



2015 Legislative End of Session Report

Department of Human Services



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Department of Human Services 2015 Legislative End of Session Report

EXECUTIVE SUMMARY

The Department of Human Services 2015 Legislative Session report contains a brief overview of new legislation and key budget highlights by program.

The economy continued to show improvement through the May revenue forecast, providing additional funds to the legislature. With the additional funds, the legislature prioritized Human Services and protected Oregonians against cuts to DHS programs. The 2015-17 Legislatively Adopted Budget (LAB) continues many of the efforts that began in the 2013-15 biennium, supporting DHS to continue to achieve the following outcomes:

- Safety for children;
- Safety for vulnerable adults;
- Independence for older adults and people with disabilities;
- Family stability and employment;
- Community employment for people with disabilities;
- School readiness for young children;
- Job retention for low-income working families; and
- Program performance and integrity.

The 2015-17 LAB includes appropriations of \$2,698,473,400 General Fund, \$496,095,693 Other Funds, \$4,493,398,541 Federal Funds, \$2,514,345,331 Federal Funds Nonlimited (\$10,202,312,965 total funds) and 8,033 positions (7,893.67 FTE).

During the session, legislative conversations focused on the sustainability of DHS programs. These discussions focused on increasing caseloads and cost per cases in the Office of Aging and People with Disabilities and the Office of Intellectual and Developmental Disabilities. With respect to both programs, DHS has committed to working with legislators to build long-term strategies around efficient service delivery and program design.

There were 2,799 bills introduced during the session. Of those, 916 were passed by the Legislature. The DHS Government Relations Unit tracked 552 bills. Key bills include SB 222 (Representation in Juvenile Dependency), HB 2960 (Creating Retirement Security), SB 774 (Expanding the Home Care Workforce), SB 226 (Task Force on Client and Staff Safety for Stabilization and Crisis Unit), HB 2015 (Employment Related Daycare), and HB 3535 (Temporary Assistance for Needy Families).

The DHS Government Relations Team and DHS Budget staff have compiled a brief overview of bills that passed this session relevant to DHS. This list also includes bills that did not pass but may appear in future sessions. For questions related to this report, please refer to the contact list at the end of this document.

DHS AGENCY SPONSORED BILLS

CHILD WELFARE SPONSORED BILL

SB 222 —PASSED

SB 222 extends the sunset on a provision allowing DHS caseworkers to appear without counsel in post-jurisdictional, uncontested juvenile dependency proceedings. It also establishes the Task Force on Legal Representation in Childhood Dependency that will look to improve outcomes for children and parents served by the child welfare system. *Effective July 9, 2015.*

Background: In general, at this time and historically, caseworkers appear in court without counsel in post jurisdictional, uncontested hearings. In contested hearings, the judge or caseworker note the need for counsel and the proceeding is set over to allow the department to appear with counsel. Pre-jurisdictionally, caseworkers appear without counsel where the state is represented by the District Attorney, except in those cases where the position of the department and the District Attorney are not in alignment. Variations of this model exist around the state depending on the court, and whether the district attorney continues to represent the state in dependency matters.

In late 2013 several judges informed the department of their intent to require counsel under *ORS 9.320*, presenting a budgetary challenge for the state. To allow time for a solution, the Legislature authorized temporary relief from *ORS 9.320* through HB4156, scheduled to sunset on July 1st, 2015.

During the 2015 session, DHS, in partnership with the Department of Justice and Oregon Judicial Department, proposed a three year implementation plan for achieving representation for DHS in all juvenile dependency proceedings statewide. Utilizing a gradual approach of onboarding 12 counties per year, this plan would have required additional investments of \$5.1m GF in 2015-2017 and \$13.3m GF in 2017-2019. In light of budgetary constraints and priorities, the Legislature opted to extend the sunset on relief from *ORS 9.320* until 2018 and create a Task Force on Legal Representation in Childhood Dependency.

CHILD WELFARE SPONSORED BILL

HB 2414—PASSED

HB 2414 makes changes to the mandatory Adoption Search and Registry program operated by the DHS. This bill enhances the ability for minor adoptees to register and search for their birth parents and birth siblings who have been separated by adoption. It also expands the opportunity for progeny of deceased adoptees, genetic siblings of adoptees, and birth parents to register and search for one another. Through HB 2414, the Department is able to provide to those eligible to receive a copy of their sealed court adoption record information on the county in which their adoption finalized. *Effective January 1, 2016.*

Background: Prior to HB 2414, the statutes governing the Adoption Search and Registry were inconsistent and created barriers for adoptees seeking to connect with their genetic siblings. In addition, recent changes in statute allowed individuals to request Oregon courts to grant disclosure of the adoption records pertaining to an adoption in which the individual was a petitioner, birth parent, or adoptee. However, a lack of a centralized database where individuals can learn of the county of the adoption finalization led to unintended barriers. HB 2414 clarifies that DHS has legal authority to disclose this information.

