



2016 Legislative End of Session Report

Department of Human Services



TABLE OF CONTENTS

Executive Summary.....Page 2

Key Bills.....Page 3

 Aging and People with Disabilities.....Page 3

 Child Welfare.....Page 5

 Office of Developmental Disabilities Services.....Page 6

 Self Sufficiency Program.....Page 7

 Vocational Rehabilitation.....Page 8

 Shared & Central Services.....Page 10

DHS Budget Highlights & Budget Notes.....Page 11

Contact Information.....Page 12

Department of Human Services 2016 Legislative End of Session Report

EXECUTIVE SUMMARY

The Department of Human Services 2016 Legislative Session report contains a brief overview of new legislation and key budget highlights by program. The 32-day session will be remembered for two major policies: increasing the state's minimum wage and limiting the use of coal power. Lawmakers also made some headway in addressing the state's affordable housing crisis.

The DHS Government Relations Team has compiled a brief overview of bills that passed this session relevant to DHS. For questions related to this report, please refer to the contact list at the end of this document.

KEY BILLS

KEY BILLS FOR AGING AND PEOPLE WITH DISABILITIES

The 2016 Session brought many policy discussions about ways to protect vulnerable seniors and individuals with disabilities, as well as how to increase standards for the safety of residents living in facilities licensed and regulated by DHS. We worked to strengthen our commitment to helping Oregonians achieve well-being and independence through opportunities that protect, empower, respect choice, and preserve dignity. We also had in-depth discussions around the long-term sustainability of the Medicaid long term services and supports program. With an ever growing population of Oregonians needing long term care, Oregon must find ways to serve people in accordance to ORS 410, while ensuring programs are run with the utmost integrity. We look forward to continuing this work in the interim and coming sessions.

Providing Access to Services for Oregon's Most Vulnerable Adults

HB 4042 establishes a general assistance program that will serve a rotating caseload of 200 participants throughout the state who are homeless, enrolled in a medical assistance program, and have a disability that would qualify for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI). The benefits of the GA program may be used for housing assistance, personal incidentals, or assistance applying for SSI or SSDI benefits, which will be recovered when the participant has been determined eligible by the United States Social Security Administration (SSA).

The bill also directs the Department to convene an advisory group to develop metrics for program evaluation and to compile a list of attorneys to represent participants in the program in appealing adverse determinations by the SSA. *Effective April 4, 2016.*

Protecting Oregon's Most Vulnerable Adults

HB 4013 would have allowed counties to establish multidisciplinary fatality review teams involving abuse or neglect of elderly or vulnerable adults and would have also established a statewide interdisciplinary team within DHS to review elderly or vulnerable person fatality cases, identify trends, make recommendations, and conduct reviews in cases involving multiple jurisdictions or when a county does not have a multidisciplinary review team. While this bill did not pass, it created an important dialogue that will most likely return to future sessions.

HB 4083 would have established a Task Force on Alzheimer's Care Units to study licensing and regulation of Alzheimer's care units. While this bill did not pass, the interest in creating an informal work group during the interim emerged as a way to continue discussions and share recommendations in future sessions.

SB 1552 would have updated Oregon's current statutory advance directive form while creating a stakeholder committee to maintain the form via administrative rule. The bill would have ensured that the diverse wishes of each Oregonian were understandable to attorneys, health care providers, and the families of individuals. While this bill did not pass, it highlighted the achievements of the work group that met in 2015 to discuss ways to provide meaningful information on health care choices.

Incentivizing the Reduction of Nursing Home Beds

SB 1585 increases nursing fees to obtain a nursing license by indorsement and amends legislation passed in 2013. In 2013, HB 2216 established the Quality and Efficiency Incentive Program to reduce bed capacity in nursing facilities across the state, creating cost efficiencies in the long-term care system. SB 1585 pushes back the deadline that the purchase of nursing facility beds have to be submitted to the Department for approval to June 30, 2016. In addition, these purchases are not required to be completed by the deadline but required to be reported to the Department for approval. *Effective April 4, 2016.*

KEY BILLS FOR CHILD WELFARE

The 2016 Session was marked by bills to increase DHS' oversight capacity of the people and entities involved in the Child Welfare system. There were two major pieces of legislation (described below) which passed this session and will require substantial improvements and changes to the work done in Child Welfare.

