

A-Engrossed
Senate Bill 870

Ordered by the Senate April 26
Including Senate Amendments dated April 26

Sponsored by Senator MORRISETTE

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.

Expands Oregon Project Independence.
Appropriates moneys from General Fund to Department of Human Services for Oregon Project Independence.
Declares emergency, effective July 1, 2005.

A BILL FOR AN ACT

1
2 Relating to Oregon Project Independence; creating new provisions; amending ORS 410.410, 410.420
3 and 410.430; repealing ORS 410.425; appropriating money; and declaring an emergency.

4 Whereas in America, a person turns 60 years of age every two seconds; and

5 Whereas by the year 2025, Oregon will rank fourth in the nation for people age 65 and older
6 and seventh in the nation for people 85 and older; and

7 Whereas 20 percent of Oregonians will be over 65 years of age by 2030; and

8 Whereas over 350,000 Oregonians between the ages of 18 and 64 have a disability; and

9 Whereas families provide almost 79 percent of the care needed by family members; and

10 Whereas Oregon's long term care system must be designed to be less dependent on publicly
11 funded programs and to achieve the greatest flexibility possible to address the needs of Oregonians
12 with disabilities and the needs of Oregonians who are aging; and

13 Whereas a comprehensive strategy is needed to inform Oregonians about the best use of private
14 and public resources for long term care services, to decrease reliance on publicly funded programs
15 and to plan for the burgeoning growth in the number of Oregonians who will need long term care
16 services; now, therefore,

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

18 **SECTION 1.** ORS 410.410 is amended to read:

19 410.410. As used in ORS 410.410 to 410.480:

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

21 *[(1)]* **(2) "Authorized agency" means any organization designated by the Department of Human**
22 **Services as an area agency on aging.**

23 *[(2)]* **(3) "Authorized service" means any service designated by the department pursuant to rule**
24 **to be eligible for Oregon Project Independence funding.**

25 **(4) "Crisis services" means services, supports or equipment necessary to maintain a cli-**
26 **ent in the client's home that:**

27 **(a) Addresses the specific issues leading to or contributing to a crisis situation; and**

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 **(b) Is provided for a limited period of time.**

2 [(3) “Department” means the Department of Human Services.]

3 [(4)] **(5) “Home health service” means items and services furnished to an individual by a home**
4 **health agency, or by others under arrangement with such agency, on a visiting basis in a place of**
5 **temporary or permanent residence used as the individual’s home for the purpose of maintaining that**
6 **individual at home.**

7 **(6) “Person with disabilities” means a person with a physical or mental disability who**
8 **needs assistance with activities of daily living.**

9 [(5)] **(7) “Service provider” means any agency or program that provides one or more authorized**
10 **services under Oregon Project Independence.**

11 **(8) “Special need allowance” means:**

12 **(a) A one-time payment for an item, repair or service that is necessary to sustain the**
13 **client’s independence and stability; or**

14 **(b) Ongoing payments for an item, repair or service that is necessary to enhance a cli-**
15 **ent’s ability to meet an unmet maintenance need.**

16 **SECTION 2.** **Section 3 of this 2005 Act is added to and made a part of ORS 410.410 to**
17 **410.480.**

18 **SECTION 3.** **(1) Oregon Project Independence is established in the Department of Human**
19 **Services. The purpose of the program is to:**

20 **(a) Provide help to eligible clients in their homes when the clients are no longer able to**
21 **take care of their daily needs without assistance;**

22 **(b) Provide to the public information and education on long term care planning and re-**
23 **sources, including the establishment and maintenance of a website; and**

24 **(c) Offer long term care case management and case planning services for a fee to persons**
25 **who are not otherwise eligible for services from an authorized agency or the department.**

26 **(2) If the department is not able to contract with an authorized agency to provide au-**
27 **thorized services to an eligible client who is a person with disabilities, the department may**
28 **contract with another organization to provide the services.**

29 **SECTION 4.** **ORS 410.420 is amended to read:**

30 410.420. **(1) Funds appropriated for Oregon Project Independence [shall only be] may be ex-**
31 **pende**d only** for the following authorized services:**

32 **(a) Homemaker;**

33 **(b) Housekeeper;**

34 **(c) Chore;**

35 **(d) Escort;**

36 **(e) Home health;**

37 **(f) Personal care service;**

38 **(g) Elderly day care; [and]**

39 **(h) Crisis services;**

40 **(i) Respite services;**

41 **(j) Special need allowances;**

42 **(k) Education on long term care planning and resources;**

43 **(L) Long term care case management and case planning;**

44 **(m) Information and assistance; and**

45 [(h)] **(n) Other services authorized by the Department of Human Services.**

1 (2) The department shall adopt rules to implement ORS 410.410 to 410.480.

2 **SECTION 5.** ORS 410.430 is amended to read:

3 410.430. (1) In order to qualify for services from an authorized agency or service provider, each
4 client or recipient must:

5 (a) Be 60 years old or older, **be a person with disabilities** or have been diagnosed as having
6 Alzheimer's disease or a related disorder;

7 (b) Not be receiving financial assistance from the Department of Human Services, except food
8 stamp benefits and limited medicare reimbursement benefits administered by the department; and

9 (c) Be assessed to be at the risk of entering an institution.

10 (2) Eligibility determination shall be required before any client may receive services from an
11 authorized agency or service provider.

12 **SECTION 6. In addition to and not in lieu of any other appropriation, there is appropri-**
13 **ated to the Department of Human Services, for the biennium beginning July 1, 2005, out of**
14 **the General Fund, the amount of \$_____ , which may be expended for the purposes of ORS**
15 **410.410 to 410.480.**

16 **SECTION 7. ORS 410.425 is repealed.**

17 **SECTION 8. This 2005 Act being necessary for the immediate preservation of the public**
18 **peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect**
19 **July 1, 2005.**