

## SENATE AMENDMENTS TO SENATE BILL 104

By COMMITTEE ON HUMAN SERVICES

April 11

1 In line 2 of the printed bill, after “services” insert “; creating new provisions; amending section  
2 1, chapter 91, Oregon Laws 2022; and declaring an emergency”.

3 Delete lines 4 through 10 and insert:

4 “**SECTION 1.** Section 1, chapter 91, Oregon Laws 2022, is amended to read:

5 “**Sec. 1.** (1) As used in this section:

6 “(a) ‘Agency with choice services’ means *[performing, on behalf of an individual, the following*  
7 *functions as the employer of record for direct support professionals]* **support given to an individual**  
8 **in self-directing the individual’s services or in managing staff** who are providing in-home ser-  
9 vices and supports to the individual, **using a person-centered approach to ensure that the in-**  
10 **dividual is at the center of the decision-making process regarding what services are needed,**  
11 **including by providing:**

12 “[*(A) Coordinating the schedules and responsibilities of direct support professionals who are pro-*  
13 *viding in-home services and supports to the individual;*]

14 “[*(B) For each direct support professional providing in-home services and supports to the individ-*  
15 *ual, withholding, filing and paying income and employment-related taxes, including workers’ compen-*  
16 *sation premiums and unemployment taxes;*]

17 “[*(C) Verifying the qualifications of each direct support professional; and]*

18 “**(A) Training, coaching and other forms of support to the individual on:**

19 “**(i) Self-direction; and**

20 “**(ii) The roles and responsibilities of the individual and the agency with choice services**  
21 **provider;**

22 “**(B) Training, coaching and other forms of support to the individual in the overall man-**  
23 **agement of staff providing direct support services to the individual, including in the**  
24 **recruitment, hiring, scheduling and training of staff, performance assessments of staff and**  
25 **dismissal of staff; and**

26 “[*(D) (C) [Providing] Other administrative and employment-related supports.*]

27 “(b) ‘Individual’ means a child or adult with an intellectual or developmental disability, **or the**  
28 **representative of the child or adult**, who receives in-home services and supports through the De-  
29 partment of Human Services.

30 “(2) The department shall *[certify agencies]* **contract with one or more organizations** to de-  
31 liver agency with choice services as a community-based services option under ORS 427.007 (1)(d).

32 “[*(3) The department shall adopt by rule;*]

33 “[*(a) Minimum qualifications for agencies to be certified by the department to deliver agency with*  
34 *choice services; and]*

35 “[*(b) Reimbursement rates for the services.*]

1 “[(4)] **(3)** *[Minimum qualifications for agencies certified to deliver agency with choice services in-*  
2 *clude, but are not limited]* **An organization contracting with the department under subsection**  
3 **(2) of this section shall be expected, at a minimum, to:**

4 “[*(a) The ability to provide support for individuals in directing the individual’s direct support*  
5 *professional and the day-to-day services of the direct support professional;*]

6 “[*(b) A commitment to recruit and retain a high quality and diverse workforce to provide agency*  
7 *with choice services;*]

8 **“(a) Maximize an individual’s self-direction and autonomy by supporting the individual to**  
9 **direct the individual’s staff hired to provide direct support services to the individual and**  
10 **manage the day-to-day services of the individual’s staff hired to provide direct support ser-**  
11 **VICES TO THE INDIVIDUAL;**

12 “[*(c) (b) Have a commitment to work with a broad coalition of stakeholders in an effort to*  
13 *understand the changing needs of the workforce and of individuals’ needs, rights and preferences;*  
14 **and**

15 “[*(d) (c) Have the ability to meet the state’s interest in preventing or mitigating disruptions to*  
16 *individuals’ in-home services and supports.;* *and]*

17 “[*(e) The ability to implement an electronic visit verification system that complies with state and*  
18 *federal requirements or, in the absence of an electronic visit verification system, to monitor a statis-*  
19 *tically valid sample of each claim for reimbursement for the cost of services to the receipt of the services*  
20 *by the individual.]*

21 “[*(5)*] **(4)** The department may not *[certify an agency]* **contract with an organization under**  
22 **subsection (2) of this section** to provide agency with choice services if the owner of **or an exec-**  
23 **utive officer of the organization** *[the agency]* has been convicted of Medicaid fraud in any state  
24 within the 25-year period prior to *[the certification]* **entering into the contract.**

25 **“SECTION 2. The Department of Human Services shall contract with an organization to**  
26 **deliver agency with choice services under section 1, chapter 91, Oregon Laws 2022, no later**  
27 **than July 1, 2024.**

28 **“SECTION 3. This 2023 Act being necessary for the immediate preservation of the public**  
29 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**  
30 **on its passage.”.**