SELF SUFFICIENCY SPONSORED BILL

SB 225—PASSED

SB 225 aligns Oregon's notification standards to the federal minimum notification standards for the Supplemental Nutrition Assistance Program (SNAP) when there is a federal mass change. This is a very narrow change the notice requirement. However, by aligning state statute with minimum federal requirements, Oregon will be able to reduce costs and limit potential confusion for clients. *Effective June 4, 2015.*

Background: Due to the October 2013 federal government shutdown Oregon had to plan for a mass change notification to be mailed to SNAP recipients 10 working days before the expected end of SNAP payments (which would have been November 1st, 2013). The federal government shutdown was resolved before November 1st, but it was not resolved before we started printing, translating, and processing all the SNAP notifications. Ultimately, we spent approximately \$150,000 to prepare the SNAP notifications that were never mailed. SB 225 aligns Oregon's notification standards to the federal minimum notification standards for SNAP when there is a federal mass change, such as a federal government shutdown. Federal minimum notification standards will allow us to publicize changes through other methods than mailing a notice and also allow us to get much closer to the date of when an event may—or may not—happen. This narrow

exception to the notice requirement tries to balance timely notice with the need for dispersing accurate information.

OFFICE OF DEVELOPMENTAL DISABILITY SERVICES SPONSORED BILL

SB 226—PASSED

SB 226 establishes the Task Force on Client and Staff Safety, staffed by DHS, to make recommendations on certain issues related to the Stabilization and Crisis Unit, including:

- Safety and success of SACU
- Staff safety
- Staff training and support
- Staffing levels
- Reduction of resident incidents
- Reduction of staff overtime; access to mental health supports and interventions
- Ensuring timely transition of residents in SACU for placement with residential service providers in community

Requires report to legislature by September 15, 2016. This task force sunsets on December 31, 2016. *Effective July 27, 2015.*

Background: The Stabilization and Crisis Unit (SACU) within the DHS provides supports for medically and behaviorally challenged individuals with intellectual or developmental disabilities. This population includes persons discharged from the Oregon State Hospital and from incarceration. SACU consists of twenty-three residential homes and provides services and support to persons in crisis.

KEY BILLS

KEY BILLS FOR AGING AND PEOPLE WITH DISABILITIES

Creating Retirement Security

HB 2960 creates the Oregon Retirement Savings Board (ORSB) which is charged with the establishment of a defined contribution retirement plan for people whose employers do not offer a qualified retirement plan under federal law. *Effective June 25, 2015.*

Expanding the Home Care Workforce

SB 774 directs the Home Care Commission to adopt a statewide plan to:

- Increase participation in the home care registry
- Increase the number of home care workers throughout the state
- Continue creation of a career ladder to help home care workers become more skilled and gain certifications
- Conduct orientation sessions for home care workers
- Develop an outreach and marketing strategy

SB 774 encourages implementation of a single online application for all home care workers to apply to the registry and assignment of a universal provider number to home care workers. **DHS will report to the legislature by December 1 each year beginning in 2015.** An existing HCC subcommittee is charged with investigating the feasibility and benefits of certifying home care workers, ways to remove barriers to entry into the workforce, strategies for creating a career ladder, and ways to increase the number of home care workers on the registry. **The bill requires HCC to report the findings of this investigation to the legislature by November 16, 2015.** *Effective July 27, 2015.*

Defining Housing with Services

HB 2547 directs DHS to convene and staff the Task Force on Housing with Services to define housing with services, define consumer rights, set standards for licensure and registration, and define safety standards. It also directs DHS to enact a six month moratorium on new housing with services facilities. **Requires report to the legislature by December 1, 2015.** *Effective July 2, 2015.*

Background: Standard for licensure and registration for facilities that provide housing with in-home services are not yet defined. This task force provides a forum for definition and development of standards.

Implementing Paid Sick Days

SB 454 requires most employers having ten or more employees to implement a sick time policy allowing an employee to earn, accrue, donate or use up to 40 hours of paid sick time per year. Most employers who employ fewer than ten employees are required to implement an unpaid sick time policy. Employers located in Portland are required to comply with the same provisions, except that they are required to provide up to 40 hours of paid sick time if they have six or more employees. This bill applies to workers employed through the Home Care Commission. *Effective January 1, 2016.*

Improving Transition from Hospital to Home

HB 3378 requires hospitals to adopt written discharge policies, modifies the definition of caregiver and specifies that the hospital will notify the lay caregiver of the patient's discharge and the patient and caregiver are provided instruction or training prior to discharge. *Effective January 1, 2016.*

Background: Many family members and other lay caregivers perform medical or nursing tasks, and most patients being discharged from the hospital do not receive a home visit by a health care professional. This bill will help patients and their caregiver(s) transition from the hospital to the home.

Preventing Abuse

SB 622 adds home care workers and personal support workers to list of mandatory reporters of abuse, specifies Legislative Assembly members are mandatory reporters of abuse of residents of long-term care facilities and abuse of adults with developmental disabilities or mental illness, and extends criminal liability protection to those who make reports in good faith. *Effective January 1, 2016.*

KEY BILLS FOR OFFICE OF ADULT ABUSE PREVENTION & INVESTIGATION

Protecting Vulnerable Youth

HB 2233 directs the Department of Human Services to create an advisory committee within the Office of Adult Abuse Prevention and Investigation (OAAPI) to advise on regarding residential care for children, youth or youth offenders. **Requires report to legislature by December 15, 2015.** Sunsets January 2, 2016. *Effective July 20, 2015.*

Background: During the 2015 Legislative Session, DHS partnered with the Oregon Youth Authority, Oregon Health Authority and Behavioral Rehabilitation Services Providers to discuss issues surrounding investigations, training and reimbursement payments. This advisory committee establishes a forum for continued discussions and a legislative report.

