

Senate Bill 559

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**.

Requires Department of Human Services to provide adults with developmental disabilities needing comprehensive services at least three options for residential care. Requires equal access to job placements for all adults with developmental disabilities receiving comprehensive services.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to adults with developmental disabilities; creating new provisions; amending ORS 427.400
3 and 427.402; and declaring an emergency.

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

5 **SECTION 1. The Department of Human Services must give an adult with developmental**
6 **disabilities who requires comprehensive services, is being discharged or transferred from a**
7 **residential care facility providing comprehensive services or is requesting a transfer from a**
8 **residential care facility providing comprehensive services the opportunity to select from at**
9 **least three placement options, including at least two different types of residential care set-**
10 **tings.**

11 **SECTION 2. ORS 427.400 is amended to read:**

12 427.400. As used in this section and ORS 427.402 and 427.410 **and section 1 of this 2013 Act:**

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

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

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

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

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

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

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

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

30 (a) Twenty-four-hour residential care, including but not limited to a group home, a foster home

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 or a supported living program.

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (9)(a) "Specialized medical equipment and supplies" means:

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

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

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

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

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

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

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

43 (11) "Support service brokerage" means an entity that contracts with the department to provide
44 or to arrange for support services for adults.

45 (12) "Support services for adults" means the services for adults with developmental disabilities

1 provided by a support service brokerage under ORS 427.402 and 427.410.

2 **SECTION 3.** ORS 427.402 is amended to read:

3 427.402. (1) Support services for adults are intended to meet the needs of adults with develop-
4 mental disabilities and to prevent or delay their need for comprehensive services. The Department
5 of Human Services shall establish by rule the application and eligibility determination processes for
6 support services for adults.

7 (2) Support services for adults shall be provided through a support service brokerage and pur-
8 suant to an individualized written service plan that is developed and reassessed at least annually
9 using a person-centered planning process.

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

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

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

18 (b) Employment services;

19 (c) Environmental accessibility adaptations;

20 (d) Specialized supports; and

21 (e) Specialized medical equipment and supplies.

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

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

28 **(7) The department shall ensure that all adults with developmental disabilities receiving**
29 **comprehensive services have an equal opportunity for job placements. If there is an insuffi-**
30 **cient number of job placements for all adults seeking employment, the department shall en-**
31 **sure that the available job placements are assigned on a first-come, first-served basis.**

32 **SECTION 4. This 2013 Act being necessary for the immediate preservation of the public**
33 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
34 **on its passage.**