

**A-Engrossed**  
**Senate Bill 909**

Ordered by the Senate April 18  
Including Senate Amendments dated April 18

Sponsored by Senators GELSER BLOUIN, PATTERSON

**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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act expands services for children with complex needs. (Flesch Readability Score: 75.5).

*[Directs the Oregon Health Authority to provide flexible and innovative home and community-based services and supports through the medical assistance program to children and youth that have a serious emotional disturbance.]* Directs the **Oregon Health Authority** and the Department of Human Services to disregard parental income when determining a child's eligibility for medical assistance if the child has a physical disability or chronic illness that requires a hospital or nursing home level of care *[or the child meets the level of care criteria for admission to a facility providing psychiatric services to individuals under 21 years of age. Directs the authority or the department to notify the parents of a child found eligible for medical assistance based on a disregard of parental income that the disregard constitutes parental consent for an education provider to be notified that the child receives medical assistance and to bill for the cost of school-based health services]*. **Directs the authority to prescribe the level of care criteria for admission to a facility providing psychiatric services to individuals under 21 years of age. Provides that individuals who meet those criteria are eligible for medical assistance.** Directs the authority to seek any necessary federal approval. **Becomes operative on the date that notice of federal approval is received.**

Declares an emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to children with complex needs; creating new provisions; amending ORS 417.345; and de-  
3 clarating an emergency.

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

5 **SECTION 1. In determining eligibility for medical assistance, as defined in ORS 414.025,**  
6 **for an individual who is under 18 years of age and has a physical disability or chronic illness**  
7 **that requires a hospital or nursing home level of care, the Oregon Health Authority and the**  
8 **Department of Human Services shall disregard the income of the individual's parents and**  
9 **consider only the income of the individual.**

10 **SECTION 2. (1) The Oregon Health Authority shall:**

11 **(a) Prescribe by rule the level of care criteria for admission to a facility providing psy-**  
12 **chiatric services to individuals under 21 years of age;**

13 **(b) Adopt an assessment tool or functional needs assessment to determine whether an**  
14 **individual meets the level of care criteria prescribed under this subsection; and**

15 **(c) Adopt an assessment tool or functional needs assessment to establish the level of**  
16 **services necessary to support an individual who meets the level of care criteria prescribed**  
17 **under this subsection to be successful outside of an institutional setting.**

18 **(2) An individual who meets the level of care criteria prescribed under subsection (1) of**  
19 **this section is eligible for medical assistance, as defined in ORS 414.025, if home and**

**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 **community-based services are necessary to prevent the individual from being placed in an**  
2 **institutional setting.**

3 **(3) An individual who has been determined to meet the level of care criteria prescribed**  
4 **under subsection (1) of this section shall continue to meet the criteria if:**

5 **(a) The provision of home and community-based services stabilized the individual and**  
6 **removal of the home and community-based services is likely to put the individual at risk of**  
7 **placement in an institutional setting; or**

8 **(b) The individual has been discharged from an institutional setting and requires home**  
9 **and community-based services to prevent the risk of returning to an institutional setting.**

10 **SECTION 3.** ORS 417.345 is amended to read:

11 417.345. (1) The Medically Involved Home-Care Program is created in the Department of Human  
12 Services. The department shall provide all State Plan Medicaid and waived services available un-  
13 der state and federal law that are necessary to enable a medically involved child to be cared for in  
14 the child's home. The waived services that must be available include but are not limited to home  
15 nursing care, durable medical equipment and respite care.

16 (2) The department shall adopt by rule criteria for determining the need for and extent of as-  
17 sistance to be provided to a medically involved child enrolled in the Medically Involved Home-Care  
18 Program [*created by subsection (1) of this section*]. The criteria shall include, but are not limited to,  
19 consideration of:

20 (a) The medical needs of the child;

21 (b) The needs of any other family member with a disability or chronic illness in the child's home;

22 (c) Family and community support available to the child and family caregivers; and

23 (d) The assistance necessary for the family to care for the child in the child's home, disregarding  
24 parental or legal guardian income.

25 (3) [*Subject to limits on enrollment required by state or federal law,*] Services offered through the  
26 Medically Involved Home-Care Program shall be made available to children meeting the criteria  
27 established by the department by rule. Priority for enrollment shall be given to:

28 (a) A child transferring to the child's home from nursing home placement, foster care placement  
29 or other out-of-home placement;

30 (b) A child living at home who is at risk of nursing home placement, foster care placement or  
31 other out-of-home placement;

32 (c) A child who does not otherwise qualify for medical assistance under ORS chapter 414 and  
33 for whom the department pays family support payments pursuant to ORS 430.215 that exceed \$10,000  
34 per year; and

35 (d) A child who is at risk of losing eligibility for medical assistance under ORS chapter 414 due  
36 to a caregiver's employment or an increase in a caregiver's earnings.

37 [*(4) The department shall enroll no fewer than 125 medically involved children in the Medically*  
38 *Involved Home-Care Program beginning January 1, 2008. The department shall enroll an additional*  
39 *25 medically involved children each calendar year thereafter, to the maximum number allowed by fed-*  
40 *eral law or under the terms of the federal approval.*]

41 [(5)] (4) Moneys appropriated to the department for the Medically Involved Home-Care Program  
42 may not be used to supplant moneys appropriated to the department for the Children's Intensive  
43 In-Home Services program.

44 [(6)] (5) As used in this section, "child" means a person under 18 years of age.

45 **SECTION 4. (1) No later than January 1, 2026, the Oregon Health Authority shall seek**

1 any waiver or other necessary approval from the Centers for Medicare and Medicaid Services  
2 to carry out the provisions of sections 1 and 2 of this 2025 Act.

3 (2) The authority shall notify the Legislative Counsel immediately upon receipt of the  
4 approval or denial of each request under subsection (1) of this section.

5 **SECTION 5.** (1) Sections 1 and 2 of this 2025 Act become operative on the date on which  
6 the Legislative Counsel receives notice of the federal approval as provided under section 4  
7 of this 2025 Act.

8 (2) The Oregon Health Authority and the Department of Human Services may take any  
9 action before the operative date specified in subsection (1) of this section that is necessary  
10 for the authority and the department to exercise, on and after the operative date specified  
11 in subsection (1) of this section, all of the powers, duties and functions conferred on the  
12 authority and the department under sections 1 and 2 of this 2025 Act.

13 **SECTION 6.** This 2025 Act being necessary for the immediate preservation of the public  
14 peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect  
15 on its passage.  
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