Elder Abuse Prevention

HB 2227 clarifies that consensual sexual contact between elderly person and employee of facility who is also spouse of elderly person is not sexual abuse. *Effective January 1, 2016.*

Background: In 2014, the Oregon Elder Abuse Prevention Work Group proposed several changes to elder abuse statutes through HB 4151, including a revision of the definition of sexual abuse. This is a technical fix to the definition of sexual abuse with ORS 124.050. The Elder Abuse Prevention Work Group recommended changing the statute to clarify that consensual sexual contact is not abuse.

KEY BILLS FOR OFFICE OF LICENSING AND REGULATORY OVERSIGHT

Clarifying Safety Standards

SB 886 requires State Fire Marshal, deputy or assistant of State Fire Marshal, or person acting for governmental subdivision who inspects structure and issues citation or order for nonconformity with federal, state, or local fire safety standards, to include on citation or order: exact reference to law, regulation, rule or other source of authority that establishes the fire safety standard and plain statement of facts upon which citations or order is based. *Effective January 1, 2016.*

Background: The Office of the State Fire Marshal within the Oregon State Police Department conducts inspections, investigates fires, provides technical assistance to community organizations, industry associations and local fire and building officials on fire safety issues. The office oversees 18 deputy state fire marshals, whose responsibilities include conducting inspections of schools and correctional facilities, reviewing building plans and providing code consultations. State law requires deputy state fire marshals to inspect any structure in Oregon except for private residences. DHS has committed to working with state agencies, local Fire Marshals and other stakeholders during the interim to address issues related to licensing and inspections of long term care facilities.

Respect in Client Care

SB 307 requires continuing care retirement communities to establish a procedure for residents to request gender of individual assigned to assist with activities of daily living and adds residents of continuing care retirement communities to the client portfolio of the Long Term Care Ombudsman. *Effective on passage.*

Developing Standards for Community Based Housing

HB 3230 requires registration of community-based structured housing, which is defined as congregate housing, excluding residential care or treatment where services and supports are provided to assist residents who have mental, emotional, behavioral, or substance abuse disorders. Authorizes OHA and DHS to establish standards and review processes for these facilities. *Effective July 20, 2015.*

KEY BILLS FOR CHILD WELFARE

Keeping Children Safe

HB 2205 establishes the Fund to End Commercial Sexual Exploitation of Children. It appropriates funding to the Department of Justice to provide financial assistance to fund services, interventions and treatment for children who have been or may become victims of commercial sexual exploitation. This bill also creates a committee to advise the Department of Justice and make recommendations for awards of financial assistance. *Effective January 1, 2016.*

HB 2232 directs DHS to create an advisory committee that will advise department regarding policies and procedures to coordinate statewide planning for delivery of services to runaway and homeless youth and their families. This bill requires the Department to submit an annual report to the legislature by September 15. *Effective May 26, 2015.*

Background: The Legislature appropriates funding to DHS for services to runaway and homeless youth and their families. This advisory committee is established to assist DHS in planning, coordinating and delivering those services.

HB 2908 brings Oregon law into compliance with federal Preventing Sex Trafficking and Strengthening Families Act of 2014. Effective October 1, 2015.

Background: House of Representatives Bill 4980 was passed by Congress and signed by the President on September 29, 2014. HR 4980 intends to “prevent and address sex trafficking of children in foster care, to extend and improve adoption incentives, and to improve international child support recovery.” The measure contains several mandates that states must adopt within one year of the bill’s passage. Several portions of HR 4980 may be enacted through rule changes, but some must be made in statute.

House Bill 2908 brings Oregon statutes into compliance with HR 4980 as it relates to children in foster care or in dependency. The measure allows placement of a child with a fit and willing relative as a permanency plan and clarifies that only wards 16 years of age or older may be placed in another planned permanent living arrangement, such as with a family friend or neighbor. The measure requires substitute caregivers follow a reasonable and prudent parent standard and provides the courts with opportunities to verify that standard is met. The measure also requires documentation that wards have received and understand their rights.

Strengthening Outcomes in Foster Care

HB 2889 requires DHS to provide assistance in establishing a bank account at a financial institution to any child 12 years of age or older who has been in the custody of the Department for at least six consecutive months. *Effective January 1, 2016.*

HB 2890 requires DHS to ensure that substitute care providers for a child or ward in the care or custody of the Department provide opportunities for the child to participate in at least one extracurricular activity. *Effective January 1, 2016.*

HB 3014 changes the definition of "grandparent" in laws pertaining to notice of juvenile dependency hearings regarding grandchildren, and that authorize grandparents to request visitation or other contact or communication with grandchildren when grandchildren are in legal custody of DHS. This bill provides an opportunity for grandparents to request continued visitation beyond termination of parental rights. *Effective January 1, 2016.*

Background: Currently, grandparents do not have rights to visitation that extend beyond termination of parental rights. This bill creates an avenue for grandparents to seek continued visitation or other communication with children in legal custody of DHS following termination of parental rights.

Safe and Equitable Foster Care Reduction

HB 3503 directs the Department of Corrections to develop a Family Sentencing Alternative Pilot Program in partnership with; counties, county corrections, and DHS. This program is designed to provide alternative sentencing opportunities for offenders with dependent children in their physical custody. *Effective January 1, 2016.*

Background: This bill results from a partnership between DHS, DOC and local community corrections agencies to promote and preserve family bonds. It supports the Legislature's goals for Safe and Equitable Foster Care Reduction.

