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DISABILITY SERVICES

BACKGROUND BRIEF

Disability services are an array of programs and supports for children and adults with a diverse array of physical or mental disabilities. Some services are required by law, some by legal decision and some are a matter of public policy. Services may be delivered by the state, counties, private or nonprofit agencies. Much of the funding for disability services is federal money that flows to states either as matching funds (e.g., Medicaid), block grants (e.g., mental health block grant) or federal grants/contracts. The state also allocates considerable funding for disability services and distributes funds to counties that provide many local services. Counties and cities sometimes use local revenues to provide or enhance services for their residents.

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The legal definition of disability for the purpose of administering programs and

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grounding discrimination claims, pursuant to the Americans with Disabilities Act (ADA), is “a physical or mental impairment that substantially limits one or more of the major life activities of (an) individual; a record of such an impairment; or being regarded as having such an impairment.” The Social Security Administration (SSA) uses a different definition when making benefit eligibility determinations for receipt of Social Security and Disability Insurance (SSDI) and/or Supplemental Security Income (SSI): a physical or mental condition that prevents an individual from engaging in substantial gainful activity (SGA), that is expected to last (or has lasted) twelve consecutive months, or is expected to result in death.

Physical or mental disabilities may include contagious or noncontagious diseases and conditions such as orthopedic, visual, speech and hearing impairments, sensory disabilities, cerebral



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palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental illness, psychiatric disabilities, specific learning disabilities, living with Human Immunodeficiency Virus (**HIV**), tuberculosis, drug addiction and alcoholism.

A developmental disability is a disability that manifests prior to the age of 22 that is likely to continue indefinitely, and that significantly impacts adaptive behavior. Developmental disabilities include intellectual disabilities, cerebral palsy, Down Syndrome, autism spectrum disorders and other neurological conditions that originate in and directly affect the brain.

OREGON HEALTH AUTHORITY AND DEPARTMENT OF HUMAN SERVICES

Oregon Health Authority (**OHA**) and Department of Human Services (**DHS**) provide many disability-related services to Oregonians. OHA administers most of the state's public health services, through its Health Services Division, which includes Addictions and Mental Health programs (**AMH**), the System of Care Wraparound Initiative and the Oregon Health Plan (**OHP**), Oregon's Medicaid program. DHS administers a wide variety of human services programs – from food and cash assistance, to child welfare, to assistance for the elderly – and serves people with disabilities primarily through its office of Aging and People with Disabilities (**APD**), its office of Intellectual/Developmental Disability (**I/DD**) Services and its Vocational Rehabilitation office.

OHA – HEALTH SERVICES DIVISION

Prevention and treatment of both physical and behavioral health issues is a part of disability services. For more information about OHA's Health Services Division, see *Oregon Health Plan* and *Behavioral Health Services* Background Briefs.

DHS – OFFICES OF APD AND I/DD

The offices of APD and I/DD provide services for over 20,000 eligible seniors and people with physical, intellectual and developmental disabilities. Most services operate through a network of state offices, county agencies, community mental health programs, community developmental disability programs, support service brokerages and Area Agencies on Aging (**AAA**). Case managers work directly with individuals to determine eligibility for services, develop long-term plans, obtain needed services and access benefits such as Medicaid and food stamps.

Programs that APD and I/DD operate include:

- *Medicaid long-term care services:* Supports seniors and people with disabilities who need assistance with activities of daily living. These services can be provided in the individual's home or in community-based programs such as assisted living facilities, adult foster homes or nursing facilities.
- *Comprehensive services for the disabled:* Adults may be eligible for services ranging from employment assistance, to independent-living assistance to 24-hour comprehensive support in out-of-home



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placements. Children may be eligible for services ranging from family and in-home support to out-of-home placements. Services are provided in a variety of settings including group homes and foster homes. Eligibility determinations and case management services are provided by Community Developmental Disability Programs (CDDPs), located in each county and typically operated by county government.

- *State-operated group homes:* The state's Stabilization and Crisis Unit (SACU) operates 23 group homes for people with developmental disabilities who have severe medical and/or behavioral support needs.
- *Federal disability determinations:* Two groups in APD are involved with federal disability determinations: Oregon's Disability Determination Services (DDS) and the Collaborative Disability Determination Unit (CDDU). DDS makes medical eligibility determinations when individuals apply with the SSA for SSDI and/or SSI benefits. CDDU: provides disability determinations for Medicaid and the State Family Pre-SSI/SSDI program (SFPSS); assists individuals with the Social Security application and appeals processes; and provides representative payee services for children in DHS custody. These services are entirely federally funded, and as of December 2015, more than 205,000 Oregonians received approximately \$176.7 million per month in SSDI and SSI benefits which then flow into the state's economy.

