

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3535**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the  
2 line and line 3 and insert “411.075, 411.175, 411.635, 411.892, 412.001, 412.006,  
3 412.009, 412.024, 412.029, 412.039, 412.049, 412.054, 412.064, 412.079, 412.089,  
4 412.124, 412.161, 412.991 and 414.025 and sections 1, 7 and 8, chapter 604,  
5 Oregon Laws 2011; repealing ORS 411.077, 411.078, 412.076, 412.099, 412.104  
6 and 412.114 and section 26, chapter 722, Oregon Laws 2013; and declaring an  
7 emergency.”.

8 Delete lines 23 through 30 and pages 2 through 5 and insert:

9 **“SECTION 1. (1) The Legislative Assembly finds that:**

10 **“(a) The temporary assistance for needy families program is the**  
11 **state’s primary safety net for families with children who live in ex-**  
12 **treme poverty; and**

13 **“(b) Outcomes for disadvantaged youth improve when youth have**  
14 **a connection to youth employment and training programs.**

15 **“(2) In order to provide a path out of poverty for families, adults**  
16 **and youth and to maximize the services available to assist families,**  
17 **adults and youth in moving out of poverty, the Department of Human**  
18 **Services and any other state agency that serves low-income families,**  
19 **adults or youth shall work with other agencies and organizations, by**  
20 **contract or by intergovernmental or cooperative agreement, to pro-**  
21 **vide:**

22 **“(a) Cash aid to families;**

- 1       **“(b) Strength-based case management;**  
2       **“(c) Work and work preparation services;**  
3       **“(d) Family stability resources and support; and**  
4       **“(e) Youth employment and training programs.**

5       **“SECTION 2. The Department of Human Services may provide**  
6 **support service payments for transportation, housing or other costs**  
7 **as necessary to prevent the loss of employment that will result in the**  
8 **family qualifying for temporary assistance for needy families program**  
9 **aid under ORS 412.006.**

10       **“SECTION 3. (1) Notwithstanding ORS 411.877 to 411.896, beginning**  
11 **on July 1, 2016, the Department of Human Services, in coordination**  
12 **with workforce agencies and stakeholders, may operate a 12-month**  
13 **program to pilot alternative ways to operate the JOBS Plus program**  
14 **established in ORS 411.878 for the purpose of increasing employment**  
15 **outcomes of participants in the JOBS Plus program, including youth.**

16       **“(2) The department shall include in its annual report under ORS**  
17 **411.896 the status of a program described in subsection (1) of this sec-**  
18 **tion and the department’s findings and recommendations based on the**  
19 **program.**

20       **“SECTION 4. (1) The need for and amount of aid pursuant to the**  
21 **temporary assistance for needy families to be granted for any de-**  
22 **pendent child or relative pursuant to ORS 412.006 shall be determined,**  
23 **in accordance with the rules of the Department of Human Services,**  
24 **taking into account:**

25       **“(a) The income, resources and maintenance available to such child**  
26 **and relative from whatever source derived, allowable deductions and**  
27 **the statewide income and payment standards.**

28       **“(b) The income and financial condition of the stepparent, if any,**  
29 **of the child for whom aid is sought.**

30       **“(2) Subsection (1)(b) of this section is not intended to relieve any**

1 parent of any legal obligation with respect to the support of the na-  
2 tural or adopted children of the parent.

3 “(3) In determining the need for and amount of aid to be granted  
4 under subsection (1) of this section and under ORS 411.070, the de-  
5 partment shall:

6 “(a) Disregard no less than \$50 of the amount of child support re-  
7 ceived for each child per month, up to a total of \$200 or the maximum  
8 established by federal law, for the family; and

9 “(b) Disregard any other amounts of income and resources of the  
10 family as the department may prescribe by rule.

11 “SECTION 5. Notwithstanding any other provision of law, ORS  
12 418.647 shall not be considered to have been added to or made a part  
13 of ORS 412.001 to 412.069 for the purpose of statutory compilation or  
14 for the application of definitions, penalties or administrative pro-  
15 visions applicable to statute sections in that series.

16 “SECTION 6. ORS 412.124 is amended to read:

17 “412.124. *[(1) The Department of Human Services shall continue to provide*  
18 *aid to families residing in Oregon that become ineligible for temporary assist-*  
19 *ance for needy families under ORS 412.006 due to employment or increased*  
20 *hours of work.]*

21 “*[(2) Families may receive aid under this section for 12 consecutive months*  
22 *or until the household income exceeds 250 percent of the federal poverty*  
23 *guidelines, whichever occurs first, as long as the caretaker relatives participate*  
24 *in combined employment and work activities for the number of hours required*  
25 *each month to satisfy federally required participation rates.]*

26 “*[(3) If the needy caretaker relatives cease to participate in employment or*  
27 *suitable activities for a sufficient number of hours each month to satisfy*  
28 *federally required participation rates, the department shall determine eligibil-*  
29 *ity under ORS 412.006 based upon information available to the department. If*  
30 *the department does not have sufficient information available to determine el-*

1 *igibility for aid under ORS 412.006, the department shall provide notice and*  
2 *an opportunity for hearing prior to terminating aid. The notice must state the*  
3 *information that the department lacks and that the caretaker relatives must*  
4 *provide to complete the determination for aid.]*

5 *“(4) The department by rule shall establish standards for aid provided*  
6 *under this section. The department must disregard such aid for purposes of*  
7 *publicly subsidized child care assistance.]*

8 *“(5) In addition to money payments, aid includes necessary support service*  
9 *payments and services as part of the job opportunity and basic skills program*  
10 *to directly or indirectly assist the family in achieving long term financial sta-*  
11 *bility.]*

12 **“(1) The Department of Human Services shall provide aid for up to**  
13 **three consecutive months to a family if:**

14 **“(a) The family is residing in this state;**

15 **“(b) The family becomes ineligible for aid under the temporary as-**  
16 **sistance for needy families program due to employment or increased**  
17 **hours of work; and**

18 **“(c) The caretaker relative is employed.**

19 **“(2) The department shall adopt by rule standards for the aid pro-**  
20 **vided under this section.**

21 **“SECTION 6a.** ORS 412.124, as amended by section 6 of this 2015 Act, is  
22 amended to read:

23 *“412.124. [(1) The Department of Human Services shall provide aid for up*  
24 *to three consecutive months to a family if:]*

25 *“(a) The family is residing in this state;]*

26 *“(b) The family becomes ineligible for aid under the temporary assistance*  
27 *for needy families program due to employment or increased hours of work;*  
28 *and]*

29 *“(c) The caretaker relative is employed.]*

30 *“(2) The department shall adopt by rule standards for the aid provided*

1 *under this section.]*

2 “(1) The Department of Human Services shall continue to provide  
3 aid to families residing in Oregon that become ineligible for temporary  
4 assistance for needy families under ORS 412.006 due to employment or  
5 increased hours of work.

6 “(2) Families may receive aid under this section for 12 consecutive  
7 months or until the household income exceeds 250 percent of the fed-  
8 eral poverty guidelines, whichever occurs first, as long as the care-  
9 taker relatives participate in combined employment and work  
10 activities for the number of hours required each month to satisfy  
11 federally required participation rates.