Improving Adoptions

HB 2414 makes changes to the mandatory Adoption Search and Registry program operated by the DHS. This bill enhances the ability for minor adoptees to register and search for their birth parents and birth siblings who have been separated by adoption. It also expands the opportunity for progeny of deceased adoptees, genetic siblings of adoptees, and birth parents to register and search for one another. Through HB 2414, the Department is able to provide to those eligible to receive a copy of their sealed court adoption record information on the county in which their adoption finalized. *Effective January 1, 2016.*

Background: Prior to HB 2414, the statutes governing the Adoption Search and Registry were inconsistent and created barriers for adoptees seeking to connect with their genetic siblings. In addition, recent changes in statute allowed individuals to request Oregon courts to grant disclosure of the adoption records pertaining to an adoption in which the individual was a petitioner, birth parent, or adoptee. However, a lack of a centralized database where individuals can learn of the county of the adoption finalization led to unintended barriers. HB 2414 clarifies that DHS has legal authority to disclose this information.

SB 741 changes the definition of “current caretaker” in adoption proceedings and directs DHS to adopt rules that require consideration of a child’s relatives and current caretaker as having equal status and priority as prospective adoptive parents. It also requires DHS to file a report with the court when the agency has removed or plans to remove a child or ward from a foster home if the child or ward has been in the foster home for at least 12 months or has a permanent foster care agreement. *Effective July 3, 2015.*

Promoting Workplace Safety

HB 3391 allows the Attorney General to bring an action in a circuit court for a stalking protective order on behalf of a DHS Child Welfare employee who is the subject of repeated and unwanted contact by another person that causes alarm or coercion to the employee. *Effective July 26, 2015.*

Background: DHS Child Welfare Employees serve some of Oregon’s most vulnerable families, often in times of extraordinary crisis. As a result, they can be at an increased risk of inappropriate contact from clients, including harassment and stalking.

Ensuring Legal Representation

SB 222 extends the sunset on a provision authorizing DHS to appear as party in a juvenile court proceeding without appearance of Attorney General. It also creates a workgroup to address the capacity and expertise of attorney representation for all parties involved in the juvenile court process. *Effective July 9, 2015.*

Background: In general, at this time and historically, caseworkers appear in court without counsel in post jurisdictional, uncontested hearings. In contested hearings, the judge or caseworker note the need for counsel and the proceeding is set over to allow the department to appear with counsel. Pre-jurisdictionally, caseworkers appear without counsel where the state is represented by the District Attorney, except in those cases where the position of the department and the District Attorney are not in alignment. Variations of this model exist around the state depending on the court, and whether the district attorney continues to represent the state in dependency matters.

In late 2013 several judges informed the department of their intent to require counsel under *ORS 9.320*, presenting a budgetary challenge for the state. To allow time for a solution, the Legislature authorized temporary relief from *ORS 9.320* through HB4156, scheduled to sunset on July 1st, 2015.

During the 2015 session, DHS, in partnership with the Department of Justice and Oregon Judicial Department, proposed a three year implementation plan for achieving representation for DHS in all juvenile dependency proceedings statewide. Utilizing a gradual approach of onboarding 12 counties per year, this plan would have required additional investments of \$5.1m GF in 2015-2017 and \$13.3m GF in 2017-2019. In light of budgetary constraints and priorities, the Legislature opted to extend the sunset on relief from *ORS 9.320* until 2018 and create a Task Force on Legal Representation in Childhood Dependency.

KEY BILLS FOR DEVELOPMENTAL DISABILITIES SERVICES

Promoting Independence

SB 777 creates the Achieving a Better Life Experience Act (ABLE) program for Oregon.

Background: The Stephen Beck, Jr., Achieving a Better Life Experience Act (ABLE Act) became federal law in December 2014. It permits the creation of tax-free, state-based savings accounts to pay for disability-related expenses either by individuals themselves or by those supporting dependents. Expenses qualify as disability-related if they are for the benefit of an individual with a disability and are related to the disability (including education; housing; transportation; employment support; health, prevention and wellness costs; assistive technology and personal support services; as well as other expenses). *Effective the 91st day following Sine Die (October 5, 2015).*

Improving Access to Services

SB 659 directs the Department of Human Services to assist families with a child who qualifies for home and community-based assistance in child's state of residence, who spends at least six weeks each year with parent who resides in Oregon, by sharing lists of community providers, contacting Medicaid in the child's state of residence, and providing documentation. *Effective January 1, 2016.*

Background: Services can be difficult to maintain without interruption when a child spends time a parent that resides in another state. This bill will prevent a gap in services for children who are eligible for home and community-based care via Medicaid, establish eligibility and apply for services in their state of residence.

Stabilization and Crisis Unit Bills

SB 226—PASSED

SB 226 establishes the Task Force on Client and Staff Safety, staffed by DHS, to make recommendations on certain issues related to the Stabilization and Crisis Unit, including:

- Safety and success of SACU
- Staff safety
- Staff training and support
- Staffing levels
- Reduction of resident incidents
- Reduction of staff overtime; access to mental health supports and interventions
- Ensuring timely transition of residents in SACU for placement with residential service providers in community

Requires report to legislature by September 15, 2016. This task force sunsets on December 31, 2016. *Effective July 27, 2015.*

HB 2618 extends Public Employees Retirement System (PERS) police and fire benefits to employees who work in the Stabilization and Crisis Unit (SACU) within DHS whose duties include caring for residents with intellectual and developmental disabilities. *Effective upon passage.*

Background: The Stabilization and Crisis Unit (SACU) within the Department of Human Services provides supports for medically and behaviorally challenged individuals with intellectual or developmental disabilities. This population includes persons discharged from the Oregon State Hospital and from incarceration. SACU consists of twenty-three residential homes and provides services and support to persons in crisis.

