

Enrolled House Bill 3268

Sponsored by Representative BUCKLEY; Representative ESQUIVEL, Senators BATES, WESTLUND

CHAPTER

AN ACT

Relating to service eligibility; creating new provisions; and amending ORS 411.095.

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

SECTION 1. ORS 411.095 is amended to read:

411.095. (1) Except as provided in subsection (2) of this section, when the Department of Human Services changes a benefit standard that results in the reduction, suspension or closure of a grant of general assistance or a grant of public assistance, the department shall mail a notice of intended action to each recipient affected by the change at least 30 days before the effective date of the action.

(2) If the department has fewer than 60 days before the effective date to implement a proposed change described in subsection (1) of this section, the department shall mail a notice of intended action to each recipient affected by the change as soon as practicable but at least 10 **working** days before the effective date of the action.

(3) When the department conducts a hearing pursuant to ORS 416.310 to 416.340 and 416.510 to 416.830 and 416.990 or when the department proposes to deny, reduce, suspend or terminate a grant of general assistance, a grant of public assistance or a support service payment used to support participation in the job opportunity and basic skills program, the department shall provide an opportunity for a hearing under ORS chapter 183.

(4) When emergency assistance or the continuation of assistance pending a hearing on the reduction, suspension or termination of public assistance or a support service payment used to support participation in the job opportunity and basic skills program is denied, and the applicant for or recipient of public assistance or a support service payment requests a hearing on the denial, an expedited hearing on the denial shall be held within five working days after the request. A written decision shall be issued within three working days after the hearing is held.

(5) For purposes of this section, a reduction or termination of services resulting from an assessment for service eligibility as defined in section 2 of this 2005 Act is a grant of public assistance.

[5] (6) Adoption of rules, conduct of hearings and issuance of orders and judicial review of rules and orders shall be in accordance with ORS chapter 183.

SECTION 2. (1) **As used in this section:**

(a) **"Activities of daily living" has the meaning given that term in ORS 410.600.**

(b) **"Assessment for service eligibility" means a process of evaluating the functional impairment levels of an individual and an individual's requirements for assistance in performing activities of daily living.**

(2)(a) No fewer than 14 days prior to conducting a reassessment for service eligibility, the Department of Human Services shall mail a notice of the assessment process to the individual to be assessed. The notice shall include a description and explanation of the assessment process, an explanation of the process for appealing the results of the assessment and a description of the rights described in paragraph (b) of this subsection.

(b) The individual being assessed has the right to set the date, time and place of the assessment at a location that is convenient for the individual and to invite other persons to participate in the assessment.

(3) If the assessment for service eligibility results in a reduction or termination of services, the individual is entitled to an expedited hearing under ORS 411.095 (4).

SECTION 3. Section 2 of this 2005 Act and the amendments to ORS 411.095 by section 1 of this 2005 Act apply to assessments for service eligibility conducted on or after the effective date of this 2005 Act.

SECTION 4. No later than July 1, 2006, the Department of Human Services shall adopt rules establishing notification procedures regarding reassessments for service eligibility and standards for communications between an individual being assessed, and caregivers and family of the individual being assessed, and the case managers who are responsible for implementing the notification procedures.

Passed by House May 26, 2005

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Chief Clerk of House

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Speaker of House

Passed by Senate June 14, 2005

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President of Senate

Received by Governor:

.....M.,....., 2005

Approved:

.....M.,....., 2005

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2005

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Secretary of State