

SENATE AMENDMENTS TO SENATE BILL 909

By COMMITTEE ON HUMAN SERVICES

April 18

1 On page 1 of the printed bill, line 2, delete “and section”.

2 In line 3, delete “3, chapter 96, Oregon Laws 2024”.

3 Delete lines 5 through 24 and delete pages 2 through 5 and insert:

4 **“SECTION 1. In determining eligibility for medical assistance, as defined in ORS 414.025,**
5 **for an individual who is under 18 years of age and has a physical disability or chronic illness**
6 **that requires a hospital or nursing home level of care, the Oregon Health Authority and the**
7 **Department of Human Services shall disregard the income of the individual’s parents and**
8 **consider only the income of the individual.**

9 **“SECTION 2. (1) The Oregon Health Authority shall:**

10 **“(a) Prescribe by rule the level of care criteria for admission to a facility providing psy-**
11 **chiatric services to individuals under 21 years of age;**

12 **“(b) Adopt an assessment tool or functional needs assessment to determine whether an**
13 **individual meets the level of care criteria prescribed under this subsection; and**

14 **“(c) Adopt an assessment tool or functional needs assessment to establish the level of**
15 **services necessary to support an individual who meets the level of care criteria prescribed**
16 **under this subsection to be successful outside of an institutional setting.**

17 **“(2) An individual who meets the level of care criteria prescribed under subsection (1)**
18 **of this section is eligible for medical assistance, as defined in ORS 414.025, if home and**
19 **community-based services are necessary to prevent the individual from being placed in an**
20 **institutional setting.**

21 **“(3) An individual who has been determined to meet the level of care criteria prescribed**
22 **under subsection (1) of this section shall continue to meet the criteria if:**

23 **“(a) The provision of home and community-based services stabilized the individual and**
24 **removal of the home and community-based services is likely to put the individual at risk of**
25 **placement in an institutional setting; or**

26 **“(b) The individual has been discharged from an institutional setting and requires home**
27 **and community-based services to prevent the risk of returning to an institutional setting.**

28 **“SECTION 3. ORS 417.345 is amended to read:**

29 **“417.345. (1) The Medically Involved Home-Care Program is created in the Department of Human**
30 **Services. The department shall provide all State Plan Medicaid and waived services available un-**
31 **der state and federal law that are necessary to enable a medically involved child to be cared for in**
32 **the child’s home. The waived services that must be available include but are not limited to home**
33 **nursing care, durable medical equipment and respite care.**

34 **“(2) The department shall adopt by rule criteria for determining the need for and extent of as-**
35 **sistance to be provided to a medically involved child enrolled in the Medically Involved Home-Care**

1 Program [*created by subsection (1) of this section*]. The criteria shall include, but are not limited to,
2 consideration of:

3 “(a) The medical needs of the child;

4 “(b) The needs of any other family member with a disability or chronic illness in the child’s
5 home;

6 “(c) Family and community support available to the child and family caregivers; and

7 “(d) The assistance necessary for the family to care for the child in the child’s home, disre-
8 garding parental or legal guardian income.

9 “(3) [*Subject to limits on enrollment required by state or federal law,*] Services offered through the
10 Medically Involved Home-Care Program shall be made available to children meeting the criteria
11 established by the department by rule. Priority for enrollment shall be given to:

12 “(a) A child transferring to the child’s home from nursing home placement, foster care placement
13 or other out-of-home placement;

14 “(b) A child living at home who is at risk of nursing home placement, foster care placement or
15 other out-of-home placement;

16 “(c) A child who does not otherwise qualify for medical assistance under ORS chapter 414 and
17 for whom the department pays family support payments pursuant to ORS 430.215 that exceed \$10,000
18 per year; and

19 “(d) A child who is at risk of losing eligibility for medical assistance under ORS chapter 414 due
20 to a caregiver’s employment or an increase in a caregiver’s earnings.

21 “[*(4) The department shall enroll no fewer than 125 medically involved children in the Medically
22 Involved Home-Care Program beginning January 1, 2008. The department shall enroll an additional
23 25 medically involved children each calendar year thereafter, to the maximum number allowed by fed-
24 eral law or under the terms of the federal approval.*]

25 “[*(5)*] (4) Moneys appropriated to the department for the Medically Involved Home-Care Program
26 may not be used to supplant moneys appropriated to the department for the Children’s Intensive
27 In-Home Services program.

28 “[*(6)*] (5) As used in this section, ‘child’ means a person under 18 years of age.

29 “**SECTION 4. (1) No later than January 1, 2026, the Oregon Health Authority shall seek
30 any waiver or other necessary approval from the Centers for Medicare and Medicaid Services
31 to carry out the provisions of sections 1 and 2 of this 2025 Act.**

32 “(2) The authority shall notify the Legislative Counsel immediately upon receipt of the
33 approval or denial of each request under subsection (1) of this section.

34 “**SECTION 5. (1) Sections 1 and 2 of this 2025 Act become operative on the date on which
35 the Legislative Counsel receives notice of the federal approval as provided under section 4
36 of this 2025 Act.**

37 “(2) The Oregon Health Authority and the Department of Human Services may take any
38 action before the operative date specified in subsection (1) of this section that is necessary
39 for the authority and the department to exercise, on and after the operative date specified
40 in subsection (1) of this section, all of the powers, duties and functions conferred on the
41 authority and the department under sections 1 and 2 of this 2025 Act.

42 “**SECTION 6. This 2025 Act being necessary for the immediate preservation of the public
43 peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect
44 on its passage.**”