Fairview Trust

SB 616 directs Secretary of State to investigate the Community Housing Trust Account with coordination from the Department of Human Services. Outlines focus of investigation. Requires development of investment strategy and report to legislature by February 1, 2016. *Effective May 26, 2015.*

Background: The Community Housing Trust Account, referred to as the Fairview Trust, was funded by the sale of land following closure of the Fairview Training Center in 2000, where intellectually and developmentally disabled persons had been institutionalized since 1908. During the recession, the funds from the Trust were used to cover budget shortfalls for basic services across the state. This bill will develop an investment strategy for the Trust.

Other Bills Impacting DD

SB 774 – *See Aging and People with Disabilities*

SB 622 – *See Aging and People with Disabilities*

KEY BILLS FOR SELF SUFFICIENCY PROGRAM

Investing in Self Sufficiency Programs

HB 2015 includes program changes and a significant investment in the Employment Related Day Care (ERDC) program. Program changes include:

- Protecting eligibility for 12 months
- Allowing working student parents to access ERDC for both work and school hours
- Restoring eligibility for self-employed parents
- Promoting higher quality care by offering lower co-pays and provider incentives

HB 2015 will also require the Early Learning Division (within the Department of Education) to lead work on increasing on-site monitoring and developing quality supports for certain providers. In total, HB 2015—in conjunction with increases in DHS’ budget for ERDC—will mean an investment of \$45 million this session in child care programs. More information is found below in the Budget Highlights section. *Effective July 20, 2015.*

HB 3535 also includes program changes and a significant investment, this time in the Temporary Assistance for Needy Families (TANF) program. The program changes and investments contained in HB 3535 align with other investments in DHS’ budget that are made possible because of caseload savings expected in TANF. Program changes in this bill are targeted at helping families transition off of TANF, simplifying eligibility (by eliminating the deprivation policy and expanding the definition of caretaker relative), and providing services that can help prevent families from entering TANF. The amount invested in TANF through HB 3535 is almost \$9 million.

However, HB 3535 is just one piece of a larger TANF reinvestment package. This larger TANF package includes specific investments in DHS’ budget for:

- Staffing
- Training
- Expanding contracts with community-based organizations
- Reducing ERDC co-pays for three months when exiting TANF
- Raising the income limit when exiting TANF

In total, this larger TANF package will mean an almost \$29 million investment (this number includes the investment in HB 3535) in TANF this session. More information is found below in the Budget Highlights section. *This bill contains multiple implementation dates. Please refer to the Self Sufficiency Budget Highlights listed on page 22 for more information.*

Increasing Program Integrity

HB 2392 requires DHS to print the names of authorized users on EBT cards (Oregon Trail cards) when replacing cards that are reported lost or stolen. There is an exception for SNAP benefits issued through the Cash Out program, and the bill's sponsor and DHS agreed to work on rules which will clarify that DHS branch offices can continue to issue EBT cards without names in emergency or urgent needs situations. *Becomes effective on January 1st, 2016.*

Background: This legislative concept was a recommendation from the legislatively-sponsored Program Integrity Work Group that met in 2013. The original idea was to place photos of authorized users on EBT cards, but the work group members ultimately decided photos were cost prohibitive and that names on cards was a better option. During the 2015 session, this idea was further narrowed because of cost constraints to placing names on replacement cards only.

HB 2393 and HB 2394 require information sharing between the Oregon Lottery and DHS. HB 2393 will require Lottery to inform DHS and OHA if there is a lottery prize winner who has won a prize over \$600 and owes DHS or OHA an overpayment. Lottery is then required to hold the lottery prize money so that the departments can start a garnishment proceeding. HB 2394 requires Lottery to inform DHS of lottery winners who win prizes of more than \$1250. This information will be used to ensure that SNAP recipients who are lottery prize winners still meet eligibility criteria for the program. *HB 2393 will take effect on January 1st, 2016; and HB 2394 took effect June 10, 2015.*

Background: Information sharing between Lottery and DHS was also a recommendation from the Program Integrity Work Group from 2013. Plus, Congress—through the Farm Bill—directed state lotteries and human services agencies to share information about lottery prize winners who also are receiving public assistance benefits.

Aligning Food Programs

HB 2442 transfers the responsibility for leading state policy on hunger from Oregon Housing and Community Services (OHCS) to DHS. The bill also moves the Hunger Task Force to DHS and makes DHS responsible for naming future members to the Task Force. *Effective January 1, 2016.*

Background: HB 2442 is a much larger bill that continues an agency transition plan in progress at OHCS. In 2012, OHCS began reviewing its programs and services with the idea of consolidating some of its programs and focusing on a narrower mission. HB 2442 contains several recommendations from this agency review, including the recommendation to transfer hunger-related programs to DHS.

KEY BILLS FOR VOCATIONAL REHABILITATION

The Vocational Rehabilitation program (VR) assesses, develops service plans and provides vocational rehabilitation services to youth and adults whose disabilities present impediments to employment. Every year, VR provides basic services to over 12,000 Oregonians with disabilities, Youth Transition Services to approximately 3,500 young people, and Supported Employment to over 250 individuals. Independent Living programs, also funded in this budget, serve almost 19,000 Oregonians each year.