12 “(3) If the needy caretaker relatives cease to participate in em-  
13 ployment or suitable activities for a sufficient number of hours each  
14 month to satisfy federally required participation rates, the department  
15 shall determine eligibility under ORS 412.006 based upon information  
16 available to the department. If the department does not have sufficient  
17 information available to determine eligibility for aid under ORS  
18 412.006, the department shall provide notice and an opportunity for  
19 hearing prior to terminating aid. The notice must state the informa-  
20 tion that the department lacks and that the caretaker relatives must  
21 provide to complete the determination for aid.

22 “(4) The department by rule shall establish standards for aid pro-  
23 vided under this section. The department must disregard such aid for  
24 purposes of publicly subsidized child care assistance.

25 “(5) In addition to money payments, aid includes necessary support  
26 service payments and services as part of the job opportunity and basic  
27 skills program to directly or indirectly assist the family in achieving  
28 long term financial stability.

29 **“SECTION 7. The amendments to ORS 412.124 by section 6a of this**  
30 **2015 Act become operative on July 1, 2017.**

1       **“SECTION 8.** ORS 411.075 is amended to read:

2       “411.075. (1) There is established the Family Services Review Commission  
3 consisting of **no more than** 16 members. The members shall be appointed  
4 by the Governor for a term of four years. In making the appointments, the  
5 Governor shall consider [*representatives of county public welfare boards, as*  
6 *well as representatives from all of the congressional districts. Four members*  
7 *shall be recipients or former recipients of cash or self-sufficiency-related ser-*  
8 *vices from the Department of Human Services. Four members shall be repre-*  
9 *sentatives of business and professional interests. Four members shall be public*  
10 *welfare policy specialists. Four members shall be advocates of public welfare*  
11 *from the state agencies or public or private organizations interested in public*  
12 *welfare. The commission shall receive compensation and expenses as provided*  
13 *in ORS 292.495]* **individuals who are or have participated in programs**  
14 **administered by the Department of Human Services and individuals**  
15 **who represent diverse geographic areas, cultural and ethnic perspec-**  
16 **tives and professional experiences. The Governor may appoint mem-**  
17 **bers who are employees of the department but such members may not**  
18 **compose more than 25 percent of the membership of the commission**  
19 **or hold a leadership position in the commission.**

20       **“(2) Members of the commission who are not public employees shall**  
21 **receive compensation and expenses as provided in ORS 292.495.**

22       “[(2)] **(3)** The commission shall advise and consult with the Director of  
23 Human Services [*in carrying out the functions of the department relating to*  
24 *programs and services to persons who, as a result of the person’s or the*  
25 *person’s family’s economic, social or health condition, require medical assist-*  
26 *ance, financial assistance, institutional care, rehabilitation, vocational reha-*  
27 *bilitation or other social or health services.]* **on all matters affecting the**  
28 **quality of the experience of and the equitable attainment of successful**  
29 **outcomes for families and individuals seeking stability and self-**  
30 **sufficiency through participation in the department’s programs.**

1       “(4) The commission shall, through its chairperson, have access to infor-  
2 mation *[regarding persons receiving assistance and other relevant information*  
3 *about self-sufficiency programs of the department]* **that is reasonably nec-**  
4 **essary to carry out the commission’s advisory and consultative func-**  
5 **tions.**

6       “**SECTION 9.** ORS 411.892 is amended to read:

7       “411.892. (1)(a) All employers, including public and private sector em-  
8 ployers within the State of Oregon, are eligible to participate in the JOBS  
9 Plus Program. The Department of Human Services shall adopt by rule a  
10 method to disqualify employers from participating in the program. No em-  
11 ployer is required to participate in the JOBS Plus Program. In the event that  
12 there are unassigned participants whom no employer desires to utilize, the  
13 participants may be assigned to work for a public agency.

14       “(b) The maximum number of program participants that any employer is  
15 authorized to receive at any one time may not exceed 10 percent of the total  
16 number of the employer’s employees. However, each employer may receive  
17 one participant. The Director of Human Services may waive the limit in  
18 special circumstances.

19       “(c) The Department of Human Services by rule shall establish criteria  
20 for excluding employers from participation for failure to abide by program  
21 requirements, showing a pattern of terminating participants prior to the  
22 completion of training or other demonstrated unwillingness to comply with  
23 the stated intent of the program.

24       “(2) The Department of Human Services shall ensure that jobs made  
25 available to program participants:

26       “(a) Do not require work in excess of 40 hours per week;

27       “(b) Are not used to displace regular employees or to fill unfilled posi-  
28 tions previously established; and

29       “(c) Do not pay a wage that is substantially less than the wage paid for  
30 similar jobs in the local economy with appropriate adjustments for experi-

1   ence and training.

2       “(3)(a) Eligibility for the program shall be limited to residents who are:

3       “(A) Adults and caretaker relatives who are receiving temporary assist-  
4   ance for needy families benefits;

5       “(B) Adult Supplemental Nutrition Assistance Program recipients except  
6   as described in subsection (5)(b) of this section; and

7       “(C) Unemployed noncaretaker parents of children who are receiving  
8   temporary assistance for needy families benefits.

9       “(b) In addition to those residents eligible for the program under para-  
10   graph (a) of this subsection, additional residents who are seeking employ-  
11   ment may be eligible for the program if there are legislatively allocated  
12   funds available in the temporary assistance for needy families budget of the  
13   Department of Human Services.

14       “(4)(a) Individuals desiring work through the program shall contact the  
15   nearest Department of Human Services office serving the county in which  
16   they reside if they are temporary assistance for needy families program or  
17   Supplemental Nutrition Assistance Program applicants or recipients or non-  
18   custodial parents of individuals receiving temporary assistance for needy  
19   families.

20       “(b) With the assistance of the local JOBS Plus Implementation Councils  
21   and the JOBS Plus Advisory Board, the Department of Human Services shall  
22   develop a job inventory of sufficient size to accommodate all of the partic-  
23   ipants who desire to work in the program. In consultation with the partic-  
24   ipant, the department shall try to match the profile of each participant with  
25   the needs of an employer when assigning a participant to work with the  
26   employer.

27       “(c) Either the employer or the participant may terminate the assignment  
28   by contacting the appropriate Department of Human Services office. In such  
29   event, the Department of Human Services shall reassess the needs of the  
30   participant and assign the participant to another JOBS Plus Program place-



1 ment or another job opportunity and basic skills program component and,  
2 at the employer's request, provide the employer with another participant.

3 “(d)(A) If after four months in a placement, a participant has not been  
4 hired for an unsubsidized position, the employer shall allow the worker to  
5 undertake eight hours of job search per week. Participating employers shall  
6 consider such time as hours worked for the purposes of paying wages.

7 “(B) If after six months in a placement, a participant has not been hired  
8 for an unsubsidized position, the placement shall be terminated, and the  
9 caseworker shall reassess the participant's employment development plan.

10 “(e) The Department of Human Services may pay placement and barrier  
11 removal payments to temporary assistance for needy families program and  
12 Supplemental Nutrition Assistance Program participants as necessary to en-  
13 able participation in the JOBS Plus Program.

14 “(f) The Department of Human Services shall accept eligible volunteers  
15 into the program prior to mandating program participation by eligible per-  
16 sons.

17 “(5)(a) Assignment of participants to available jobs shall be based on a  
18 preference schedule developed by the Department of Human Services. Any  
19 temporary assistance for needy families recipient or supplemental nutrition  
20 assistance recipient may volunteer for the program.

