

SB 104-3
(LC 2417)
4/3/23 (LHF/ps)

Requested by SENATE COMMITTEE ON HUMAN SERVICES (at the request of Senator Sara 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 staff** who are providing in-home
12 services and supports to the individual, **using a person-centered approach**
13 **to ensure that the individual is at the center of the decision-making**
14 **process regarding what services are needed, including by providing:**

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

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

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

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

4 **“(i) Self-direction; and**

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

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

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

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

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

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

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

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

25 *“[(4)] (3) [Minimum qualifications for agencies certified to deliver agency*
26 *with choice services include, but are not limited] **An organization con-***
27 **tracting with the department under subsection (2) of this section shall**
28 **be expected, at a minimum, to:**

29 *“[(a) The ability to provide support for individuals in directing the*
30 *individual’s direct support professional and the day-to-day services of the di-*

1 *rect support professional;]*

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

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

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 July 1, 2024.**

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

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