

SB 646 STAFF MEASURE SUMMARY

Senate Committee On Human Services

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 2/6

WHAT THE MEASURE DOES:

Directs the Department of Human Services (DHS) to allow parents or legal guardians of minor children to serve and be paid as their personal support workers or direct support professionals if they meet DHS' requirements. Requires Oregon Health Authority (OHA) to request federal approval to allow parent or legal guardian to be paid to act as personal support worker or direct support professional for minor child who has intellectual or developmental disability.

Prohibits DHS from imposing requirements or limits of service hours different than the ones imposed on support workers who are not the parents or legal guardians of the child. Requires DHS to disregard income of parent in determining child's eligibility for developmental disability services.

Directs DHS to administer a process by which a minor child receiving care can select the individual to serve as the child's personal support worker or direct support professional and to allow parents to continue to engage in the evaluation process and the development of a service plan for the child.

Requires OHA to request from the Centers for Medicare and Medicaid Services approval to continue the public health emergency flexibility provided by the Centers for Medicare and Medicaid Services for the period between the request of the federal approval and its approval or denial.

Declares emergency, effective on passage.

FISCAL: May have fiscal impact, but no statement yet issued.

REVENUE: May have revenue impact but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Federal and state governments fund services for people with intellectual and developmental disabilities. Federal funds come through the Centers for Medicare and Medicaid Services (CMS). CMS regulates overarching requirements all states must follow. The Oregon Department of Human Services (DHS) and the Oregon Health Authority (OHA) work together to ensure compliance with CMS regulations.

During the COVID-19 public health emergency, CMS approved an 1135 waiver to temporarily allow payment for attendant services and supports rendered by an individual's representative, provided that the state makes a reasonable assessment that the caregiver is capable of rendering such services. Under normal circumstances, parents of minor children in Oregon are considered the child's representative as part of their parenting role. During the pandemic, many states received emergency exemptions to allow paying parents to care for their children. Federal approval for this emergency option lasts only for the duration of the federal public health

SB 646 STAFF MEASURE SUMMARY

emergency.

SB 646 would require OHA to seek approval from the federal government to pay parents of minor children for services provided under the state Medicaid Plan to continue the flexibilities granted during the public health emergency until the request is approved or denied.