle preferences;

1 (b) Design strategies and networks of support to achieve personal goals and a preferred lifestyle  
2 using individual strengths, relationships and resources; and

3 (c) Identify, use and strengthen naturally occurring opportunities for support in the home and  
4 in the community.

5 [(8)] (9) "Self-determination" means empowering individuals to:

6 (a) Select and plan, together with freely-chosen family members and friends, the support services  
7 for adults that are necessary instead of purchasing a predefined program or package of services;

8 (b) Control the expenditure of available financial assistance in order to purchase support ser-  
9 vices for adults, with the help of a social support network if needed;

10 (c) Live an autonomous life in the community, rich in community affiliations, through formal or  
11 informal arrangements of resources and personnel; and

12 (d) Have a valued role in the community through competitive employment, organizational affil-  
13 iations, personal development and general caring for others in the community, and to be accountable  
14 for spending public dollars in ways that are life-enhancing for the individual.

15 [(9)(a)] (10)(a) "Specialized medical equipment and supplies" means:

16 (A) Devices, aids, controls, supplies or appliances that enable individuals:

17 (i) To increase their ability to perform activities of daily living; or

18 (ii) To perceive, control or communicate with the environment in which they live;

19 (B) Items necessary for life support, including ancillary supplies and equipment necessary to the  
20 proper functioning of these items; and

21 (C) Medical equipment not available in the medical assistance program.

22 (b) "Specialized medical equipment and supplies" does not include items that have no direct  
23 medical or remedial benefit to the individual.

24 [(10)] (11) "Specialized supports" means treatment, training, consultation or other unique ser-  
25 vices that are not available through the medical assistance program but are necessary to achieve  
26 the goals identified in the individualized written service plan, or other support services for adults  
27 prescribed by the department by rule.

28 [(11)] (12) "Support service brokerage" means an entity that contracts with the department to  
29 provide or to arrange for support services for adults.

30 [(12)] (13) "Support services for adults" means the services for adults with developmental disa-  
31 bilities provided by a support service brokerage under ORS 427.402 and 427.410.

32 **SECTION 5. This 2013 Act being necessary for the immediate preservation of the public**  
33 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
34 **on its passage.**

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