21 “(b) The following individuals may not be required to participate in the  
22 program:

23 “(A) Recipients under the temporary assistance for needy families pro-  
24 gram and the Supplemental Nutrition Assistance Program who are eligible  
25 for Supplemental Security Income benefits or other ongoing state or federal  
26 maintenance benefits based on age or disability.

27 “(B) Supplemental nutrition assistance applicants or recipients who are  
28 employed full-time or are college students eligible for supplemental nutrition  
29 assistance and enrolled full-time in a community college or an institution  
30 of higher education, or enrolled half-time in a community college or an in-

1 stitution of higher education and working at least 20 hours per week.

2 “(C) Teenage parents who remain in high school if progressing toward a  
3 diploma. Teenage parents not in school are eligible for the JOBS Plus Pro-  
4 gram.

5 “(c) The Department of Human Services shall provide life skills classes  
6 and opportunities to achieve General Educational Development (GED) cer-  
7 tificates to appropriate participants in conjunction with working in the  
8 JOBS Plus Program.

9 “(d) Subject to subsection (7) of this section, temporary assistance for  
10 needy families and supplemental nutrition assistance shall be suspended at  
11 the end of the calendar month in which an employer makes the first wage  
12 payment to a participant who is a custodial parent in a family that receives  
13 temporary assistance for needy families or to any adult member of a house-  
14 hold receiving supplemental nutrition assistance. Failure of the participant  
15 to cooperate with the requirements of the JOBS Plus Program may result in  
16 the participant’s removal, in accordance with rules adopted by the Depart-  
17 ment of Human Services, from the JOBS Plus Program and suspension of the  
18 participant’s temporary assistance for needy families grant and supplemental  
19 nutrition assistance. A temporary assistance for needy families and supple-  
20 mental nutrition assistance recipient who has been removed from the pro-  
21 gram for failing to cooperate shall be eligible to reapply to participate in the  
22 program and shall have eligibility for program services determined without  
23 regard to the length of time the person was not participating following re-  
24 moval.

25 “(6)(a) Employers shall pay all participating individuals at least the  
26 hourly rate of the Oregon minimum wage.

27 “(b) Sick leave, holiday and vacation absences shall conform to the indi-  
28 vidual employer’s rules for temporary employees.

29 “(c) Group health insurance benefits shall be provided by the employer  
30 to program participants if, and to the extent that, state or federal law re-

1 quires the employer to provide such benefits.

2 “(d) All persons participating in the JOBS Plus Program shall be consid-  
3 ered to be temporary employees of the individual employer providing the  
4 work and shall be entitled only to benefits required by state or federal law.

5 “(e) Employers shall provide workers’ compensation coverage for each  
6 JOBS Plus Program participant.

7 “(7) In the event that the net monthly full-time wage paid to a participant  
8 would be less than the level of income from the temporary assistance for  
9 needy families program and the supplemental nutrition assistance amount  
10 equivalent that the participant would otherwise receive, the Department of  
11 Human Services shall determine and pay a supplemental payment as neces-  
12 sary to provide the participant with that level of net income. The department  
13 shall determine and pay in advance supplemental payments to participants  
14 on a monthly basis as necessary to ensure equivalent net program wages.  
15 Participants shall be compensated only for time worked.

16 “(8) In addition to and not in lieu of the payments provided for under  
17 subsections (6) and (7) of this section, participants shall be entitled to retain  
18 the full child support payments collected by the Department of Justice.

19 “(9) [*Program participants who are eligible for federally and state funded*  
20 *medical assistance at the time they enter the program shall remain eligible as*  
21 *long as they continue to participate in the program.*] In conformity with ex-  
22 isting state day care program regulations, child day care shall be provided  
23 for all program participants who require it.

24 “(10) JOBS Plus Program employers shall:

25 “(a) Endeavor to make JOBS Plus Program placements positive learning  
26 and training experiences;

27 “(b) Maintain health, safety and working conditions at or above levels  
28 generally acceptable in the industry and no less than that of comparable jobs  
29 of the employer;

30 “(c) Provide on-the-job training to the degree necessary for the partic-

1 ipants to perform their duties;

2 “(d) Recruit volunteer mentors from among their regular employees to  
3 assist the participants in becoming oriented to work and the workplace; and

4 “(e) Sign an agreement to abide by all requirements of the program, in-  
5 cluding the requirement that the program not supplant existing jobs. All  
6 agreements shall include provisions noting the employer’s responsibility to  
7 repay reimbursements in the event the employer violates program rules.  
8 When a professional placement service, professional employment organiza-  
9 tion or temporary employment agency is acting as an employer pursuant to  
10 subsection (13) of this section, agreements under this paragraph shall require  
11 a three-party agreement between the professional placement service, profes-  
12 sional employment organization or temporary employment agency, the or-  
13 ganization where the participant has been placed to perform services and the  
14 State of Oregon. The three-party agreement shall include provisions requir-  
15 ing that all JOBS Plus reimbursements received by the professional place-  
16 ment service, professional employment organization or temporary  
17 employment agency be credited to the organization where the participant has  
18 been placed to perform services.

19 “(11) Program participant wages shall be subject to federal and state in-  
20 come taxes, Social Security taxes and unemployment insurance tax or re-  
21 imbursement as applicable under ORS chapter 657, which shall be withheld  
22 and paid in accordance with state and federal law. Supplemental payments  
23 made pursuant to subsection (7) of this section shall not be subject to state  
24 income taxes under ORS chapter 316 and, to the extent allowed by federal  
25 law, shall not be subject to federal income taxes and Social Security taxes.

26 “(12)(a) The Department of Human Services shall reimburse employers for  
27 the employers’ share of Social Security, unemployment insurance and  
28 workers’ compensation premiums paid on behalf of program participants re-  
29 ferred to the employer by the Department of Human Services, as well as the  
30 minimum wage earnings paid by the employer to program participants re-

1 referred to the employer by the Department of Human Services.

2 “(b) If the Department of Human Services finds that an employer has vi-  
3 olated any of the rules of the JOBS Plus Program, the department:

4 “(A) Shall withhold any amounts due to employers under paragraph (a)  
5 of this subsection.

6 “(B) May seek repayment of any amounts paid to employers under para-  
7 graph (a) of this subsection.

8 “(13) For purposes of this section, ‘employer’ shall include professional  
9 placement services, professional employment organizations and temporary  
10 employment agencies.

11 **“SECTION 10.** ORS 412.001 is amended to read:

12 “412.001. As used in ORS 412.001 to 412.155 and 418.647, unless the context  
13 or a specially applicable statutory definition requires otherwise:

14 “(1) ‘Aid’ means money payments with respect to, or on behalf of, a de-  
15 pendent child or children and includes:

16 “(a) Money payments to meet the needs of the **caretaker** relative with  
17 whom the child is living and the spouse of the **caretaker** relative if the  
18 spouse lives with the **caretaker** relative[, *the relative is the child’s parent*  
19 *and the child is a dependent child by reason of the physical or mental inca-*  
20 *capacity, or the unemployment or underemployment, of a parent]; or*

21 “(b) Payments made to a representative payee or guardian pursuant to  
22 ORS 412.026 or 412.028.

23 “(2) ‘Caretaker relative’ means a dependent child’s [*father, mother,*  
24 *grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother,*  
25 *stepsister, uncle, aunt, first cousin, nephew or niece]* **parent or other relative**  
26 **by blood, marriage or adoption, as defined by the Department of Hu-**  
27 **man Services by rule**, who lives in a residence maintained by one or more  
28 of the relatives as the child’s or the relative’s own home.

