



January 22, 2019

TO: Senator Sara Gelser, Chair
Senate Committee on Human Services
FR: Bob Joondeph, Executive Director, Disability Rights Oregon
RE: SB 19: DRO is opposed in its present form

Senator Gelser and Members of the Committee:

Disability Rights Oregon is the Protection and Advocacy System for Oregon. It has provided legal-based advocacy services to Oregonians with disabilities since 1977.

The text of SB 19 appears to have some positive elements, some that cause great concerns, and some that seem contradictory in their effect upon proper legislative oversight of public services. DRO would welcome the opportunity to work with DHS and stakeholders to achieve the best intentions of the bill.

On the positive side, Sections 3 through 6 appropriately expand the list of mandatory reporters of abuse to cover those who provide services to a child or adult with developmental disabilities. DRO supports those additions.

Of great concern, Section 7 would remove definitions of “developmental disability” and “intellectual disability” from statute and allow them to be defined, instead, by the Department of Human Services. Subsection (10) is particularly alarming, in that it appears to limit eligibility to those with an IQ “at 70 or below.” It specifically removes eligibility for those with an IQ “of 70 through 75” if accompanied by “significant impairment in adaptive behavior.”

In DRO’s experience, individuals who fall into this latter category may have significant needs for support services to help with conceptual skills like language and literacy, social skills like the ability to follow rules/obey laws and to avoid being victimized, and practical skills like personal care and safety. Without publically-funded services to address these needs, there may be down-stream personal, family and social costs.

A seeming contradiction in SB 19 is that, in Sections 1 and 2, DHS seems to want to assure that it has legislative authority to regulate residential facilities. And yet, in Section 7, it is asking the legislature to relinquish its authority to set eligibility standards for Medicaid-funded services and delegate that power to an administrative agency. As a matter of transparency, accountability and democracy, these are decisions that should not be left to the Executive Branch. Section 9, which removes a requirement to track the use of donated funds, also appears to limit oversight of DHS’s use of resources. Thank you for this opportunity to submit testimony.