

# D R A F T

## SUMMARY

Requires that minor child be considered resident in determining eligibility for home and community-based care if child lives at least six weeks each year with parent residing in this state.

### A BILL FOR AN ACT

1  
2 Relating to community-based care for children; amending ORS 414.428 and  
3 414.706.

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

5 **SECTION 1.** ORS 414.706 is amended to read:

6 414.706. (1) Within available funds and subject to the rules of the Oregon  
7 Health Authority, medical assistance shall be provided to an individual who  
8 is a resident of this state and who:

9 [(1)] (a) Is receiving a category of aid;

10 [(2)] (b) Would be eligible for a category of aid but is not receiving a  
11 category of aid;

12 [(3)] (c) Is required by federal law to be included in the state's medical  
13 assistance program in order for that program to qualify for federal funds; and

14 [(4)] (d) Is not described in **paragraph (c) of this** subsection [(3) of *this*  
15 *section*] but for whom federal funding is available under Title XIX or XXI  
16 of the Social Security Act.

17 (2) **A minor child who lives at least six weeks each year with a**  
18 **parent who is a resident of this state shall be considered to be a resi-**  
19 **dent in determining eligibility for home and community-based care**  
20 **while the child is living with the resident parent.**

1        **SECTION 2.** ORS 414.428 is amended to read:

2        414.428. (1) An individual who is eligible for or receiving medical assist-  
3        ance, as defined in ORS 414.025, pursuant to a demonstration project under  
4        section 1115 of the Social Security Act and who is an American Indian and  
5        Alaskan Native beneficiary shall receive the same package of health services  
6        as individuals described in ORS 414.706 [(1), (2) and (3)] **(1)(a), (b) and (c)**  
7        if:

8        (a) The Oregon Health Authority receives 100 percent federal medical  
9        assistance percentage for payments made by the authority for the package  
10       of health services provided; or

11       (b) The authority receives funding from the Indian tribes for which fed-  
12       eral financial participation is available.

13       (2) As used in this section, “American Indian and Alaskan Native bene-  
14       ficiary” has the meaning given that term in ORS 414.631.

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