29 “(3)(a) ‘Dependent child’ means a needy child:

30 “[*(A) Who has been deprived of parental support or care by reason of the*

1 *death, continued absence from the home or physical or mental incapacity, or*  
2 *unemployment or underemployment, of a parent;]*

3 “[~~(B)~~] **(A)** Whose caretaker relatives are not able to provide adequate care  
4 and support for the child without public assistance, as defined in ORS  
5 411.010;

6 “[~~(C)~~] **(B)** Who lives with a caretaker relative; and

7 “[~~(D)~~] **(C)** Who meets the requirements of paragraph (b) of this subsection.

8 “(b)(A) Except as provided in subparagraphs (B) and (C) of this paragraph,  
9 a ‘dependent child’ must be under the age of 18 years.

10 “(B) A child may qualify as a ‘dependent child,’ subject to the availability  
11 of funds, if the child is 18 or 19 or 20 years of age and a student regularly  
12 attending a school in grade 12 or below or regularly attending a course of  
13 professional or technical training designed to fit the child for gainful em-  
14 ployment, other than a course provided by or through a college or university.

15 “(C) Students under the age of 21 years and regularly attending a school,  
16 college or university or regularly attending a course of professional or  
17 technical training designed to fit the child for gainful employment may be  
18 included in the description in subparagraph (B) of this paragraph at the op-  
19 tion of the Department of Human Services.

20 “(4) ‘Federally required participation rates’ means the participation rates  
21 as required by section 407 of the Social Security Act.

22 “(5) ‘Representative payee’ means an individual designated by the depart-  
23 ment to receive money payments of aid pursuant to ORS 412.026.

24 “**SECTION 11.** ORS 412.006 is amended to read:

25 “412.006. (1) Aid pursuant to the temporary assistance for needy families  
26 program shall be granted under this section to [*any dependent child who is*  
27 *living in a home meeting the standards of care and health fixed by the rules*  
28 *of the Department of Human Services and who is a resident of the State of*  
29 *Oregon, if a parent or caretaker relative with whom the child is living is a*  
30 *resident of the State of Oregon*] **families with dependent children residing**

1 **in this state.**

2 “(2) Except as provided in subsections **(6) and (7)** [*and (8)*] of this section,  
3 a needy caretaker relative may be required to participate in the job oppor-  
4 tunity and basic skills program that is described in subsections (3) to [(6)]  
5 **(5)** of this section.

6 “(3) The department shall use a basic assessment tool to determine if a  
7 needy caretaker relative applying for or receiving aid under this section has  
8 or may have a barrier to employment or to family stability. If the basic as-  
9 sessment tool indicates that there is or may be a barrier, the needy caretaker  
10 relative shall be referred for an in-depth assessment by a person with rele-  
11 vant expertise or specialized training.

12 “(4) Based upon the assessment described in subsection (3) of this section,  
13 the department, in cooperation with appropriate partner agencies or profes-  
14 sionals, [*shall*] **may** work with the participant to create an effective indi-  
15 vidualized case plan that establishes goals and identifies suitable activities  
16 that promote family stability and financial independence.

17 “[*(5) Suitable activities may include:*]

18 “[*(a) Job readiness activities or employment;*]

19 “[*(b) Vocational rehabilitation or training;*]

20 “[*(c) Remedial, secondary or post-secondary education;*]

21 “[*(d) Community service; or*]

22 “[*(e) Other activities that reduce or eliminate barriers to full participation*  
23 *in the program or to employment.*]

24 “[*(6)*] **(5)** For individuals with disabilities, the goal of the individualized  
25 case plan must be to promote greater independence [*and may include physical*  
26 *or mental health evaluation or treatment*].

27 “[*(7)*] **(6)** A needy caretaker relative receiving aid under ORS 412.001 to  
28 412.069 may volunteer for but may not be required to participate in the job  
29 opportunity and basic skills program:

30 “(a) More than 10 hours per week during the first two months of the third

1 trimester of the parent’s pregnancy;

2 “(b) During the last month of the parent’s pregnancy;

3 “(c) If the needy caretaker relative is experiencing medical complications  
4 due to pregnancy that prohibit participation in activities in the program;

5 “(d) For one parent per family, during the first six months after the birth  
6 of a child, up to a total of 12 months per family except that:

7 “(A) The department may require a parent to participate in suitable ac-  
8 tivities, with a preference for educational activities, 16 weeks after the birth  
9 of a child if the parent is under 20 years of age; and

10 “(B) The department may require a parent of a child under 12 months of  
11 age to participate in evidence-based parenting classes or family stability ac-  
12 tivities; [or]

13 “(e) If participation is likely to cause undue hardship or is contrary to  
14 the best interests of the child or needy caretaker relative; **or**

15 **“(f) If the department determines that a needy caretaker relative**  
16 **is exempt according to criteria adopted by rule.**

17 “[8] (7) The department shall adopt rules to carry out the provisions of  
18 this section.

19 **“SECTION 12.** ORS 412.009 is amended to read:

20 “412.009. *[(1) The need for and amount of aid pursuant to the temporary*  
21 *assistance for needy families to be granted for any dependent child or relative*  
22 *pursuant to ORS 412.006 shall be determined, in accordance with the rules of*  
23 *the Department of Human Services, taking into account:]*

24 *“[(a) The income, resources and maintenance available to such child and*  
25 *relative from whatever source derived, allowable deductions and the statewide*  
26 *income and payment standards.]*

27 *“[(b) The income and financial condition of the stepparent, if any, of the*  
28 *child for whom aid is sought.]*

29 *“[(2) Subsection (1)(b) of this section is not intended to relieve any parent*  
30 *of any legal obligation in respect of the support of the natural or adopted*



1 *children of the parent.]*

2 “[*(3) In determining the need for and amount of aid to be granted under*  
3 *subsection (1) of this section and under ORS 411.070, the department shall:]*

4 “[*(a) Disregard no less than \$50 of the amount of child support received for*  
5 *each child per month, up to a total of \$200 or the maximum established by*  
6 *federal law, for the family; and]*

7 “[*(b) Disregard any other amounts of income and resources of the family*  
8 *as the department may prescribe by rule.]*

9 “**(1) The Legislative Assembly finds that:**

10 “**(a) There is evidence that families who experience the most dis-**  
11 **qualifications from the job opportunity and basic skills program are**  
12 **often those with the most barriers to employment; and**

13 “**(b) The loss of income from a program disqualification adds strain**  
14 **and creates instability in families already experiencing extreme pov-**  
15 **erty, and this affects the health and food security of the dependent**  
16 **children in the family.**

17 “[*(4)*] **(2) The Department of Human Services by rule shall adopt proven**  
18 **methods of encouraging participants’ full engagement in the job opportunity**  
19 **and basic skills program, including the development of an individualized case**  
20 **plan in accordance with ORS 412.006 and an ongoing process to ensure**  
21 **that the case plan is appropriate.**

22 “[*(5)(a)*] **(3)(a) The department shall facilitate the participation of**  
23 **needy caretaker relatives and** may not reduce the family’s aid payment as  
24 a method of encouraging full engagement in the job opportunity and basic  
25 skills program pursuant to subsection [*(4)*] **(2) of this section until the de-**  
26 **partment determines that the [*noncompliant*] needy caretaker relative that**  
27 **is not fully engaged:**