Strengthening Protections and Care for Children

SB 1515 is a significant reform bill that will strengthen Oregon's oversight and protection of children and young adults in child-caring agencies. The bill includes the following provisions:

Enhances safety of children in child-caring agencies

- Allows DHS to take emergency measures when children are endangered
- Mandates immediate investigation of abuse
- Makes staff in child-caring agencies mandatory reporters of child abuse, and
- Gives young adults, 18 to 20 years old, placed in child-caring agencies the same protections as younger children

Increases accountability of safety, health, and well-being of children in child-caring agencies

- Defines what a child-caring agency is and giving DHS authority to license and/or certify these entities
- Requires child-caring agencies to be in full compliance in order to be licensed or certified
- Enhances licensing and certification requirements and adds financial oversight
- Requires DHS to make frequent unannounced visits

SB 1515 states that failure to investigate or take other action may be grounds for official misconduct. The bill also requires DHS to produce comprehensive quarterly reports, and provided funding for an additional investigator and two licensing staff. *Effective April 4, 2016.*

HB 4080 creates an 11-member Governor's Child Foster Care Advisory Commission. This commission will advise, study, and report to the Governor and DHS on the foster care system, and it also has the ability to recommend legislation. *Effective March 29, 2016.*

KEY BILLS FOR DEVELOPMENTAL DISABILITIES SERVICES

In the 2016 Session, the Office of Developmental Disabilities continued its commitment to serving individuals with intellectual and developmental disabilities in their homes and communities through opportunities that emphasize self-determination, self-direction, and independence. While few bills directly impacted the Office of Developmental Disabilities Services, various bills were being tracked due to their potential impact on individuals with I/DD.

Strengthening Protections and Care for Children

SB 1515 is a significant reform bill that will strengthen Oregon's oversight and protection of children and young adults in child-caring agencies (*see Child Welfare section*).

HB 4080 creates an 11-member Governor's Child Foster Care Advisory Commission (*see Child Welfare section*).

SB 1537, establishes criteria by which school districts may have post-graduate scholar programs and still continue to receive State School Funds (in the past these programs were sometimes referred to as 5th year programs). School districts with a post-graduate scholar program must meet certain requirements including having dedicated staff for the program and targeting inclusion of underserved student populations. *Effective April 4, 2016.*

Providing Access to Services for Oregon's Most Vulnerable Adults

HB 4042 establishes a general assistance program that will serve a rotating caseload of 200 participants throughout the state who are homeless, enrolled in a medical assistance program, and have a disability that would qualify for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), (*see Aging and People with Disabilities*).

KEY BILLS FOR SELF SUFFICIENCY PROGRAM

Self Sufficiency (SSP) had a lighter session this year and our list of priority bills was fairly short. In fact, SSP only had two priority bills it worked on for the 2016 Session, and, in the end, neither bill passed. However, SSP is very aware that the conversation regarding each bill is not over, and we will revisit these ideas with legislators during the interim.

Assisting Families with Tax Credits

HB 4133 would have placed in monthly installments a SNAP recipient's dependent care tax credit that he or she is eligible to receive on his or her EBT card. There were significant questions about this bill and its impact on SNAP recipients' eligibility and monthly food benefit amount, and the bill never made it out of the House Revenue Committee. However, legislative sponsors of HB 4133 indicated they would like DHS to seek federal approval to exclude these tax credit payments as income for SNAP recipients. SSP will work with legislators and others to determine what next steps, if any, should be taken.

HB 4144 would have directed DHS to lead a task force focused on increasing utilization of the Earned Income Tax Credit (EITC). Several legislators believe there is a role for DHS to play in raising awareness among the people we serve about the EITC and helping them find tax preparation assistance. HB 4144 would have named DHS as the lead of a task force that would have looked at ways we and other entities can help people file and claim the EITC. Although, this bill did not pass the Speaker has suggested she may write a letter to DHS asking us to lead an EITC task force anyway. DHS has already made a commitment to do this, and we'll agree to lead an EITC task force if asked.

Increasing Notifications for Tenants

SSP has been working closely with Oregon Housing & Community Services on housing issues faced by many of the families served through our program. Because of this strengthened awareness of housing issues, SSP also monitored the progress of **HB 4143**, which bans rent increases (on month-to-month rental agreements) during a tenant's first year and requires landlords to give 90-day warnings before a rent increase after the tenant's first year. Originally, HB 4143 also included a 90-day notification requirement for "no-cause" evictions, but this provision was removed from the bill. *Effective March 15, 2016.*

KEY BILLS FOR VOCATIONAL REHABILITATION

Vocational Rehabilitation (VR) tracked several bills this session that will help VR staff better assist youth and young adults. The bills were all tracked at lower priority levels, meaning VR believes understanding the bills' legislative history and outcome will be helpful in its work but the Department was not actively involved with any of the bills over at the Legislature. The bills VR tracked include:

HB 4076, which makes several changes to the Oregon Promise program including providing additional funding for support services to students. The intention from the Legislature is that support services will lead to better academic success and completion rates for these students in college. *Effective March 29, 2016.*

SB 1537, establishes criteria by which school districts may have post-graduate scholar programs and still continue to receive State School Funds (in the past these programs were sometimes referred to as 5th year programs). School districts with a post-graduate scholar program must meet certain requirements including having dedicated staff for the program and targeting inclusion of underserved student populations. *Effective April 4, 2016.*

