

House Bill 2685

Sponsored by Representative RAYFIELD, Senator STEINER HAYWARD (Pre-session filed.)

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 or designee of department to offer adult with intellectual or developmental disability who qualifies for comprehensive services at least one placement other than congregate living arrangement.

A BILL FOR AN ACT

1
2 Relating to residential settings for persons with disabilities; creating new provisions; and amending
3 ORS 427.121.

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

5 **SECTION 1.** ORS 427.121 is amended to read:

6 427.121. (1) As used in this section:

7 (a) "Adult" means an adult with developmental disabilities who is eligible to receive compre-
8 hensive services as defined in ORS 427.101.

9 (b) "Residential setting" means a living arrangement described in ORS 427.101 (3).

10 (2) An adult has the right to choose the adult's placement setting. The Department of Human
11 Services or the department's designee shall present to an adult at least three appropriate placement
12 setting options, including at least two different types of residential settings, before:

13 (a) Making an initial placement.

14 (b) Transferring the adult from one placement setting to another placement setting.

15 (3) The department or the department's designee may not transfer an adult from a placement
16 setting without first complying with subsection (2) of this section.

17 (4) The department or the department's designee is not required to present the options under
18 subsection (2) of this section if:

19 (a) **Except as provided in subsection (5) of this section**, the department or the department's
20 designee demonstrates that three appropriate placement settings or two different types of residential
21 settings are not available within the geographic area where the adult wishes to reside;

22 (b) The adult selects a placement setting option and waives the right to be presented with the
23 placement setting options described in subsection (2) of this section; or

24 (c) The adult is at imminent risk to health or safety in the adult's current placement setting.

25 (5) **Except as provided in subsection (4)(b) and (c) of this section, the department or the**
26 **department's designee shall present to every adult at least one placement setting that is a**
27 **living arrangement described in ORS 427.101 (3)(b).**

28 **SECTION 2.** **The amendments to ORS 427.121 by section 1 of this 2017 Act apply to**
29 **placements or transfers occurring on or after the effective date of this 2017 Act.**

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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.