28 “**(A) Has no identified barriers or refuses to take appropriate steps to**  
29 **address identified barriers to participation in the program; and**

30 “[*(B) Has the ability to be fully engaged in the program as defined by the*

1 *department by rule; and]*

2 *“[(C) Is willfully noncompliant with the requirements of the individualized*  
3 *case plan]*

4 **“(B) Refuses without good cause, as defined by the department by**  
5 **rule, to meet the requirements of an individualized and appropriate**  
6 **case plan.**

7 *“(b) The department may not reduce aid payments under this subsection*  
8 *to families:*

9 *“(A) Receiving aid pursuant to ORS 412.014 or 412.124;*

10 *“(B) In which the caretaker relative participates in suitable activities for*  
11 *the number of hours required each month to satisfy federally required par-*  
12 *ticipation rates; or*

13 *“(C) Until the department has screened for and, if appropriate, assessed*  
14 *barriers to participation, including but not limited to physical or mental*  
15 *health needs, substance abuse, domestic violence or learning needs.*

16 *“(c) The department may not reduce aid payments under this subsection*  
17 *before assessing the risk of harm posed to the children in the household by*  
18 *the reduction in aid payments and taking steps to ameliorate the risk.*

19 *“[(6)] (4) Following notice and an opportunity for a hearing under ORS*  
20 *chapter 183 and subject to subsection [(5)] (2) of this section, the department*  
21 *may reduce the aid payment to **the family of** an individual who [*fails*] **re-***  
22 ***fuses** to participate in suitable activities required by the individual’s case*  
23 *plan or may terminate the aid payment to the family of a noncompliant in-*  
24 *dividual **in accordance with procedures adopted by the department by***  
25 ***rule.** [*as follows:*]*

26 *“[(a) The department may reduce the aid payment by the portion attribut-*  
27 *able to the needs of the noncompliant individual for up to three months.]*

28 *“[(b) Any reduction in aid under paragraph (a) of this subsection may*  
29 *continue until the noncompliant individual participates in suitable activities*  
30 *required by the case plan for two consecutive weeks.]*

1       “(c) After three months of noncompliance, and subject to subsection (5)(c)  
2 of this section, the department may terminate the aid payment to the family.  
3 The family is ineligible for aid for two calendar months after a termination  
4 under this paragraph, unless within one month of the effective date of the  
5 termination the noncompliant individual participates in suitable activities re-  
6 quired by the case plan for two consecutive weeks.]

7       “[(d)] (5) A caretaker relative may request a hearing to contest the basis  
8 for a reduction in or termination of an aid payment **under this section**  
9 within 90 days of a reduction in or termination of aid.

10       “[(7)] (6) Every six months, the department shall report to the Family  
11 Services Review Commission established under ORS 411.075 the status of and  
12 outcomes for families for whom aid has been reduced or terminated under  
13 subsection [(6)] (4) of this section. The department shall work with the  
14 commission to establish the details to be provided in the report.

15       “**SECTION 13.** ORS 412.024 is amended to read:

16       “412.024. (1) An applicant or recipient of aid, except for recipients of aid  
17 under the JOBS Plus Program established in ORS 411.878, must assign to the  
18 state any rights to support that may be due from any other person to a  
19 family member for whom the applicant is applying for or receiving aid. If aid  
20 is paid and received for the support of a child, the rights to child support  
21 that any person may have for the child are deemed to have been assigned  
22 by operation of law to the state. Notice of the assignment by operation of  
23 law shall be given to the applicant at the time of application for public as-  
24 sistance, and shall be given to any obligee who may hold some interest in  
25 such support rights by depositing a notice in the United States mail, postage  
26 prepaid, addressed to the last-known address of such person. Assignment of  
27 support rights to the state shall be as set forth in rules adopted by the De-  
28 partment of Human Services and the Department of Justice.

29       “(2) Except as otherwise provided in this subsection, an applicant or re-  
30 cipient who receives aid shall cooperate with the Department of Human

1 Services and the Department of Justice in establishing the paternity of the  
2 applicant's or recipient's child born out of wedlock and in obtaining support  
3 or other payments or property due the applicant or child. An applicant or  
4 recipient is not required to cooperate if there is good cause or some other  
5 exception to the cooperation requirement that takes into account the best  
6 interest of the child. The Department of Human Services shall adopt rules  
7 defining good cause, other exceptions to cooperation and noncooperation by  
8 an applicant or recipient, and setting the sanction for noncooperation. The  
9 sanction may include total ineligibility of the family for aid, but in no situ-  
10 ation may the sanction be less than a 25 percent reduction of the monthly  
11 grant amount. At the time an applicant applies for aid, the Department of  
12 Human Services shall inform the applicant, in writing, of the requirement  
13 of and exceptions to cooperation and the sanctions for noncooperation, and  
14 shall inform recipients, in writing, whenever eligibility for aid is redeter-  
15 mined.

16 “(3) This section shall apply to[:]

17 “[*(a) One-parent families receiving aid under ORS 412.001 to 412.069,*  
18 *412.124 and 418.647*] **recipients of aid pursuant to the temporary assist-**  
19 **ance for needy families program** as long as the aid is funded in whole or  
20 in part with federal grants under Title IV-A of the Social Security Act[;  
21 *and*]

22 “[*(b) Two-parent families receiving aid under ORS 412.001 to 412.069 and*  
23 *one-parent families receiving aid under ORS 412.014, regardless of the funding*  
24 *source for the aid*].

25 “**SECTION 14.** ORS 412.029 is amended to read:

26 “412.029. Each money payment of aid made to a representative payee or  
27 to a guardian or a conservator under ORS 412.026 or 412.028 shall be ex-  
28 pended by the representative payee, guardian or conservator solely to [*pur-*  
29 *chase*] **make purchases to meet** the needs of the individuals with respect  
30 to whom the payment is made. However, [*from the money payments*] the in-

1 individuals may receive from the representative payee, guardian or conservator  
2 such [*sums of money*] **portions of the money payments** and at such inter-  
3 vals as may be permitted by [*rule or regulation of*] **rules adopted by the**  
4 Department of Human Services.

5 **“SECTION 15.** ORS 412.039 is amended to read:

6 “412.039. (1) **The Legislative Assembly declares that it is in the**  
7 **public interest of the State of Oregon that all available workforce**  
8 **services, including those authorized under other provisions of law, be**  
9 **utilized to provide incentives, opportunities and necessary services to**  
10 **appropriate individuals in order that they may be employed in the**  
11 **regular economy, may be trained for regular employment and may**  
12 **participate in special work projects.**

13 “(2) During any period in which aid may be granted under ORS 412.006  
14 with respect to, or on behalf of, a dependent child living with an unemployed  
15 [*parent*] **caretaker relative**, the Department of Human Services and the Di-  
16 rector of the Employment Department shall enter into cooperative arrange-  
17 ments looking toward employment of **or training services for** the  
18 unemployed [*parent of any such child*] **caretaker relative**[,] **and** shall pro-  
19 vide for the registration and periodic reregistration of such [*parent*] **care-**  
20 **taker relative** at employment offices established pursuant to ORS 657.705  
21 to 657.725 [*and shall, with respect to such parent,*] **to** effect maximum utili-  
22 zation of the job placement services and other services and facilities of such  
23 offices.

