

FISCAL IMPACT OF PROPOSED LEGISLATION**Measure: SB 91 - 1**

82nd Oregon Legislative Assembly – 2023 Regular Session

Legislative Fiscal Office

Only Impacts on Original or Engrossed Versions are Considered Official

Prepared by: MaryMichelle Sosne

Reviewed by: Tom MacDonald, Gregory Jolivet, Julie Neburka, Amanda Beitel

Date: 3/29/2023

Measure Description:

Requires Department of Human Services to request from Centers for Medicare and Medicaid Services approval of waiver to obtain federal financial participation in costs of program to pay parents of minor children with disabilities to provide attendant care services to children.

Government Unit(s) Affected:

Commission on Indian Services, Department of Human Services, Department of Early Learning and Care, Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz, Confederated Tribes of Warm Springs, Burns Paiute Tribe, Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, Confederated Tribes of Umatilla Indian Reservation, Coquille Indian Tribe, Cow Creek Band of Umpqua Indians, Klamath Tribes

Summary of Fiscal Impact:

Costs related to the measure may require budgetary action - See analysis.

Summary of Expenditure Impact:

	2023-25 Biennium	2025-27 Biennium
Department of Human Services		
General Fund		
Personal Services	\$219,217	\$116,023
Services and Supplies	\$69,769	\$22,419
Special Payments	\$3,126,135	\$3,126,135
Total General Fund	\$3,415,121	\$3,264,577
Other Funds*		
Personal Services	\$201,145	\$201,145
Services and Supplies	\$16,056	\$16,056
Special Payments	\$9,898	\$9,898
Total Other Funds	\$227,099	\$227,099
Federal Funds		
Personal Services	\$219,217	\$116,023
Services and Supplies	\$65,433	\$18,082
Special Payments	\$7,451,276	\$7,451,276
Total Federal Funds	\$7,735,926	\$7,585,381
Total Fiscal Impact	\$11,378,146	\$11,077,057
<i>Total Positions</i>	5	4
<i>Total FTE</i>	3.00	2.00

*Represents General Fund expended as Other Funds

Analysis:

SB 91-1 has the following major provisions:

- Requires the Department of Human Services (DHS) to establish a program to compensate parents for providing attendant care to their children who have been assessed by the department to have very high medical or behavioral needs, subject to the availability of funding.
- Requires the agency employing the parent provider to pay parent providers overtime at the same rate as direct support professionals.
- Appropriates \$3,000,000 General Fund to fund the requirements of the measure.
- Prohibits DHS from implementing the program unless it obtains a waiver or equivalent agreement with the Centers for Medicare and Medicaid Services (CMS) to receive federal financial participation.
- Prohibits DHS from using General Fund to administer the program without a federal match.
- Grants DHS the authority to apply for short-term programs by January 1, 2024, to obtain federal matching funds to continue payments to provider parents already receiving payment as of March 1, 2023.
- Declares an emergency and is effective on passage.

The estimated fiscal impact of the measure in 2023-25 is \$11,378,146 total funds, most of which represents caseload costs, which are limited based on the General Fund included in the measure. This also assumes an effective date of July 2024 to align with the expected timing of CMS approval. The fiscal impact includes an estimated \$718,039 for five positions (3.00 FTE) to implement and maintain the expanded program. The estimated fiscal impact in 2025-27 is \$11,077,057 total funds. The decrease is attributed to the phase-out of one limited-duration position. The positions in 2023-25 include:

- One permanent full-time Operations and Policy Analyst 3 position (1.00 FTE) to develop the waiver application and manage the waiver process, support rulemaking, and serve as the subject matter expert providing ongoing internal and external support.
- One permanent part-time Administrative Specialist 2 (0.25 FTE) position to conduct background checks.
- One limited duration full-time Training and Development Specialist 2 position (1.00 FTE) to develop and administer training.
- One permanent part-time Operations and Policy Analyst 3 position (0.25 FTE) to establish the new accounting structure of the program and work with internal stakeholders on potential system configurations.
- One Accountant 2 position (0.50 FTE) to make, monitor and reconcile payments, perform retroactive corrections, and research potential taxability issues for parent providers.

The fiscal impact also includes costs for approximately six months of work from the Office of Information Services to modify the program's payment system (eXprs) at a projected cost of \$36,399 General Fund and \$36,399 Federal Funds.

The measure has no fiscal impact to the Department of Early Learning and Care, the Commission on Indian Services, the Confederated Tribes of Grand Ronde, the Confederated Tribes of Siletz, the Confederated Tribes of Warm Springs, the Burns Paiute Tribe, Confederated Tribes of Coos, the Lower Umpqua and Siuslaw Indians, the Confederated Tribes of Umatilla Indian Reservation, the Coquille Indian Tribe, the Cow Creek Band of Umpqua Indians, or the Klamath Tribes.