

Senate Bill 564

Sponsored by Senator DEVLIN, Representative BUCKLEY

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 **as introduced**.

Gives adult with developmental disability receiving support services for adults option to remain in home placement as long as home placement is less costly than residential care facility. Requires Department of Human Services to take into account cost of providing all services required by individualized written service plan in determining cost of placement.

Requires department to assist individual in creating contingency plan for long term care and services.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to developmental disability services; amending ORS 427.400 and 427.402; and declaring an
3 emergency.

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

5 **SECTION 1.** ORS 427.400 is amended to read:

6 427.400. As used in this section and ORS 427.402 and 427.410:

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

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

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

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

14 (c) Community participation, recreation and the ability to use available community services, fa-
15 cilities or businesses;

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

18 (e) Planning and preparing meals, budgeting, laundering, housecleaning and other personal en-
19 vironmental needs.

20 (3) "Comprehensive services" means a package of services, other than support services for
21 adults, that is provided by or under the direction of a community developmental disabilities program
22 and that includes [*at least one of the following living arrangements licensed or regulated by the De-*
23 *partment of Human Services:*]

24 [*(a) Twenty-four-hour*] **24-hour** residential care, including but not limited to a group home, a
25 foster home or a supported living program.

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

28 (4) "Employment services" means services provided to develop or maintain the skills necessary

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 for an individual to obtain and retain employment, including job assessment, job exploration, job
2 development, job training, job coaching, work skills, and ongoing supports.

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

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

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

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

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

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

16 (8) “Self-determination” means empowering individuals to:

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

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

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

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

26 (9)(a) “Specialized medical equipment and supplies” means:

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

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

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

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

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

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

35 (10) “Specialized supports” means treatment, training, consultation or other unique services that
36 are not available through the medical assistance program but are necessary to achieve the goals
37 identified in the individualized written service plan, or other support services for adults prescribed
38 by the department by rule.

39 (11) “Support service brokerage” means an entity that contracts with the department to provide
40 or to arrange for support services for adults.

41 (12) “Support services for adults” means the services for adults with developmental disabilities
42 provided by a support service brokerage under ORS 427.402 and 427.410 **in order to maintain an**
43 **individual in the individual’s own home or the home of the individual’s family.**

44 **SECTION 2.** ORS 427.402 is amended to read:

45 427.402. (1) Support services for adults are intended to meet the needs of adults with develop-

1 mental disabilities and to prevent or delay their need for comprehensive services. The Department
 2 of Human Services shall establish by rule the application and eligibility determination processes for
 3 support services for adults.

4 *[(2) Support services for adults shall be provided through a support service brokerage and pursu-*
 5 *ant to an individualized written service plan that is developed and reassessed at least annually using*
 6 *a person-centered planning process.]*

7 **(2) Using a person-centered planning process, the department shall develop and reassess**
 8 **at least annually:**

9 **(a) An individualized written service plan identifying the support services for adults to**
 10 **be provided by a support service brokerage; and**

11 **(b) A plan for long term care and services in the event that a change in provider, resi-**
 12 **dence or the individual's needs dictates a transition from the current plan or placement.**

13 (3) The department shall ensure that each individual receiving support services for adults has
 14 an active role in choosing the services, activities and purchases that will best meet the individual's
 15 needs and preferences and to express those choices verbally, using sign language or by other ap-
 16 propriate methods of communication.

17 (4) The services, activities and purchases available as support services for adults include, but
 18 are not limited to:

19 (a) Community living and inclusion supports that facilitate independence and promote commu-
 20 nity integration by supporting the individual to live as independently as possible;

21 (b) Employment services;

22 (c) Environmental accessibility adaptations;

23 (d) Specialized supports; and

24 (e) Specialized medical equipment and supplies.

25 (5) Support services for adults must complement the existing formal and informal supports, ser-
 26 vices, activities and purchases available to an adult living in the adult's own home or the home of
 27 the adult's family.

28 (6) The department shall ensure that each individual has the opportunity to confirm satisfaction
 29 with the support services for adults that the individual receives and to makes changes in the ser-
 30 vices as necessary.

31 **(7) An individual may choose to continue to receive support services for adults instead**
 32 **of comprehensive services if the cost to provide support services for adults is less than the**
 33 **cost of appropriate comprehensive services. In determining the cost of the support services**
 34 **for adults, the department must take into account the cost of providing all of the services**
 35 **required by the individualized written service plan.**

36 **SECTION 3. This 2013 Act being necessary for the immediate preservation of the public**
 37 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
 38 **on its passage.**