



# Oregon

Kate Brown, Governor

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**DATE:** January 22, 2019

**TO:** Senate Committee on Human Services

**From:** Lilia Teninty, Director of the Office of Developmental Disabilities Services

**Subject:** SB 19, DHS Omnibus Bill

## **Introduction:**

Senate Bill 19 was introduced by Governor Brown, on behalf of the Department of Human Services, in order to address a number of statutory fixes, many of them within the Developmental Disability statutes and one within the DHS Volunteer Program.

## ***Background:***

The Office of Developmental Disabilities Services (ODDS) currently serves over 28,000 people who experience intellectual and/or developmental disability (I/DD) in Oregon. Over the past six years the I/DD system has experienced significant growth and change because of a new federal program called the Community First Choice Option or K-Plan, several new federal and state mandates, and changes in policies and procedures. The intent of SB 19 is to ensure cross collaboration among state agencies, improve the coordinated system of care, protect the health and safety of people receiving ODDS services, and to promote program efficiencies.

## ***What the bill does:***

Section 1 and 2: Adult Foster Home (AFH) services are currently operated by three programs, Aging and People with Disabilities, the Office of Developmental Disabilities Services within DHS and the Health Services Division of OHA. Sections 1 and 2, of SB 19 adds separate sub-definitions for each program/office to allow statutory changes to be more easily defined as they relate to requirements specific to each program.

Sections 3 – 6: Current program rules hold an expectation for Independent Contractors providing I/DD services for both children and adults, to report

suspected abuse. Sections 3 – 6 of SB 19, gives statutory authority should there be any substantiated finding on these providers should they fail to report abuse. Amendments to this language that incorporate grant funded entities that engage with children and families are also being discussed.

Section 7: Definitions in statute for I/DD eligibility criteria and services are not current or aligned with federal requirements and medical definitions. For instance, in some places Oregon statute reads “intellectual disability is synonymous with mental retardation.” Section 7 of SB 19 equips the ODDS program to update eligibility criteria definitions to align with federal requirements and medical definitions through Oregon Administrative Rule.

The intent with this bill is not to change current I/DD eligibility criteria. We have heard concerns about the language as currently proposed and agree that further discussion is needed.

Section 8: This section will allow ODDS to impose nominal civil penalties on non-residential providers who are out of compliance with rules, regulations and contracts. This change would allow for consistency across I/DD programs and services.

Section 9: This change updates statute to reflect the decentralization of the volunteer program and clarifies expectations for the newly proposed DHS Donated Fund Account, which will replace the existing DHS Volunteer Program Donated Fund Account.

### **Summary:**

SB 19 provides logistical statutory changes for the Department of Human Services (DHS). The five components of the bill will bring clarity to language in statute for adult foster homes, add publicly funded developmental disability service providers for children and adults to the list of mandatory reporters, allow the Office of Developmental Disabilities Services (ODDS) to update definitions on intellectual and developmental disability (I/DD) eligibility criteria through rule, allow DHS to impose civil penalties for violations of statutory requirements and rules, and aligns statute with practice for the DHS volunteer program.