

House Bill 2639

Sponsored by Representative SANCHEZ; Representatives NOSSE, POWER (Pre-session filed.)

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**.

Expands eligibility for Women, Infants and Children Program nutrition assistance to children five years of age or older who have not entered kindergarten, paid for with state funds.

Requires Oregon Health Authority to provide notice to families receiving Women, Infants and Children Program nutrition assistance if federal funding for program terminates.

A BILL FOR AN ACT

1
2 Relating to nutrition assistance for low income families; amending ORS 411.095 and 413.500.

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

4 **SECTION 1.** ORS 413.500 is amended to read:

5 413.500. (1) **As used in this section, "children" means children up to the date they enter**
6 **kindergarten.**

7 [(1)] (2) The Women, Infants and Children Program is established in the Oregon Health Au-
8 thority. The purpose of the program is to serve as an adjunct to health care by providing nutritious
9 food, nutrition education and counseling, health screening and referral services to pregnant and
10 breast-feeding women and to infants and children in certain high-risk categories.

11 [(2)] (3) The authority shall adopt:

12 (a) Standards and procedures to guide administration of the program by the state in conformity
13 with federal requirements and to define the rights, responsibilities and legal procedures of program
14 vendors; and

15 (b) Rules necessary to implement and carry out the provisions of this section.

16 (4) **The authority shall verify that a child has not yet entered kindergarten by the**
17 **attestation of the applicant, unless conflicting information is presented to the authority.**

18 [(3)(a)] (5)(a) In addition to any other penalty provided by law, the authority may assess a civil
19 penalty against any person for violation of any rule of the authority relating to the Women, Infants
20 and Children Program. The authority shall adopt by rule criteria for the amount of civil penalties
21 to be assessed under this section.

22 (b) All penalties recovered under this section shall be deposited into the Oregon Health Au-
23 thority Fund and credited to an account designated by the authority. Moneys deposited are appro-
24 priated continuously to the authority and shall be used only for the administration and enforcement
25 of this section.

26 (6) **The costs of providing benefits under the program to children ages five and older shall**
27 **be paid from moneys in the Oregon Health Authority Fund.**

28 **SECTION 2.** ORS 411.095 is amended to read:

29 411.095. (1)(a) Except as provided in paragraph (b) of this subsection, when the Department of
30 Human Services or the Oregon Health Authority changes a benefit standard that results in the re-

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 duction, suspension or closure of a grant of public assistance or a grant of medical assistance, the
 2 department or the authority shall mail a notice of intended action to each recipient affected by the
 3 change at least 30 days before the effective date of the action.

4 (b) If the department or the authority has fewer than 60 days before the effective date to im-
 5 plement a proposed change described in paragraph (a) of this subsection, the department or the au-
 6 thority shall mail a notice of intended action to each recipient affected by the change as soon as
 7 practicable but at least 10 working days before the effective date of the action.

8 (2) When the federal government changes a benefit or standard that results in the suspension
 9 or closure of supplemental nutrition assistance issued under ORS 411.806 to 411.845 [or 413.500] for
 10 the entire caseload or a significant portion of the caseload of recipients in this state, the department
 11 and the authority are not required to mail a notice of intended action to each recipient affected by
 12 the change but shall publicize the change using one or more of the following methods:

13 (a) Informing the public through the news media.

14 (b) Placing posters in the offices that serve affected recipients, in the locations where supple-
 15 mental nutrition assistance is issued to affected recipients and at other sites frequented by affected
 16 recipients.

17 (c) Mailing a general notice to the households of affected recipients.

18 (3) When the department or the authority conducts a hearing pursuant to ORS 416.310 to 416.340
 19 and 416.510 to 416.830 and 416.990 or when the department or the authority proposes to deny, re-
 20 duce, suspend or terminate a grant of public assistance, a grant of medical assistance or a support
 21 service payment used to support participation in the job opportunity and basic skills program, the
 22 department or the authority shall provide an opportunity for a hearing under ORS chapter 183.

23 (4) When emergency assistance or the continuation of assistance pending a hearing on the re-
 24 duction, suspension or termination of public assistance, medical assistance or a support service
 25 payment used to support participation in the job opportunity and basic skills program is denied, and
 26 the applicant for or recipient of public assistance, medical assistance or a support service payment
 27 requests a hearing on the denial, an expedited hearing on the denial shall be held within five
 28 working days after the request. A written decision shall be issued within three working days after
 29 the hearing is held.

30 (5) For purposes of this section, a reduction or termination of services resulting from an as-
 31 sessment for service eligibility as defined in ORS 411.099 is a grant of public assistance.

32 (6) Adoption of rules, conduct of hearings and issuance of orders and judicial review of rules
 33 and orders shall be in accordance with ORS chapter 183.

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