

CHAPTER 604

AN ACT

SB 640

Relating to services provided to adults with developmental disabilities; creating new provisions; amending ORS 427.400; and declaring an emergency.

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

SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS chapter 427.

SECTION 2. (1) The Department of Human Services or its designee shall assess the support needs for each adult with a developmental disability who is receiving comprehensive services that include 24-hour residential care and shall determine a service rate that is sufficient to meet the support needs of the adult. If an assessment of support needs results in a change to the service rate being paid to the service provider, the department or the department's designee shall provide to the adult receiving comprehensive services and the adult's service provider and, if appropriate, to the adult's service coordinator, guardian, primary caregiver or family members, a detailed accounting of the service rate paid to the service provider and the factors and weighting of factors used to determine the service rate.

(2) The department or the department's designee shall assess the support needs and determine the service rate, as described in subsection (1) of this section, no later than 90 days after the adult receiving comprehensive services or the adult's service provider, service coordinator, guardian, primary caregiver, family member or legal representative makes a request, based on significant changes to the adult's support needs, for a new assessment of support needs and a redetermination of the service rate.

(3) The department shall adopt by rule the procedures and criteria for requesting and conducting an assessment of support needs and a determination of a service rate under this section, using an advisory committee appointed in accordance with ORS 183.333. The rules shall include a procedure for contesting the denial of a request for assessment of support needs and redetermination of a service rate or the failure of the department or the department's designee to respond to a request for assessment and redetermination within a reasonable period of time, as prescribed by the department by rule.

SECTION 3. ORS 427.400 is amended to read: 427.400. As used in this section and ORS 427.402 and 427.410 and section 2 of this 2013 Act:

(1) "Adult" means an individual who is 18 years of age or older.

(2) "Community living and inclusion supports" means services that may or may not be work-related and includes services designed to develop or maintain the individual's skills in the following areas:

(a) Eating, bathing, dressing, personal hygiene, mobility and other personal needs;

(b) Self-awareness and self-control, social responsiveness, social amenities, interpersonal skills, interpersonal relationships and social connections;

(c) Community participation, recreation and the ability to use available community services, facilities or businesses;

(d) Expressive and receptive skills in verbal and nonverbal language, the functional application of acquired reading and writing skills and other communication needs; and

(e) Planning and preparing meals, budgeting, laundering, housecleaning and other personal environmental needs.

(3) "Comprehensive services" means a package of services, other than support services for adults, that is provided by or under the direction of a community developmental disabilities program and that includes at least one of the following living arrangements licensed or regulated by the Department of Human Services:

(a) Twenty-four-hour residential care, including but not limited to a group home, a foster home or a supported living program.

(b) Assistance provided to maintain an individual in the individual's own home or the home of the individual's family and that costs more than an amount specified by the department by rule.

(4) "Employment services" means services provided to develop or maintain the skills necessary for an individual to obtain and retain employment, including job assessment, job exploration, job development, job training, job coaching, work skills, and ongoing supports.

(5) "Environmental accessibility adaptations" means physical modifications to an individual's home that are necessary to ensure the health, welfare and safety of the individual in the home, or that enable the individual to function with greater independence in the home.

(6) "Individualized written service plan" means a plan described in ORS 430.210 (1)(a), (b) and (c) that identifies the resources, services and purchases necessary for an individual with a developmental disability to achieve identified personal goals and maximize self-determination.

(7) "Person-centered planning" means an informal or formal process for gathering and organizing information that helps an individual to:

(a) Enhance self-determination by choosing personal goals and lifestyle preferences;

(b) Design strategies and networks of support to achieve personal goals and a preferred lifestyle using individual strengths, relationships and resources; and

(c) Identify, use and strengthen naturally occurring opportunities for support in the home and in the community.

(8) "Self-determination" means empowering individuals to:

(a) Select and plan, together with freely-chosen family members and friends, the support services for adults that are necessary instead of purchasing a predefined program or package of services;

(b) Control the expenditure of available financial assistance in order to purchase support services for adults, with the help of a social support network if needed;

(c) Live an autonomous life in the community, rich in community affiliations, through formal or informal arrangements of resources and personnel; and

(d) Have a valued role in the community through competitive employment, organizational affiliations, personal development and general caring for others in the community, and to be accountable for spending public dollars in ways that are life-enhancing for the individual.

(9) "Service provider" means any person who is paid a service rate by the department to provide one or more of the services identified in the individualized written service plan of an adult with a developmental disability regardless of where the service is provided.

(10) "Service rate" means the amount of reimbursement paid to a service provider to care for an adult with a developmental disability.

~~[(9)(a)]~~ **(11)(a)** "Specialized medical equipment and supplies" means:

(A) Devices, aids, controls, supplies or appliances that enable individuals:

(i) To increase their ability to perform activities of daily living; or

(ii) To perceive, control or communicate with the environment in which they live;

(B) Items necessary for life support, including ancillary supplies and equipment necessary to the proper functioning of these items; and

(C) Medical equipment not available in the medical assistance program.

(b) "Specialized medical equipment and supplies" does not include items that have no direct medical or remedial benefit to the individual.

~~[(10)]~~ **(12)** "Specialized supports" means treatment, training, consultation or other unique services that are not available through the medical assistance program but are necessary to achieve the goals identified in the individualized written service plan, or other support services for adults prescribed by the department by rule.

~~[(11)]~~ **(13)** "Support service brokerage" means an entity that contracts with the department to provide or to arrange for support services for adults.

~~[(12)]~~ **(14)** "Support services for adults" means the services for adults with developmental disabilities provided by a support service brokerage under ORS 427.402 and 427.410.

SECTION 4. (1) Section 2 of this 2013 Act becomes operative March 1, 2014.

(2) The Department of Human Services may take any action before March 1, 2014, that is necessary to carry out section 2 of this 2013 Act on March 1, 2014.

SECTION 5. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Approved by the Governor July 1, 2013

Filed in the office of Secretary of State July 1, 2013

Effective date July 1, 2013