24 **“SECTION 16.** ORS 412.049 is amended to read:

25 “412.049. The Department of Human Services shall:

26 “(1) Supervise the administration of the temporary assistance for needy  
27 families program under ORS 412.001 to 412.155 [*and 418.647*].

28 “(2) Make such rules and regulations and take such action as may be  
29 necessary or desirable for carrying out ORS 412.001 to 412.155 [*and 418.647*].

30 “(3) Prescribe the form of and print and supply such forms as it deems

1 necessary and advisable.

2 “(4) Cooperate with the federal government in matters of mutual concern  
3 pertaining to temporary assistance for needy families, including the adoption  
4 of such methods of administration as are found by the federal government  
5 to be necessary for the efficient operation of the plan for such aid.

6 “(5) Accept and disburse any and all federal funds made available to the  
7 State of Oregon for temporary assistance for needy families purposes.

8 **“SECTION 17.** ORS 412.054 is amended to read:

9 “412.054. Application for aid under ORS 412.001 to 412.069 [*and 418.647*]  
10 shall be made to the Department of Human Services by the relative with  
11 whom the child lives. The application shall be in the manner and upon the  
12 form prescribed by the department.

13 **“SECTION 18.** ORS 412.064 is amended to read:

14 “412.064. The Department of Human Services shall decide whether the  
15 child is eligible for aid under ORS 412.001 to 412.069 [*and 418.647*] and de-  
16 termine the date on which the aid granted shall begin.

17 **“SECTION 19.** ORS 412.079 is amended to read:

18 “412.079. (1) Except as provided in subsections (2) and (3) of this section,  
19 a needy caretaker relative may not receive aid under ORS 412.006 if the  
20 needy caretaker relative has received aid under the temporary assistance for  
21 needy families program in this state or any other state for more than a total  
22 of 60 months.

23 “(2) The Department of Human Services may not count toward the  
24 60-month limit on receipt of aid described in subsection (1) of this section  
25 any month in which a needy caretaker relative:

26 “(a) Receives a grant of temporary assistance for needy families under  
27 ORS 412.001 to 412.069, or assistance funded under Title IV-A of the Social  
28 Security Act in this or another state, prior to July 1, 2003;

29 “(b) Resides in an area described in 18 U.S.C. 1151, and 50 percent or more  
30 of the adult residents in the area are unemployed;

1 “(c) Is, in that month, a minor child and neither the head of the household  
2 nor married to the head of the household; **or**

3 “(d) Receives aid under ORS 411.878, 412.014 or 412.124.[];

4 “[*(e) Is enrolled at an educational institution under ORS 412.016;*]

5 “[*(f) Is exempt from time limits pursuant to rules adopted by the department  
6 in accordance with section 408(a)(7)(C) of the Social Security Act; or*]

7 “[*(g) Is unable to obtain or maintain employment for a sufficient number  
8 of hours in a month to satisfy the federally required participation rates because  
9 the needy caretaker relative.*]

10 “[*(A) Is a victim of domestic violence as defined in ORS 411.117;*]

11 “[*(B) Has a certified learning disability;*]

12 “[*(C) Has a mental health condition or an alcohol or drug abuse  
13 problem;*]

14 “[*(D) Has a disability as defined by the department by rule in a manner  
15 consistent with the definition of disability in the Americans with Disabilities  
16 Act;*]

17 “[*(E) Has a child with a disability;*]

18 “[*(F) Is deprived of needed medical care; or*]

19 “[*(G) Is subjected to battery or extreme cruelty as defined by the department  
20 by rule.*]

21 “[*(3) A needy caretaker relative may not be denied aid or terminated from  
22 receiving aid on the basis of the 60-month limitation described in subsection  
23 (1) of this section if the individual is experiencing a situation described in  
24 subsection (2) of this section.*]

25 “**(3) Notwithstanding subsection (1) of this section, a needy care-  
26 taker relative may receive aid for more than 60 months if the needy  
27 caretaker relative:**

28 “**(a) Is enrolled at an educational institution under ORS 412.016;**

29 “**(b) Is exempt from time limits pursuant to rules adopted by the  
30 department in accordance with section 408(a)(7)(C) of the Social Secu-**

1 rity Act; or

2 “(c) Is unable to obtain or maintain employment because the needy  
3 caretaker relative:

4 “(A) Is a victim of domestic violence as defined in ORS 411.117;

5 “(B) Has a certified learning disability;

6 “(C) Has a mental health condition or an alcohol or drug abuse  
7 problem;

8 “(D) Has a disability as defined by the department by rule in a  
9 manner consistent with the definition of disability in the Americans  
10 with Disabilities Act;

11 “(E) Has a child with a disability;

12 “(F) Is deprived of needed medical care;

13 “(G) Is subjected to battery or extreme cruelty as defined by the  
14 department by rule; or

15 “(H) Qualifies as having a hardship as defined by the department  
16 by rule.

17 “(4)(a) The Department of Human Services shall monitor the average pe-  
18 riod of time a family receives aid and shall record such information by family  
19 [size] **demographics**. The department shall monitor the wages and benefits  
20 received by an individual who becomes employed while receiving aid, in-  
21 cluding [medical and] child care benefits. The department shall monitor and  
22 record the rate at which families who cease receiving aid for employment  
23 subsequently apply for and receive aid.

24 “(b) The department shall report the results of the monitoring required  
25 under paragraph (a) of this subsection to the Legislative Assembly not later  
26 than the 15th day of each odd-numbered year regular session.

27 **“SECTION 20.** ORS 412.089 is amended to read:

28 “412.089. (1) The Department of Human Services shall refer a person ap-  
29 plying for or receiving temporary assistance for needy families to an evalu-  
30 ation by a mental health or drug abuse professional if the department



1 reasonably believes such referral is necessary. The Department of Human  
2 Services shall develop guidelines to assist in the identification and referral  
3 of individuals requiring mental health or drug abuse treatment.

4 “(2) If an evaluation conducted under subsection (1) of this section de-  
5 termines that mental health or drug abuse treatment is necessary for the  
6 person to function successfully in the workplace, the department shall pro-  
7 vide such resources as are necessary and available for the person to partic-  
8 ipate in and successfully complete treatment.

9 “(3) A person who refuses to participate in an evaluation under subsection  
10 (1) of this section or treatment under subsection (2) of this section shall be  
11 subject to the provisions of ORS 412.009 [(5) and (6)] **(3) and (4)**.

12 “(4) The department shall provide training to staff who work directly with  
13 persons applying for or receiving temporary assistance for needy families in  
14 assessment and evaluation of mental health disorders, addictions and [*bat-*  
15 *tered women’s syndrome*] **domestic violence** as may be necessary to imple-  
16 ment the provisions of subsection (1) of this section.

