

# House Bill 2728

Sponsored by Representative HACK

## 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 pay comprehensive services provider at service rate that is no less than rate paid by department for similar services provided by personal support worker or by direct care provider in secure residential treatment home or facility.

## A BILL FOR AN ACT

1  
2 Relating to direct care providers for persons with disabilities; amending ORS 427.115.

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

4 **SECTION 1.** ORS 427.115 is amended to read:

5 427.115. (1) The Department of Human Services or its designee shall assess the support needs  
6 for each adult with a developmental disability who is receiving comprehensive services that include  
7 24-hour residential care and shall determine a service rate that is sufficient to meet the support  
8 needs of the adult. **The service rate may not be less than the service rate paid by the depart-**  
9 **ment for similar services to a personal support worker, as defined in ORS 410.600, or to an**  
10 **individual providing direct care to persons with intellectual or developmental disabilities re-**  
11 **siding in a secure residential treatment home or facility.** If an assessment of support needs re-  
12 sults in a change to the service rate being paid to the service provider, the department or the  
13 department's designee shall provide to the adult receiving comprehensive services and the adult's  
14 service provider and, if appropriate, to the adult's service coordinator, guardian, primary caregiver  
15 or family members, a detailed accounting of the service rate paid to the service provider and the  
16 factors and weighting of factors used to determine the service rate.

17 (2) The department or the department's designee shall assess the support needs and determine  
18 the service rate, as described in subsection (1) of this section, no later than 90 days after the adult  
19 receiving comprehensive services or the adult's service provider, service coordinator, guardian, pri-  
20 mary caregiver, family member or legal representative makes a request, based on significant changes  
21 to the adult's support needs, for a new assessment of support needs and a redetermination of the  
22 service rate.

23 (3) The department shall adopt by rule the procedures and criteria for requesting and conducting  
24 an assessment of support needs and a determination of a service rate under this section, using an  
25 advisory committee appointed in accordance with ORS 183.333. The rules shall include a procedure  
26 for contesting the denial of a request for assessment of support needs and redetermination of a  
27 service rate or the failure of the department or the department's designee to respond to a request  
28 for assessment and redetermination within a reasonable period of time, as prescribed by the de-  
29 partment by rule.

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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.