

**PROPOSED AMENDMENTS TO
HOUSE BILL 2859**

1 On page 1 of the printed bill, line 5, after “411.087,” insert “411.095,”.

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

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

4 “183.458. (1) Notwithstanding any other provision of law, in any contested
5 case hearing before a state agency involving child support, public assistance
6 as defined in ORS 411.010, **medical assistance as defined in ORS 414.025**
7 or the right to be free from potentially unusual or hazardous treatment
8 procedures under ORS 426.385 (3), a party may be represented by any of the
9 following persons:

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

13 “[*a*] **(b)** An authorized representative who is an employee of a nonprofit
14 legal services program that receives funding pursuant to ORS 9.572. The au-
15 thorized representative must be supervised by an attorney also employed by
16 a legal services program.

17 “[*b*] **(c)** An authorized representative who is an employee of the system
18 described in ORS 192.517 (1). The authorized representative must be super-
19 vised by an attorney also employed by the system.

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

22 **“(a)** Handling the child support matter as part of a law school clinical

1 program in which the student is enrolled; and

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

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

7 “[~~(3)~~] **(4)** A person authorized to represent a party under this section may
8 present evidence in the proceeding, examine and cross-examine witnesses and
9 present factual and legal arguments in the proceeding.”.

10 On page 36, after line 39, insert:

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

12 “411.095. (1) Except as provided in subsection (2) of this section, when the
13 Department of Human Services **or the Oregon Health Authority** changes
14 a benefit standard that results in the reduction, suspension or closure of a
15 grant of [*general*] **public** assistance or a grant of [*public*] **medical** assistance,
16 the department **or the authority** shall mail a notice of intended action to
17 each recipient affected by the change at least 30 days before the effective
18 date of the action.

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

24 “(3) When the department **or the authority** conducts a hearing pursuant
25 to ORS 416.310 to 416.340 and 416.510 to 416.830 and 416.990 or when the de-
26 partment **or the authority** proposes to deny, reduce, suspend or terminate
27 a grant of [*general*] **public** assistance, a grant of [*public*] **medical** assistance
28 or a support service payment used to support participation in the job op-
29 portunity and basic skills program, the department **or the authority** shall
30 provide an opportunity for a hearing under ORS chapter 183.

1 “(4) When emergency assistance or the continuation of assistance pending
2 a hearing on the reduction, suspension or termination of public assistance,
3 **medical assistance** or a support service payment used to support partic-
4 ipation in the job opportunity and basic skills program is denied, and the
5 applicant for or recipient of public assistance, **medical assistance** or a
6 support service payment requests a hearing on the denial, an expedited
7 hearing on the denial shall be held within five working days after the re-
8 quest. A written decision shall be issued within three working days after the
9 hearing is held.

10 “(5) For purposes of this section, a reduction or termination of services
11 resulting from an assessment for service eligibility as defined in ORS 411.099
12 is a grant of public assistance.

13 “(6) Adoption of rules, conduct of hearings and issuance of orders and
14 judicial review of rules and orders shall be in accordance with ORS chapter
15 183.”.

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

19 On page 43, line 44, delete the boldfaced material.

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

21 In line 4, delete the boldfaced material.

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

23 On page 66, line 21, after “411.087,” insert “411.095,”.

24 In line 35, after “411.087,” insert “411.095,”.

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