

SB 91 STAFF MEASURE SUMMARY

Senate Committee On Human Services

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 2/6

WHAT THE MEASURE DOES:

Directs Department of Human Services (DHS) to administer a program with federal financial participation to compensate parents that provide attendant care services to children with very high medical or very high behavioral needs. Permits DHS to adopt rules to manage cost, size, and growth rate of program; requires DHS to report to the Legislative Assembly annually. Specifies requirements of parent eligibility and requirements of agency employing parents.

Permits DHS to require a parent provider to assign an alternative legal representative for the client child if the Centers for Medicare and Medicaid Services (CMS) require it and sets requirements for the assignment. Subjects parent providers to requirements of mandatory reporting of abuse. Prohibits certain activities during hours a parent of minor child is paid to provide attendant care services.

Requires that DHS obtain approval from CMS of the Medically Fragile Model Waiver or a Medically Involved Children's Waiver before administering program. Prohibits DHS from administering program using General Fund moneys that are not matched by federal Medicaid funds.

Declares emergency, effective on passage.

FISCAL: May have fiscal impact, but no statement yet issued.

REVENUE: May have revenue impact but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Federal and state governments fund services for people with intellectual and developmental disabilities. Federal funds come through the Centers for Medicare and Medicaid Services (CMS). CMS regulates overarching requirements all states must follow. Office of Developmental Disabilities Services (ODDS) and the Oregon Health Authority work together to ensure compliance with CMS regulations.

Oregon Law permits the Governor to declare a state of public health emergency upon the occurrence of a public health emergency to protect the public health (ORS 433.441 to ORS 433.452). During the COVID-19 public health emergency (PHE), the federal government extended health care coverage, long term services and supports, and provided extra food benefits. These temporary changes would end after the PHE ends. In January 2021, ODDS implemented processes to allow parents of minor children to be paid caregivers. CMS approved a 1135 waiver of 42 CFR § 441.505 to temporarily allow payment for attendant services and supports rendered by an individual's representative provided that the state makes a reasonable assessment that the caregiver is capable of rendering such services.

In February 2022, Oregon's Governor declared the public health emergency would end, effective April 1, 2022. Under normal circumstances, parents of minor children in Oregon are considered the child's representative as

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part of their parenting role.

Senate Bill 91 would require ODHS to obtain a new waiver that would allow parents of minor children in the service tiers “Very High Needs due to Medical” or “Very High Needs due to Behavior” to be paid for up to 60 hours a week of attendant care for their minor child.