

## FISCAL IMPACT OF PROPOSED LEGISLATION

80th Oregon Legislative Assembly – 2019 Regular Session  
Legislative Fiscal Office

Measure: SB 681 - A

*Only Impacts on Original or Engrossed  
Versions are Considered Official*

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### Measure Description:

Prescribes optional form for supported decision-making agreement.

### Government Unit(s) Affected:

Department of Human Services (DHS), Long Term Care Ombudsman (LTCO), Oregon Department of Veterans Affairs (ODVA), Oregon Judicial Department (OJD), Department of Education (ODE), School Districts, Education Service Districts (ESD)

### Summary of Fiscal Impact:

Quantifiable costs related to the measure are anticipated to be minimal. In addition, the fiscal impact contains elements that are indeterminate, at this time. - See analysis.

### Analysis:

SB 681 prescribes an optional form for supported decision-making agreement and directs the Department of Human Services (DHS) to prepare and provide access to a supported decision-making agreement instrument and accompanying information for a person with a disability, family members of a person with a disability, education professionals and school districts, health care and social service professionals, county clerks and local bar associations. The bill authorizes DHS to charge a reasonable fee for the cost of preparation and distribution of the supported decision-making agreement forms and information; DHS may satisfy these requirements making the supported decision-making agreement forms and information available on a website maintained by the department.

#### Oregon Department of Veterans Affairs (ODVA)

The fiscal impact of this measure to ODVA is indeterminate depending on the number of veterans served by ODVA's conservatorship and representative payee programs who enter into supported decision-making agreements. With passage of this bill, the workload to the conservatorship and representative payee staff could potentially increase because, instead of working only with the veterans and their families, ODVA staff will also need to work with the "supporter" of the veteran. If a significant number of veterans served by ODVA's conservatorship and representative payee programs enter into a supported decision-making agreement, ODVA may need to increase staff to address the workload.

#### Department of Human Services (DHS)

The fiscal impact of this bill on DHS is anticipated to be minimal. DHS will use existing staff and resources to develop policies, produce the forms, gather information, and coordinate information technology services to post forms and information online. Although the measure authorizes DHS to charge a fee for the cost of preparing and distributing the supported-decision making agreement forms, DHS reports that this is not a viable option. Any fee would have to be low enough not to discourage use, and without a high usage volume, a low fee would not yield enough revenue to cover the costs.

#### Long Term Care Ombudsman (LTCO)

This measure is anticipated to have minimal fiscal impact on LTCO. The measure requires the Oregon Public Guardian and Conservator to provide supported decision-making services for persons who do not have a friend or

relative willing to act as a supporter and who lack the financial resources obtain a private supporter. LECO reports that this provision codifies current practice.

Oregon Judicial Department (OJD), Department of Education (ODE), school districts, Education Service Districts

The measure:

- Requires the court to consider supported decision-making as a less restrictive alternative to a protective proceeding;
- Modifies notice requirements in protective proceedings to require that notice be provided to supporters under a supported decision-making agreement; and
- Requires school districts to provide emancipated children and the children's parents with information regarding supported decision-making and other alternatives to guardianship and strategies to remain engaged in the children's secondary education, at each individualized education program meeting that includes discussion of post-secondary goals and transition services, beginning at least 36 months prior to a child with a disability attaining 18 years of age.

These provisions are anticipated to have minimal impact on OJD, ODE, school districts, and education service districts.