DHS - OFFICE OF VOCATIONAL REHABILITATION

The Office of Vocational Rehabilitation (OVR) has field locations throughout the state to provide vocational services to people with disabilities. Services are tailored to the needs of each individual and could include vocational evaluation, training, restorative services, transportation, job placement, job supplies and related services. Services are funded with federal dollars that require state matching funds. OVR also receives funding for independent living services that are passed through to seven private, nonprofit Centers for Independent Living (CILs) located across the state.

OVR has a Youth Transition Program (YTP) for students age 14-21 that provides pre-employment services in conjunction with the Oregon Department of Education, in order to improve post-school transition outcomes for youth with disabilities. Services include career exploration, planning, job placement, follow-up and self-advocacy. YTP is currently available in about two-thirds of school districts statewide.

STATE REHABILITATION COUNCIL

The State Rehabilitation Council (SRC) is a federally mandated body appointed by the Governor pursuant to the Rehabilitation Act. The SRC reviews, evaluates and advises OVR regarding its performance and effectiveness. The SRC also ensures that the community receiving services through OVR has a voice in the development and implementation of policies and procedures that directly impact them. A majority of SRC members must be individuals with disabilities who do not work for OVR.



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STATE INDEPENDENT LIVING COUNCIL

State Independent Living Council (SILC) is a federally mandated body appointed by the Governor. It promotes self-determination, community inclusion and peer mentoring for people with all types of disabilities. SILC works closely with OVR, the Oregon Commission for the Blind, CILs and others, to coordinate services and education regarding “Independent Living,” as defined in the Rehabilitation Act. SILC co-develops a State Independent Living Plan (SILP) and evaluates its implementation. SILC identifies independent living service needs and surveys consumer satisfaction with services provided by CILs, so that the community being served has a prominent role in service design.

OREGON COMMISSION FOR THE BLIND

The Oregon Commission for the Blind (OCB) assists eligible blind individuals to be self-sufficient through an array of vocational services and independent living supports. Services include vocational counseling, direct training, job placement assistance and resources for businesses. The Businesses Enterprise Program provides self-employment for blind individuals through operation of cafeteria and other food vending services in various state agencies. OCB’s Orientation and Career Center serves people with imminent or recent loss of sight by offering counseling, assessments, training and other transition assistance. Industries for the Blind provides sheltered work for blind and visually impaired adults that are also developmentally disabled. The Older Blind Program helps persons over age 55 maintain independence in their homes and communities.

OFFICE OF THE LONG-TERM CARE OMBUDSMAN

The Office of the Long-Term Care Ombudsman is an independent agency that serves as the consumer advocate for residents of long-term care facilities in Oregon. The agency staff and its certified volunteers monitor care, investigate and resolve resident and citizen complaints and offer consultations to residents, families, other state agencies and the public. Substantiated complaints are forwarded to APD for formal investigation and regulatory follow-up. The office is federally mandated through the Older Americans Act and through Oregon statute.

SCHOOL-BASED DISABILITY SERVICES

Infants and school-age children with disabilities are often eligible to receive ancillary disability-related services such as Early Intervention, assistive technology, vocational training and job placement as part of the state’s special education system (see *Special Education* Background Brief for more information).

SHELTERED WORKSHOPS

A sheltered workshop is a place where disabled individuals are employed, at usually much less than minimum wage, to perform unskilled, production-type work. Such a facility may be publicly or privately organized and funded, and may accept public contract work. Sheltered work settings are not integrated, meaning disabled persons who work there have little or no contact with other employees who are not also disabled.

In late 2011, the U.S. Department of Justice (USDOJ) began investigating whether



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sheltered workshops supported by Oregon violated the “integration mandate” of Title II of the ADA. (The integration mandate requires the most community-integrated setting possible, not segregation and institutionalization.) About three months later, early in 2012, a class-action lawsuit was filed in federal district court alleging exactly that violation. In the first half of 2013: USDOJ joined the lawsuit; the Governor issued executive order 13-04 to phase-out state support of sheltered work; and the district court ruled in favor of the plaintiffs, finding that Oregon had come to rely on sheltered workshops rather than providing supported employment services; a practice that failed to move persons with disabilities into mainstream jobs.

The use of sheltered workshops, when relied on as a permanent or long-term employment solution for disabled individuals, is largely viewed as a modern form of segregated institutionalization of disabled persons. As of 2016, sheltered work settings are available for training purposes on a temporary basis and efforts are ongoing to develop individualized vocational plans for persons employed in such settings, in order to provide them with the supports necessary to transition them into integrated, community employment settings and help them succeed.

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