

Senate Bill 641

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 provide to adult receiving developmental disabilities services, and to adult's guardian, health care providers, caregivers and family members, notice containing detailed accounting of reimbursement paid to service providers.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to reimbursement paid to providers of developmental disability services; creating new pro-
3 visions; amending ORS 427.400; 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, "service provider" means any person who con-**
7 **tracts with the Department of Human Services to provide one or more of the services iden-**
8 **tified in the individualized written service plan of an adult with a developmental disability**
9 **regardless of whether the service is provided in a group home, adult foster home or any**
10 **other residential setting, including the adult's own home.**

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

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

17 **(4) The department shall appoint an advisory group consisting of service providers and**
18 **advocates for adults receiving developmental disability services. The department shall involve**
19 **the advisory group in developing and updating the uniform tool described in subsection (3)**
20 **of this section.**

21 **(5) The department shall provide to each adult receiving developmental disability services**
22 **and to the adult's guardian, health care providers, primary caregivers and family members,**
23 **if appropriate, a written notice containing a detailed accounting of the reimbursement paid**
24 **to the service providers and the rates, factors and weighting of factors used to determine**
25 **the amount of the reimbursement.**

26 **SECTION 3. ORS 427.400 is amended to read:**

27 **427.400. As used in this section and ORS 427.402 and 427.410 and section 2 of this 2013 Act:**

28 **(1) "Adult" means an individual who is 18 years of age or older.**

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 (2) "Community living and inclusion supports" means services that may or may not be work-
2 related and includes services designed to develop or maintain the individual's skills in the following
3 areas:

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

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

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

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

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

13 (3) "Comprehensive services" means a package of services, other than support services for
14 adults, that is provided by or under the direction of a community developmental disabilities program
15 and that includes at least one of the following living arrangements licensed or regulated by the
16 Department of Human Services:

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

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

21 (4) "Employment services" means services provided to develop or maintain the skills necessary
22 for an individual to obtain and retain employment, including job assessment, job exploration, job
23 development, job training, job coaching, work skills, and ongoing supports.

24 (5) "Environmental accessibility adaptations" means physical modifications to an individual's
25 home that are necessary to ensure the health, welfare and safety of the individual in the home, or
26 that enable the individual to function with greater independence in the home.

27 (6) "Individualized written service plan" means a plan described in ORS 430.210 (1)(a), (b) and
28 (c) that identifies the resources, services and purchases necessary for an individual with a develop-
29 mental disability to achieve identified personal goals and maximize self-determination.

30 (7) "Person-centered planning" means an informal or formal process for gathering and organizing
31 information that helps an individual to:

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

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

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

37 (8) "Self-determination" means empowering individuals to:

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

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

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

44 (d) Have a valued role in the community through competitive employment, organizational affil-
45 iations, personal development and general caring for others in the community, and to be accountable

1 for spending public dollars in ways that are life-enhancing for the individual.

2 (9)(a) “Specialized medical equipment and supplies” means:

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

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

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

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

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

9 (b) “Specialized medical equipment and supplies” does not include items that have no direct
10 medical or remedial benefit to the individual.

11 (10) “Specialized supports” means treatment, training, consultation or other unique services that
12 are not available through the medical assistance program but are necessary to achieve the goals
13 identified in the individualized written service plan, or other support services for adults prescribed
14 by the department by rule.

15 (11) “Support service brokerage” means an entity that contracts with the department to provide
16 or to arrange for support services for adults.

17 (12) “Support services for adults” means the services for adults with developmental disabilities
18 provided by a support service brokerage under ORS 427.402 and 427.410.

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

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