17 **“SECTION 21.** ORS 412.161 is amended to read:

18 “412.161. The Legislative Assembly finds:

19 “(1) That the provision of public assistance to children [*dependent by*  
20 *reasons of unemployment of parents*] **in very low income families** would  
21 help keep families together and reduce hardship in times of high unemploy-  
22 ment;

23 “(2) That the lack of public assistance to two-parent unemployed families  
24 does not produce significant financial savings for the State of Oregon since  
25 family break-up increases the number of single-parent families receiving  
26 public assistance;

27 “(3) That children in two-parent unemployed families have needs as ur-  
28 gent as those of children in single-parent unemployed families;

29 “(4) That the provision of public assistance to two-parent unemployed  
30 families [*would*] **may** provide access to medical care for these families,

1 health being one of the prerequisites to seeking and maintaining employ-  
2 ment;

3 “(5) That because federal law [*now*] requires [*recent*] **active participation**  
4 **in** employment [*and active work search*] **and other alternatives** to be eligi-  
5 ble for federal funds for public assistance [*to two-parent unemployed*  
6 *families*], the availability of federal funds helps those families who are trying  
7 hardest to help themselves be self-supporting; and

8 “(6) That additional funds need to be made available in the temporary  
9 assistance for needy families program to effectuate this policy.

10 **“SECTION 22.** Section 1, chapter 604, Oregon Laws 2011, as amended by  
11 section 82, chapter 107, Oregon Laws 2012, and section 23, chapter 722,  
12 Oregon Laws 2013, is amended to read:

13 **“Sec. 1.** [*For the biennium beginning July 1, 2013, the Department of Hu-*  
14 *man Services may,*] Notwithstanding ORS 411.070, 412.006, 412.009 and  
15 412.016, **the Department of Human Services may:**

16 “(1) Prescribe by rule an employability assessment and orientation process  
17 that the department shall use to determine the level of participation by in-  
18 dividuals applying for or receiving aid pursuant to the temporary assistance  
19 for needy families program and required to participate in the job opportunity  
20 and basic skills program described in ORS 412.006. This process must occur  
21 prior to any assessment described in ORS 412.006 (3) that is conducted by the  
22 department.

23 “(2) Require all families to participate in the employability assessment  
24 and orientation process as a condition for the family’s receipt of aid.

25 “(3) Limit in the job opportunity and basic skills program, for existing  
26 and future applicants and recipients of aid, based on the results of the  
27 employability assessment or other criteria:

28 “(a) The number of participants;

29 “(b) The activities; or

30 “(c) The level of participation.

1 “(4) Require an individual in a one-parent family to participate in the job  
2 opportunity and basic skills program while caring for a dependent child who  
3 is under two years of age.

4 “(5) Not approve enrollment in and attendance at an educational institu-  
5 tion as an allowable work activity for purposes of ORS 412.001 to 412.069,  
6 except for recipients who have a case plan in effect on June 30, 2011, that  
7 approves enrollment in and attendance at an educational institution as an  
8 allowable work activity under ORS 412.016.

9 “(6) Deny or terminate aid to a family in which a caretaker relative is  
10 separated from employment without good cause, subject to exceptions pre-  
11 scribed by the department by rule. The family shall be ineligible to receive  
12 aid for a period of 120 days beginning on the date the caretaker relative is  
13 separated from employment without good cause.

14 “(7) Establish an income eligibility limit equal to 185 percent of the fed-  
15 eral poverty guidelines for aid to a dependent child residing with a caretaker  
16 relative who is not the child’s parent.

17 “**SECTION 23.** Section 7, chapter 604, Oregon Laws 2011, as amended by  
18 section 24, chapter 722, Oregon Laws 2013, is amended to read:

19 “**Sec. 7.** (1) The amendments to ORS 412.009, 412.014 and 412.024 by  
20 sections 2, 3 and 5, chapter 604, Oregon Laws 2011, become operative on  
21 October 1, 2011.

22 “(2) The amendments to ORS 412.014 by section 4, chapter 604, Oregon  
23 Laws 2011, become operative on July 1, [2015] **2017**.

24 “**SECTION 24.** Section 8, chapter 604, Oregon Laws 2011, as amended by  
25 section 25, chapter 722, Oregon Laws 2013, is amended to read:

26 “**Sec. 8.** Section 1, chapter 604, Oregon Laws 2011, is repealed on July 1,  
27 [2015] **2017**.

28 “**SECTION 25.** ORS 414.025 is amended to read:

29 “414.025. As used in this chapter and ORS chapters 411 and 413, unless  
30 the context or a specially applicable statutory definition requires otherwise:

1 “(1)(a) ‘Alternative payment methodology’ means a payment other than a  
2 fee-for-services payment, used by coordinated care organizations as compen-  
3 sation for the provision of integrated and coordinated health care and ser-  
4 vices.

5 “(b) ‘Alternative payment methodology’ includes, but is not limited to:

6 “(A) Shared savings arrangements;

7 “(B) Bundled payments; and

8 “(C) Payments based on episodes.

9 “(2) ‘Category of aid’ means assistance provided by the Oregon Supple-  
10 mental Income Program, aid granted under ORS 412.001 to 412.069 and  
11 [418.647] **411.877 to 411.896** or federal Supplemental Security Income pay-  
12 ments.

13 “(3) ‘Community health worker’ means an individual who:

14 “(a) Has expertise or experience in public health;

15 “(b) Works in an urban or rural community, either for pay or as a vol-  
16 unteer in association with a local health care system;

17 “(c) To the extent practicable, shares ethnicity, language, socioeconomic  
18 status and life experiences with the residents of the community where the  
19 worker serves;

20 “(d) Assists members of the community to improve their health and in-  
21 creases the capacity of the community to meet the health care needs of its  
22 residents and achieve wellness;

23 “(e) Provides health education and information that is culturally appro-  
24 priate to the individuals being served;

25 “(f) Assists community residents in receiving the care they need;

26 “(g) May give peer counseling and guidance on health behaviors; and

27 “(h) May provide direct services such as first aid or blood pressure  
28 screening.

29 “(4) ‘Coordinated care organization’ means an organization meeting cri-  
30 teria adopted by the Oregon Health Authority under ORS 414.625.

1 “(5) ‘Dually eligible for Medicare and Medicaid’ means, with respect to  
2 eligibility for enrollment in a coordinated care organization, that an indi-  
3 vidual is eligible for health services funded by Title XIX of the Social Se-  
4 curity Act and is:

5 “(a) Eligible for or enrolled in Part A of Title XVIII of the Social Security  
6 Act; or

7 “(b) Enrolled in Part B of Title XVIII of the Social Security Act.

8 “(6) ‘Global budget’ means a total amount established prospectively by the  
9 Oregon Health Authority to be paid to a coordinated care organization for  
10 the delivery of, management of, access to and quality of the health care de-  
11 livered to members of the coordinated care organization.

12 “(7) ‘Health services’ means at least so much of each of the following as  
13 are funded by the Legislative Assembly based upon the prioritized list of  
14 health services compiled by the Health Evidence Review Commission under  
15 ORS 414.690:

16 “(a) Services required by federal law to be included in the state’s medical  
17 assistance program in order for the program to qualify for federal funds;

18 “(b) Services provided by a physician as defined in ORS 677.010, a nurse  
19 practitioner certified under ORS 678.375 or other licensed practitioner within  
20 the scope of the practitioner’s practice as defined by state law, and ambu-  
21 lance services;

22 “(c) Prescription drugs;

23 “(d) Laboratory and X-ray services;

24 “(e) Medical equipment and supplies;

25 “(f) Mental health services;

26 “(g) Chemical dependency services;

27 “(h) Emergency dental services;

28 “(i) Nonemergency dental services;

29 “(j) Provider services, other than services described in paragraphs (a) to  
30 (i), (k), (L) and (m) of this subsection, defined by federal law that may be

1 included in the state’s medical assistance program;

2 “(k) Emergency hospital services;

3 “(L) Outpatient hospital services; and

4 “(m) Inpatient hospital services.