KEY BILLS FOR SHARED & CENTRAL SERVICES

Office of Contracts & Procurement

HB 2375 requires state contracting agency to use solicitation template that Attorney General and Oregon Department of Administrative Services develop, approve and make available in advertising and soliciting procurements under Public Contracting Code and to use contract form or contract template, as appropriate, that Attorney General and department develop, approve and make available as basis for public contracts into which state contracting agency enters. *Effective July 6, 2015.*

Office of Human Resources

HB 2228 requires the Department of State Police (OSP) to establish a voluntary “Rap Back” program and adopt rules for the administration of the program. In the proposed system, a subject individual or SI (an individual undergoing a criminal records check) may voluntarily register to participate through the agency or transit district running their background check. As a participant in the program, the SI allows OSP and the FBI to retain the SI’s fingerprint details, and notify the agency/district that ran the initial background check of any new criminal history that may arise. *Effective July 20, 2015.*

HB 2250 provides clarification on state electronic fingerprint capture requirements set in ORS 181.516. HB 2250 also continues the process of moving background and criminal records check rule-making authority to the Department of Administrative Services originally started in ORS 181.547 (HB3168 from the 2013 session). The bill also allows the Oregon Department of State Police (OSP) to delegate processing of fitness determinations from various agencies participating in the Clearinghouse to DHS.

Office Payment Accuracy and Recovery

SB 224 grants DHS and Oregon Health Authority (OHA) the same exemptions that the Department of Veterans Affairs and the Housing and Community Services Department have for their home loan programs. Specifically, the bill grants DHS and OHA an exemption to review and/or approval processes of the Department of Administrative Services, Department of State Lands, Department of Geology and Minerals and the Oregon Land Board to sell real property. It applies only to real property acquired pursuant to the authority of ORS 410.075 and 416.340 as part of the Estate Recovery Program for DHS and OHA. The Estate Recovery Program acquires title to 3 or 4 residential properties a year. The exemption will streamline the sale of those residential real properties, reducing costs, allowing the properties to be sold more quickly and reducing risk of civil liability from owning unoccupied residential properties.

Office of Financial Services

SB 55 directs state agencies to request Social Security numbers of certain applicants for state services if application could result in debt owed to state agency; requiring that annual state agency report to Legislative Fiscal Office on liquidated and delinquent accounts, including total number of accounts where no payments have been received for more than 90 days. Allows for offers of compromise for settlement and offset refunds by Department of Revenue.

Office of Information Services

HB 2478 makes statutory changes to achieve gender neutral language in information systems and paper applications with respect to individuals who are married.

DHS BUDGET HIGHLIGHTS & BUDGET NOTES

Budget information is provided below for each DHS Program. For a more detailed description please go to <http://www.oregon.gov/dhs/aboutdhs/dhsbudget/Pages/2015-2017-Budget.aspx>.

BUDGET HIGHLIGHTS FOR AGING AND PEOPLE WITH DISABILITIES

The Aging and People with Disabilities (APD) program area provides services and supports to Oregonians over the age of 65 and to adults with physical disabilities. In partnership with Area Agencies on Aging, the APD program area also provides Older Americans Act and Oregon Project Independence services to over 360,000 individuals and eligibility services to over 163,000 seniors and people with disabilities each year. The 2015-17 LAB for APD includes the following:

- Funds forecasted caseload levels and projected cost per case increases
- Continues provider reimbursement rates in effect for 2013-15 (eliminates inflation)
- Invests \$18 million GF combined into APD/DD/MH toward Department of Labor requirements for in-home services (\$14.4 million of that investment will benefit APD consumers)
- Funds nursing facilities at statutory rate
- Funds planning for non-MAGI eligibility automation project (in Program Design Services)
- Invests \$5.6 million TF for new adult protective services data system
- Funds state staff at 90.2% of workload model (93 new positions)
- AAAs continue at 95% equity
- Transitional one time funds (\$350,000) for Home Care Commission's private pay registry
- Requires Home Care Commission to adopt statewide plan to expand home care worker workforce

Aging and People with Disabilities Special Purpose Authorization Continues:

- Oregon Project Independence expansion for seniors at \$10.3 million
- Reporting for Community-Based Care and nursing facility utilization
- Personal Incidental Fund increase for nursing facility residents continues
- Funding for Evidence-Based Health Promotion Programs
- Continues OPI Expansion project to younger people with disabilities
- Caregiver training continued at \$3.3 million
- Adds a COLA for HCBS for Residential, Assisted Living and In-Home Agency providers at 2.5% per year starting 7/1/15 and 7/1/16.
- Adds funding for a Deaf and Hard of Hearing needs assessment
- Retains Aging and Disabilities Resource Connection (ADRC) Options counseling

- Funds one-time Senior Taxpayer Hardship relief fund for about 200 households not served in 2013-15

Eliminates or Reduces:

- Reduces Older Americans Act sequestration backfill
- Gatekeeper program
- Innovation fund except for one project related to Our House (\$350,000)

BUDGET NOTES FOR AGING AND PEOPLE WITH DISABILITIES

The Department of Human Services is directed to report to the Joint Committee on Ways and Means during the 2016 Legislative Session on ways to ensure services to older adults and people with disabilities and people with intellectual and developmental disabilities remain sustainable into the future with a goal of capping biennial general fund budget growth at 10.0 percent. Issues explored should include, but are not limited to, service eligibility, income eligibility criteria, and service array or level of services offered. For identified options, the report will cover associated fiscal impacts, potential implementation timelines, state law or rule changes required, experiences from or comparisons to other states, and the likelihood of obtaining any needed federal authorization.

