

Requested by Senator GELSER BLOUIN

**PROPOSED AMENDMENTS TO
SENATE BILL 104**

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

4 Delete lines 4 through 10 and insert:

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

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

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

16 “[A] *Coordinating the schedules and responsibilities of direct support*
17 *professionals who are providing in-home services and supports to the individ-*
18 *ual;]*

19 “[B] *For each direct support professional providing in-home services and*
20 *supports to the individual, withholding, filing and paying income and*
21 *employment-related taxes, including workers’ compensation premiums and un-*

1 *employment taxes;*]

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

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

5 “**(i) Self-direction; and**

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

8 “**(B) Training, coaching and other forms of support to the individual**
9 **in the overall management of direct support workers including in the**
10 **recruitment, hiring, scheduling and training of direct support workers,**
11 **performance assessments of direct support workers, and dismissal of**
12 **direct support workers; and**

13 “[*(D)*] **(C) [Providing] Other administrative and employment-related sup-**
14 **ports.**

15 “(b) ‘Individual’ means a child or adult with an intellectual or develop-
16 mental disability, **or the representative of the child or adult**, who re-
17 ceives in-home services and supports through the Department of Human
18 Services.

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

22 “[*(3) The department shall adopt by rule:*]

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

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

26 “[*(4)*] **(3) [Minimum qualifications for agencies certified to deliver agency**
27 **with choice services include, but are not limited] An organization con-**
28 **tracting with the department under subsection (2) of this section shall**
29 **be expected, at a minimum, to:**

30 “[*(a) The ability to provide support for individuals in directing the*]

1 *individual's direct support professional and the day-to-day services of the di-*
2 *rect support professional;]*

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

5 “**(a) Maximize an individual’s self-direction and autonomy by sup-**
6 **porting the individual to direct the individual’s direct support workers**
7 **and manage the day-to-day services of the individual’s direct support**
8 **workers;**

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

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

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

19 “[*(5)*] **(4)** The department may not [*certify an agency*] **contract with an**
20 **organization under subsection (2) of this section** to provide agency with
21 choice services if the owner of **or an executive officer of the organization**
22 [*the agency*] has been convicted of Medicaid fraud in any state within the
23 25-year period prior to [*the certification*] **entering into the contract.**

24 “**SECTION 2. The Department of Human Services shall contract**
25 **with an organization to deliver agency with choice services under**
26 **section 1, chapter 91, Oregon Laws 2022, no later than December 31,**
27 **2023, and shall issue a request for proposals for a contract with a sec-**
28 **ond organization no later than December 31, 2024.**

29 “**SECTION 3. This 2023 Act being necessary for the immediate**
30 **preservation of the public peace, health and safety, an emergency is**

1 **declared to exist, and this 2023 Act takes effect on its passage.”.**

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