

Senate Bill 274

Sponsored by Senator MANNING JR; Senator MONNES ANDERSON, Representative NOSSE (at the request of OSSA) (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**.

Expands eligibility for support service brokerage services to individuals who are 14 to 17 years of age.

A BILL FOR AN ACT

1
2 Relating to age for individuals to qualify for developmental disability program support services;
3 amending ORS 427.101, 427.154 and 427.160.

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

5 **SECTION 1.** ORS 427.101 is amended to read:

6 427.101. As used in this section and ORS 427.115, 427.154 and 427.160:

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

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

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

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

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

16 (d) Expressive and receptive skills in verbal and nonverbal language, the functional application
17 of acquired reading and writing skills and other communication needs; and

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

20 (3) "Comprehensive services" means a package of services, other than support services [*for*
21 *adults*], that is provided by or under the direction of a community developmental disabilities program
22 and that includes at least one of the following living arrangements licensed or regulated by the
23 Department of Human Services:

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

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

28 (4) "Employment services" means services provided to develop or maintain the skills necessary
29 for an individual to obtain and retain employment, including job assessment, job exploration, job
30 development, job training, job coaching, work skills, and ongoing supports.

31 (5) "Environmental accessibility adaptations" means physical modifications to an individual's

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 home that are necessary to ensure the health, welfare and safety of the individual in the home, or
2 that enable the individual to function with greater independence in the home.

3 (6) "Individualized written service plan" means a plan described in ORS 427.107 (2)(i), (j) and (k)
4 that identifies the resources, services and purchases necessary for an individual with a develop-
5 mental disability to achieve identified personal goals and maximize self-determination.

6 (7) "Person-centered planning" means an informal or formal process for gathering and organizing
7 information that helps an individual to:

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

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

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

13 (8) "Self-determination" means empowering individuals to:

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

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

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

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

23 (9) "Service provider" means any person who is paid a service rate by the department to provide
24 one or more of the services identified in the individualized written service plan of an adult with a
25 developmental disability regardless of where the service is provided.

26 (10) "Service rate" means the amount of reimbursement paid to a service provider to care for
27 an adult with a developmental disability.

28 (11)(a) "Specialized medical equipment and supplies" means:

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

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

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

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

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

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

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

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

43 (14) "Support services [for adults]" means the services for [adults] **individuals** with develop-
44 mental disabilities **who are 14 years of age or older**, provided by a support service brokerage un-
45 der ORS 427.154 and 427.160.

SECTION 2. ORS 427.154 is amended to read:

427.154. (1) Support services [*for adults*] are intended to meet the needs of [*adults*] **individuals** with developmental disabilities and to prevent or delay their need for comprehensive services. The Department of Human Services shall establish by rule the application and eligibility determination processes for support services [*for adults*].

(2) Support services [*for adults*] shall be provided through a support service brokerage and pursuant to an individualized written service plan that is developed and reassessed at least annually using a person-centered planning process.

(3) The department shall ensure that each individual receiving support services [*for adults*] has an active role in choosing the services, activities and purchases that will best meet the individual's needs and preferences and to express those choices verbally, using sign language or by other appropriate methods of communication.

(4) The services, activities and purchases available as support services [*for adults*] include, but are not limited to:

- (a) Community living and inclusion supports that facilitate independence and promote community integration by supporting the individual to live as independently as possible;
- (b) Employment services;
- (c) Environmental accessibility adaptations;
- (d) Specialized supports; and
- (e) Specialized medical equipment and supplies.

(5) Support services [*for adults*] must complement the existing formal and informal supports, services, activities and purchases available to an [*adult*] **individual** living in the [*adult's*] **individual's** own home or the home of the [*adult's*] **individual's** family.

(6) The department shall ensure that each individual has the opportunity to confirm satisfaction with the support services [*for adults*] that the individual receives and to make changes in the services as necessary.

(7) The department shall ensure that all adults with developmental disabilities receiving comprehensive services have an equal opportunity for job placements. A provider of developmental disability services that offers job placements may not give preference to an adult with disabilities who is a resident of a facility owned or operated by the provider when determining eligibility for a job placement. The residence of an adult with developmental disabilities may not be the exclusive factor in determining eligibility for a job placement.

SECTION 3. ORS 427.160 is amended to read:

427.160. (1) The Department of Human Services shall enter into contracts with support service brokerages to deliver support services [*for adults*] in a manner that features regional consolidation, administrative efficiency, cost-effectiveness and strong consumer and family oversight.

(2) Individuals who receive support services [*for adults*] and their family members shall have formal, significant, continuing roles in advising the department and support service brokerages regarding the design, implementation and quality assurance of the support services [*for adults*] delivery system.