The Department will also report on cost per case and caseload trends, for both the Aging and People with Disabilities and the Intellectual and Developmental Disabilities programs, to the Interim Joint Committee on Ways and Means in September 2015.

BUDGET HIGHLIGHTS FOR OFFICE OF ADULT ABUSE PREVENTION & INVESTIGATION

There are no budget highlights this session for the Office of Adult Abuse Prevention & Investigation.

BUDGET NOTES FOR OFFICE OF ADULT ABUSE PREVENTION & INVESTIGATION

There are no budget notes this session for the Office of Adult Abuse Prevention & Investigation.

BUDGET HIGHLIGHTS FOR OFFICE OF LICENSING AND REGULATORY OVERSIGHT

There are no budget highlights this session for the Office of Licensing and Regulatory Oversight.

BUDGET NOTES FOR OFFICE OF LICENSING AND REGULATORY OVERSIGHT

There are no budget notes this session for the Office of Licensing and Regulatory Oversight.

BUDGET HIGHLIGHTS FOR CHILD WELFARE

The budget for the Office of Child Welfare includes targeted investments in the following areas:

The budget funds DHS Child Welfare field services at 85.6% of workload model, creating 114 new positions. It also continues funding for statewide implementation of SB 964 (2011) Preserving, Strengthening and Reuniting Families program. This will allow DHS to continue to focus on providing services to allow children to remain safely with their families and avoid foster care. Other budget highlights include:

- Funding forecasted caseload levels and cost per case increases.
- Continues funding payments to Behavioral Rehabilitative Support providers at settlement agreement level.
- Funds one additional Child Welfare Quality Control reviewer position.
- Adds \$1.6 million to support Runaway and Homeless Youth programs.
- Adds \$250,000 GF for a youth shelter and assessment project in Lane County.
- Invests \$800,000 GF into two pilot projects in the Child Welfare program focusing on enhanced supports for foster parents.
- Invests \$104,000 GF in a Family Sentencing Alternative Pilot Program.

BUDGET NOTES FOR CHILD WELFARE

- The Department of Human Services is directed to work with community-based organizations to develop and implement two pilot programs, one serving a rural part of the state and the other one serving an urban area, to improve the quality and effectiveness of foster care for children and wards who have been placed in the Department's legal custody for care, placement, and supervision. The programs shall target youth who have experienced multiple foster care placements and who are at significant risk of suffering lifelong emotional, behavior, developmental, and physical consequences due to disrupted and unsuccessful placements in the foster care system. The following services for foster parents

shall be included in the programs: trauma-informed, culturally appropriate care training; behavioral supports; ongoing child development and parent training; 24-hour, daily on-call caregiver support; respite care; tutoring; and assistance with locating immediate and extended healthy, biological family members.

- Each pilot program will have an advisory group that includes at least one individual who has experienced multiple placements in the foster care system and at least one foster parent. The legislative expectation is that at least \$800,000 of the total funding for the pilots will be provided directly to community-based organizations to deliver program services. On or before May 1, 2017, the Department shall report to the legislative committees having authority over the subject areas of child welfare and juvenile dependency regarding the status of the pilot programs and, to the extent possible, placement outcomes for children and wards who participated in the pilot program and children and wards not receiving pilot program supports. The Department will also provide an update on the pilot projects as part of its budget presentation during the 2017 legislative session.

BUDGET HIGHLIGHTS FOR DEVELOPMENTAL DISABILITIES SERVICES

The Developmental Disabilities program area serves over 23,500 children and adults with intellectual and developmental disabilities (I/DD) throughout their life span, and the number of eligible individuals requesting services is increasing. Counties, Brokerages, Providers, Families and Self-Advocates are all critical parts of Oregon's Developmental Disabilities service system that focuses on individuals with I/DD living in the community and having the best quality of life at any age.

The 2015-17 for DD program area includes the following:

- Funds forecasted caseload levels and projected cost per case increases
- Funds capacity for improving employment outcomes for people with I/DD
- Invests \$18 million GF combined into APD/DD/MH toward Department of Labor requirements for in-home services (\$3.6 million of that investment will benefit I/DD consumers)
- Builds community provider capacity for I/DD clients with significant long-term needs
- Provides 4% provider rate increase (\$26.07 million Total Funds) starting 1/1/16 for non-bargained provider types residential and non-residential agency providers, except transportation.
- Continues Fairview Trust at approximately \$6 million and adds funding due to the eastern Oregon Training Center property transfer
- Funds CDDP and Brokerage workload models at 95% equity
- Adds funding (\$40,000) to Family-to-Family Network program
- Invests in the Employment First Initiative, building Vocational Rehabilitation and benefits counselor capacity, and enhancing supports for capacity building (\$10.8 million Total Funds, same as in Vocational Rehabilitation below)
- Invests \$5.7 million GF and 127 positions in staffing and enhanced program design in the Stabilization and Crisis Unit (SACU)

- House Bill 2618 classifies employees of the Department of Human Services (DHS) working in certain residential facilities whose duties include maintaining safety, behavior and control of residents as Police and Fire service under the Public Employees Retirement System (PERS)
- House Bill 2618 classifies employees of the Department of Human Services (DHS) working in certain residential facilities whose duties include caring for individuals with intellectual and developmental disabilities as providing Police and Fire service under the Public Employees Retirement System (PERS)

BUDGET NOTES FOR DEVELOPMENTAL DISABILITIES SERVICES

1. The Department of Human Services is directed to report to the Joint Committee on Ways and Means during the 2016 Legislative Session on ways to ensure services to older adults and people with disabilities and people with intellectual and developmental disabilities remain sustainable into the future with a goal of capping biennial general fund budget growth at 10.0 percent. Issues explored should include, but are not limited to, service eligibility, income eligibility criteria, and service array or level of services offered. For identified options, the report will cover associated fiscal impacts, potential implementation timelines, state law or rule changes required, experiences from or comparisons to other states, and the likelihood of obtaining any needed federal authorization.

