

Senate Bill 238

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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 agencies that contract with department to provide comprehensive services to adults with physical, intellectual or developmental disabilities amounts sufficient for agencies to pay 150 percent of minimum wage to direct support professionals.

Requires department to provide online training to direct support professionals and offer grants based on need to enable individuals to access online training. Sunsets January 2, 2020.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to providers of care to persons with disabilities; creating new provisions; amending ORS
3 427.101; and declaring an emergency.

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

5 **SECTION 1. The Department of Human Services shall pay to agencies that contract with**
6 **the department to provide comprehensive services an amount that is sufficient to allow the**
7 **agencies to pay wages to direct support professionals that average at least 150 percent of the**
8 **state minimum wage as adjusted annually for inflation under ORS 653.025.**

9 **SECTION 2. (1) The Department of Human Services shall provide online training for di-**
10 **rect support professionals, as defined in ORS 427.101, using the credentialing curriculum and**
11 **Code of Ethics of the National Alliance for Direct Support Professionals.**

12 **(2) The department may charge a fee for accessing the online training based on the costs**
13 **to develop, update and administer the training.**

14 **(3) The department shall provide grants based on need to individuals to enable the indi-**
15 **viduals to access the online training.**

16 **SECTION 3. ORS 427.101 is amended to read:**

17 427.101. As used in this section and ORS 427.115, 427.154 and 427.160 **and section 1 of this 2017**

18 **Act:**

19 (1) "Adult" means an individual who is 18 years of age or older.

20 (2) "Community living and inclusion supports" means services that may or may not be work-
21 related and includes services designed to develop or maintain the individual's skills in the following
22 areas:

23 (a) Eating, bathing, dressing, personal hygiene, mobility and other personal needs;

24 (b) Self-awareness and self-control, social responsiveness, social amenities, interpersonal skills,
25 interpersonal relationships and social connections;

26 (c) Community participation, recreation and the ability to use available community services, fa-
27 cilities or businesses;

28 (d) Expressive and receptive skills in verbal and nonverbal language, the functional application

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.

1 of acquired reading and writing skills and other communication needs; and

2 (e) Planning and preparing meals, budgeting, laundering, housecleaning and other personal en-
3 vironmental needs.

4 (3) “Comprehensive services” means a package of services, other than support services for
5 adults, that is provided by or under the direction of a community developmental disabilities program
6 and that includes at least one of the following living arrangements licensed or regulated by the
7 Department of Human Services:

8 (a) Twenty-four-hour residential care, including but not limited to a group home, a foster home
9 or a supported living program.

10 (b) Assistance provided to maintain an individual in the individual’s own home or the home of
11 the individual’s family and that costs more than an amount specified by the department by rule.

12 (4) **“Direct service professional” means an individual who:**

13 (a) **Works directly with a person with a physical, intellectual or developmental disability**
14 **to assist the person in achieving greater independence and integrating into the community**
15 **or the least restrictive setting; and**

16 (b) **Is employed by an agency that contracts with the department to provide comprehen-**
17 **sive services.**

18 [(4)] (5) “Employment services” means services provided to develop or maintain the skills nec-
19 essary for an individual to obtain and retain employment, including job assessment, job exploration,
20 job development, job training, job coaching, work skills, and ongoing supports.

21 [(5)] (6) “Environmental accessibility adaptations” means physical modifications to an
22 individual’s home that are necessary to ensure the health, welfare and safety of the individual in the
23 home, or that enable the individual to function with greater independence in the home.

24 [(6)] (7) “Individualized written service plan” means a plan described in ORS 427.107 (2)(i), (j)
25 and (k) that identifies the resources, services and purchases necessary for an individual with a de-
26 velopmental disability to achieve identified personal goals and maximize self-determination.

27 [(7)] (8) “Person-centered planning” means an informal or formal process for gathering and or-
28 ganizing information that helps an individual to:

29 (a) Enhance self-determination by choosing personal goals and lifestyle preferences;

30 (b) Design strategies and networks of support to achieve personal goals and a preferred lifestyle
31 using individual strengths, relationships and resources; and

32 (c) Identify, use and strengthen naturally occurring opportunities for support in the home and
33 in the community.

34 [(8)] (9) “Self-determination” means empowering individuals to:

35 (a) Select and plan, together with freely-chosen family members and friends, the support services
36 for adults that are necessary instead of purchasing a predefined program or package of services;

37 (b) Control the expenditure of available financial assistance in order to purchase support ser-
38 vices for adults, with the help of a social support network if needed;

39 (c) Live an autonomous life in the community, rich in community affiliations, through formal or
40 informal arrangements of resources and personnel; and

41 (d) Have a valued role in the community through competitive employment, organizational affil-
42 iations, personal development and general caring for others in the community, and to be accountable
43 for spending public dollars in ways that are life-enhancing for the individual.

44 [(9)] (10) “Service provider” means any person who is paid a service rate by the department to
45 provide one or more of the services identified in the individualized written service plan of an adult

1 with a developmental disability regardless of where the service is provided.

2 [(10)] (11) "Service rate" means the amount of reimbursement paid to a service provider to care
 3 for an adult with a developmental disability.

4 [(11)(a)] (12)(a) "Specialized medical equipment and supplies" means:

5 (A) Devices, aids, controls, supplies or appliances that enable individuals:

6 (i) To increase their ability to perform activities of daily living; or

7 (ii) To perceive, control or communicate with the environment in which they live;

8 (B) Items necessary for life support, including ancillary supplies and equipment necessary to the
 9 proper functioning of these items; and

10 (C) Medical equipment not available in the medical assistance program.

11 (b) "Specialized medical equipment and supplies" does not include items that have no direct
 12 medical or remedial benefit to the individual.

13 [(12)] (13) "Specialized supports" means treatment, training, consultation or other unique ser-
 14 vices that are not available through the medical assistance program but are necessary to achieve
 15 the goals identified in the individualized written service plan, or other support services for adults
 16 prescribed by the department by rule.

17 [(13)] (14) "Support service brokerage" means an entity that contracts with the department to
 18 provide or to arrange for support services for adults.

19 [(14)] (15) "Support services for adults" means the services for adults with developmental disa-
 20 bilities provided by a support service brokerage under ORS 427.154 and 427.160.

21 **SECTION 4. Section 2 of this 2017 Act is repealed on January 2, 2020.**

22 **SECTION 5. Sections 1 and 2 of this 2017 Act and the amendments to ORS 427.101 by
 23 section 3 of this 2017 Act become operative on January 1, 2018.**

24 **SECTION 6. The Director of the Department of Human Services shall take any steps
 25 necessary before the operative date of sections 1 and 2 of this 2017 Act specified in section
 26 5 of this 2017 Act in order to carry out the provisions of sections 1 and 2 of this 2017 Act on
 27 and after the operative date specified in section 5 of this 2017 Act.**

28 **SECTION 7. In addition to and not in lieu of any other appropriation, there is appropri-
 29 ated to the Department of Human Services, for the biennium beginning July 1, 2017, out of
 30 the General Fund, the amount of \$_____, which shall be expended for providing grants de-
 31 scribed in section 2 of this 2017 Act.**

32 **SECTION 8. This 2017 Act being necessary for the immediate preservation of the public
 33 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect
 34 on its passage.**