5 “(8) ‘Income’ has the meaning given that term in ORS 411.704.

6 “(9) ‘Investments and savings’ means cash, securities as defined in ORS  
7 59.015, negotiable instruments as defined in ORS 73.0104 and such similar  
8 investments or savings as the department or the authority may establish by  
9 rule that are available to the applicant or recipient to contribute toward  
10 meeting the needs of the applicant or recipient.

11 “(10) ‘Medical assistance’ means so much of the medical, mental health,  
12 preventive, supportive, palliative and remedial care and services as may be  
13 prescribed by the authority according to the standards established pursuant  
14 to ORS 414.065, including premium assistance and payments made for ser-  
15 vices provided under an insurance or other contractual arrangement and  
16 money paid directly to the recipient for the purchase of health services and  
17 for services described in ORS 414.710.

18 “(11) ‘Medical assistance’ includes any care or services for any individual  
19 who is a patient in a medical institution or any care or services for any in-  
20 dividual who has attained 65 years of age or is under 22 years of age, and  
21 who is a patient in a private or public institution for mental diseases.  
22 ‘Medical assistance’ does not include care or services for an inmate in a  
23 nonmedical public institution.

24 “(12) ‘Patient centered primary care home’ means a health care team or  
25 clinic that is organized in accordance with the standards established by the  
26 Oregon Health Authority under ORS 414.655 and that incorporates the fol-  
27 lowing core attributes:

28 “(a) Access to care;

29 “(b) Accountability to consumers and to the community;

30 “(c) Comprehensive whole person care;

1 “(d) Continuity of care;

2 “(e) Coordination and integration of care; and

3 “(f) Person and family centered care.

4 “(13) ‘Peer wellness specialist’ means an individual who is responsible for  
5 assessing mental health service and support needs of the individual’s peers  
6 through community outreach, assisting individuals with access to available  
7 services and resources, addressing barriers to services and providing educa-  
8 tion and information about available resources and mental health issues in  
9 order to reduce stigmas and discrimination toward consumers of mental  
10 health services and to provide direct services to assist individuals in creating  
11 and maintaining recovery, health and wellness.

12 “(14) ‘Person centered care’ means care that:

13 “(a) Reflects the individual patient’s strengths and preferences;

14 “(b) Reflects the clinical needs of the patient as identified through an  
15 individualized assessment; and

16 “(c) Is based upon the patient’s goals and will assist the patient in  
17 achieving the goals.

18 “(15) ‘Personal health navigator’ means an individual who provides in-  
19 formation, assistance, tools and support to enable a patient to make the best  
20 health care decisions in the patient’s particular circumstances and in light  
21 of the patient’s needs, lifestyle, combination of conditions and desired out-  
22 comes.

23 “(16) ‘Quality measure’ means the measures and benchmarks identified by  
24 the authority in accordance with ORS 414.638.

25 “(17) ‘Resources’ has the meaning given that term in ORS 411.704. For  
26 eligibility purposes, ‘resources’ does not include charitable contributions  
27 raised by a community to assist with medical expenses.

28 **“SECTION 26.** ORS 411.635 is amended to read:

29 “411.635. (1)(a) Medical assistance improperly disbursed as a result of re-  
30 cipient conduct that is not in violation of ORS 411.630 may be recouped

1 pursuant to ORS 293.250 by the Oregon Health Authority or the Department  
2 of Human Services.

3 “(b) Public assistance improperly disbursed as a result of recipient con-  
4 duct that is not in violation of ORS 411.630 may be recouped pursuant to  
5 ORS 293.250 by the department.

6 “(2) The department and the authority may also recoup public assistance  
7 and medical assistance improperly disbursed from earnings that the state  
8 disregards pursuant to ORS 411.083 and [412.009] **section 4 of this 2015 Act**  
9 as follows:

10 “(a) The department and the authority shall notify the recipient that the  
11 recipient may elect to limit the recoupment monthly to an amount equal to  
12 one-half the amount of disregarded earnings by granting the department or  
13 the authority a confession of judgment for the amount of the overpayment.

14 “(b) If the recipient does not elect to grant the confession of judgment  
15 within 30 days the department or the authority may recoup the overpayment  
16 from the entire amount of disregarded earnings. The recipient may at any  
17 time thereafter elect to limit the monthly recoupment to one-half the disre-  
18 garded earnings by entering into a confession of judgment.

19 “(3) The department and the authority shall not execute on a confession  
20 of judgment until the recipient is no longer receiving public assistance or  
21 medical assistance and has either refused to agree to or has defaulted on a  
22 reasonable plan to satisfy the judgment.

23 “(4) This section does not prohibit the department or the authority from  
24 adopting rules to exempt from recoupment any portion of disregarded  
25 earnings.

26 “**SECTION 26a.** ORS 411.175 is amended to read:

27 “411.175. (1) In addition to any other scholarships or grants provided by  
28 law and subject to the availability of funds in the Department of Human  
29 Services Scholarship Account, the Department of Human Services may award  
30 tuition and fee-exempting scholarships or grants and additional funds for



1 purchase of required books and supplies from other funds, whether from  
2 public or private sources, made available for training of recipients toward  
3 self-support to those qualified to receive welfare assistance, for enrollment  
4 at any publicly supported educational, vocational or training institution in  
5 this state.

6 “[(2) *Selection of scholarship or grant recipients shall be made by county*  
7 *public welfare board created by ORS 411.077, with the advice and assistance*  
8 *of all publicly supported educational, vocational or training institutions.*]

9 “[3] (2) Scholarships or grants shall be awarded on the basis of the  
10 recipient’s apparent ability and willingness to profit from the education or  
11 the vocational, technical, or other courses available, to the end that schol-  
12 arships or grants awarded will benefit both the student and the people of this  
13 state.

14 “[4] (3) In order to facilitate the most effective use of funds granted  
15 under this section, the Department of Human Services may apply funds  
16 available under this section to supportive services, including but not limited  
17 to transportation and child care, for scholarship or grant recipients when-  
18 ever the availability of such services has been eliminated by the exhaustion  
19 of funds in the department’s job related training program.

20 **“SECTION 26b.** ORS 412.991 is amended to read:

21 “412.991. A person who violates ORS 412.074 [*or 412.099 (1)*] commits a  
22 Class A misdemeanor.

23 **“SECTION 27.** Sections 1, 2 and 5 of this 2015 Act and ORS 412.016  
24 and 412.017 are added to and made a part of ORS chapter 412.

25 **“SECTION 28.** (1) ORS 411.077, 411.078, 412.076, 412.099, 412.104 and  
26 412.114 are repealed.

27 **“(2) Section 26, chapter 722, Oregon Laws 2013, is repealed.**

28 **“(3) Section 3 of this 2015 Act is repealed on June 30, 2017.**

29 **“SECTION 29.** Section 4 of this 2015 Act and the amendments to  
30 ORS 411.635, 412.001, 412.009 and 412.079 by sections 10, 12, 19 and 26 of

1 **this 2015 Act become operative on April 1, 2016.**

2 **“SECTION 30. This 2015 Act being necessary for the immediate**  
3 **preservation of the public peace, health and safety, an emergency is**  
4 **declared to exist, and this 2015 Act takes effect on its passage.”.**

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