The Department will also report on cost per case and caseload trends, for both the Aging and People with Disabilities and the Intellectual and Developmental Disabilities programs, to the Interim Joint Committee on Ways and Means in September 2015.

2. The Department of Human Services shall work with the intellectual and developmental disabilities (IDD) provider community and appropriate state and federal agencies to assess the feasibility, potential benefits, and potential drawbacks of a provider assessment, or transient lodging tax, on the provider organizations serving adults with IDD, with the goal of maximizing federal matching funds for IDD services and addressing the direct care workforce shortage. **The Department shall report the results of its assessment to the Legislature by December 1, 2015.**

BUDGET HIGHLIGHTS FOR SELF SUFFICIENCY

Self Sufficiency programs are designed to help families achieve economic security with temporary supports for their most basic needs, such as food, health insurance coverage and child care, while working to meet their employment goals. In a single year, Self Sufficiency program serves more than 1 million Oregonians. Highlights from the 2015-2017 budget are below.

- Reinvests \$28.8 million in caseload savings into TANF redesign, including 17 new case manager positions. This investment will also support:
 - Training required to implement changes (October 2015)
 - Expanding contracts for pre- and post- TANF services (January 2016)
 - Raising the income level for clients exiting TANF from \$616 to \$1012 (April 2016)
 - Reducing ERDC co-pays for three months when exiting TANF (April 2016)
 - Creating three months of limited transition payments to families exiting TANF (April 2016)
 - Eliminating "deprivation" as an eligibility requirement (April 2016)
 - Expanding caretaker relative definition (April 2016)
 - Increasing flexibility in issuing support services to prevent TANF entry (July 2016)
 - Expanding evaluation strategies and data analytics (funded in shared services budget)

- Invests in Employment Related Daycare (ERDC) program (\$45 million)
 - Protects eligibility for children for 12 months (October 2015)
 - Allows working student parents to access ERDC (October 2015)
 - Allows self-employed parents to access ERDC (October 2015)
 - Changes ERDC exit eligibility from 185% to 250% Federal Poverty Level (October 2015)
 - Increases provider rates to 75th percentile (October 2015)
 - Increases average caseload by about 700 to 800 families (October 2015)
 - Lowers co-pay for using higher quality providers (January 2016)
 - Gives incentives to high quality providers caring for subsidy children (January 2016)
 - Invests in program infrastructure and system costs

- Transfers food assistance programs from Housing and Community Services to DHS, restores permanent funding for food programs of \$450,000 and adds one-time funding of \$400,000 (total of an additional \$850,000), and funds the Hunger Task Force.

- Funds workload model at 75.8%

- Provides \$1 million in funding to help 211 maintain a statewide presence

- Funds a one-time pilot project in Jackson and Josephine counties for eligible clients to enrolled training programs that match up with in-demand, high wage job openings, such as in the healthcare or information technology. Clients will receive a scholarship/stipend to help augment Pell grants, with average awards expected to be about \$2,000 per client; about 150 clients are estimated to participate in the program over the biennium. The pilot project is a joint effort between the Rogue

Workforce Partnership, the Oregon Employment Department, and the Department of Human Services

BUDGET NOTES FOR SELF SUFFICIENCY

There are no budget notes this session for the Self Sufficiency programs.

BUDGET HIGHLIGHTS FOR VOCATIONAL REHABILITATION

Highlights in the 2015-17 budget for VR includes the following:

- Invests in the Employment First Initiative, building Vocational Rehabilitation and benefits counselor capacity, and enhancing supports for capacity building (\$10.8 million Total Funds, same as in I/DD above)

BUDGET NOTES FOR VOCATIONAL REHABILITATION

There are no budget notes this session for the Vocational Rehabilitation program.

BUDGET HIGHLIGHTS SHARED & CENTRAL SERVICES

Central DHS and Shared Services for DHS/OHA provide oversight and direction for programs and services to ensure the agency's mission is achieved.

The 2015-17 LAB for Central and Shared Services includes the following:

- Invests in REAL-D IT project to enhance collection of Race, Ethnicity, Language and Disability information across DHS and Oregon Health Authority Programs
- Invests \$950,000 General Fund in Oregon Enterprise Data Analytics project to build statewide capacity for better cross-systems data analysis and forecasting. LAB calls out analysis of TANF redesign as a priority
- Funds costs associated with recovering public assistance cover overpayments for lottery winnings (HB 2393)
- Funds bargaining pot for workers who are not state employees (\$10.7 million GF is Special Purpose Appropriation in Emergency Board)
- Assumes 3% vacancy factor for positions in all DHS programs, reducing overall workload capacity
- Eliminates inflation for most programs and services

BUDGET NOTES FOR SHARED & CENTRAL SERVICES

There are no budget notes this session for the Shared and Central Services.

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