KEY BILLS FOR SHARED & CENTRAL SERVICES

Minimum Wage Increase

SB 1532 raises base minimum wage to \$13.50 per hour by July 1, 2022. Establishes higher minimum wage (\$14.75 by 2022) for employees working within urban growth boundary of Portland metropolitan area and lower minimum wage (\$12.50 by 2022) for those working in 18 nonurban counties. Adjusts base minimum wage annually for inflation starting July 1, 2023. Sets Portland metropolitan area minimum wage after June 30, 2023, to be no less than \$1.25 more than base minimum wage. Sets nonurban minimum wage after June 30, 2023, to be no less than \$1.00 less than base minimum wage. Legislative discussion centered on the following issues:

- Wage needed to be self-sufficient or above federal poverty level
- Demographics of low-wage workers
- Regional variations in wages, unemployment, and cost of living

Effective March 2, 2016.

Information Security

SB 1538 requires state agencies to notify Legislative Fiscal Office promptly concerning information security incidents and provide office with copies of and report results of information security assessments. Requires heads of certain state agencies to provide annual report concerning information security to Joint Legislative Committee on Information Management and Technology. *Effective April 4, 2016.*

Reporting

HB 4106 requires state agencies to report to Legislative Assembly no later than February 1 of each year regarding all rules agency adopted, amended, repealed or suspended during preceding 12-month period – especially temporary rules. Specifies contents of report. The purpose of the law is to provide oversight re:

- Appropriate use of temporary rulemaking
- Importance of public involvement in rulemaking process
- Desire of sponsors to ensure that temporary rulemaking does not circumvent public involvement

Effective January 1, 2017.

DHS BUDGET HIGHLIGHTS & BUDGET NOTES

AGING AND PEOPLE WITH DISABILITIES AND THE OFFICE OF DEVELOPMENTAL DISABILITIES SERVICES

The budget report for House Bill 5026 (2015), contained a budget note directing the agency (specifically APD and ODDS) to report on ways to ensure program sustainability during the 2016 Regular Session. This direction was in response to concerns about budget growth and increases in both caseload volume and costs. The agency engaged an external consultant to support the development of independent and unbiased options for program sustainability. The final report, produced by the Lewin Group, was received on February 10, 2016, and identifies potential strategies for “bending the cost curve” in these programs. Suggestions primarily revolve around changing eligibility, modifying services, and increasing participant cost-share. Input from stakeholders was included in the report with varying perspectives on how best to deal with costs.

A group of legislators, primarily from the policy and budget committees overseeing human services issues, is committed to working with the agency and stakeholders to develop policy and program change options that are fully vetted and priced for potential budget action in the 2017 legislative session. DHS has also identified some areas where it can start to make some changes, mostly around assessing client needs and validating that the most appropriate services/service levels are being authorized. To formalize these efforts, the Subcommittee adopted the following budget note:

Budget Note:

- 1) The Department of Human Services is directed to take steps to provide policy and budget options for decision-making that will be required during the 2017 legislative session to ensure future sustainability of the APD and IDD programs. Steps include further refinement, analysis, and pricing of viable options or ideas brought forth by the agency, stakeholders, and other interested parties; the focus should be on ways to control caseload growth and utilization. The agency will reach out to legislators, stakeholders, and partners to assist in this effort. In developing sustainability proposals, the Department shall prioritize options that minimize impacts on consumers and providers. The Department will also formally report, at a minimum, to the Emergency Board during Legislative Days in May and December 2016 on progress made under both parts of this budget note. The agency may also be requested to report to interim legislative policy committees on human services.
- 2) In addition to the work described above, the Department is also directed to take immediate actions that may help contain costs without changing the current service system structure and that do not require statutory changes. The agency’s action plan includes:
 - Review and correct, if needed, the relationship between assessment tools and program eligibility criteria;

- Take action to more efficiently align service authorization with people's needs, also consider appropriate limits;
- Work to limit use of overtime in service plans; but the agency should take into account workforce shortage areas, the needs of consumers, and changes to current consumer provider relationships;
- Continue discussions with CMS to prevent the conversion of natural support to paid support, with consideration for parental responsibility; and
- Further restrict the live-in program to prohibit live-in service plans when the individual lives in their family's home or the family lives with the individual and is served by that relative (they would still be served in the hourly program).

CONTACT INFORMATION

For further information:

Gene Evans
Public Affairs Director
503-269-7950
gene.evans@state.or.us

Angie Allbee
Legislative Coordinator
503-689-5034
angela.e.allbee@state.or.us

Jill Gray
Legislative Coordinator
503-569-9484
jill.gray@state.or.us