



# 2018 Legislative End of Session Report

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Department of Human Services



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## **Department of Human Services 2018 Legislative End of Session Report**

### **EXECUTIVE SUMMARY**

The Department of Human Services (DHS) 2018 Legislative Session report contains a brief overview of new legislation and key budget highlights by program. The DHS Government Relations Team has compiled a brief overview of bills that passed this session relevant to the agency. DHS continued its work in the following priority areas:

- Safety for children;
- Safety, independence, and choice for vulnerable Oregonians;
- Enhanced training for in-home workers serving older adults and people with physical, intellectual, and developmental disabilities;
- Streamlined processes for Oregonians to apply for assistance;
- Improved Child Welfare staffing levels.

There were 260 bills introduced during the 2018 session. Of those, 141 were passed by the Legislature. The agency tracked 66 bills during the session. Of those, 43 were passed by the Legislature.

## **KEY BILLS FOR AGING AND PEOPLE WITH DISABILITIES**

### **Reauthorization of Nursing Facility Provider Assessment**

**HB 4162** extends the nursing facility assessment through 2026 and includes reimbursement of long-term care facility costs to the 62<sup>nd</sup> percentile of allowable costs. This bill is estimated to generate \$72 million in the 2019-2021 biennium and \$156 million in the 2021-2023 biennium. *Awaiting Governor's signature.*

Background: The Nursing Facility Provider Assessment has been a critical tool in funding long term care since it was passed by the Legislature in 2003. Since its inception, the assessment has generated nearly \$700 million in revenue that has offset the need for general fund dollars and has simultaneously leveraged over \$1.2 billion in federal funds. The funds are matched by the federal government at a rate of approximately 63.5%. All Oregon long term care facilities, commonly known as nursing facilities, are subject to the assessment except for two Oregon Veterans' Homes (The Dalles and Lebanon), which are exempt.

### **Creating Professional Licensure for Residential Care Facility and Assisted Living Administrators**

**HB 4129** creates the Long-Term Care Administrators Board, which will provide oversight over administrators ensuring they meet qualification standards, such as approved training and continuing education requirements. The bill directs OHA's Health Licensing Office to adopt rules to approve continuing education and training requirements and requires the Long-Term Care Administrators Board to adopt rules to determine the subjects, scope, and content of examinations for licensure. *Awaiting Governor's signature.*

Background: Oregon pioneered the assisted living model for providing long-term services and supports in an environment that was less institutional, and as a result, there has been tremendous growth in the community based care arena, with over 500 licensed long-term care settings that are licensed by the Aging and People with Disabilities program. Professional licensure promotes quality and demonstrates a commitment to the people served by the profession. In 2017, HB 3359 expressed intent to create professional licensure for this group of Administrators.

### **Establishing Training Standards for a Critical Workforce**

**SB 1534** directs DHS to collaborate with the Home Care Commission to establish minimum training standards for home care workers and personal support workers. In addition, it directs DHS to provide training that is geographically accessible in all areas of the state, is culturally appropriate for workers of all language abilities, and considers the needs of each type of worker. *Awaiting Governor's signature.*

Background: Home care workers and personal support workers provide in-home services and supports for our aging population and for those who experience physical, intellectual, and/or developmental disabilities. Over 30,000 home care workers and personal support workers serve more than 25,000 vulnerable Oregonians each month. Developing a highly trained, culturally appropriate, and person-centered workforce requires an investment in training opportunities to enhance the safety, stability, and quality of life for those served in-home through the Aging and People with Disabilities and Office of Developmental Disabilities Services programs.

## **KEY BILLS FOR CHILD WELFARE**

### **Clarification of Child Welfare and Law Enforcement Authority to Interview Children at School**

In the 2017 session, SB 101 clarified some of the issues related to Child Welfare and Law Enforcement interviews of victims in schools. However, during implementation some school districts believed the statute regarding the authority of Child Welfare and Law Enforcement to conduct interviews was still not clear. DHS worked with our partners at the Oregon School Board Association, Law Enforcement and District Attorneys to craft language in **SB 1540** authorizing interviews in schools.

OSBA and DHS are now working to roll out a new statewide form where schools can document Child Welfare and Law Enforcement ID when they need to interview a child at school. *Awaiting Governor's signature.*

### **Changes to the Termination of Parental Rights Statutes**

#### **Related to Disability:**

**SB 1526** changes the Termination of Parental Rights (TPR) statutes to make clear that a TPR cannot be based solely on the parent's disability. *Awaiting Governor's signature.*

#### **Related to Reinstatement of Parental Rights:**

**HB 4009** changes the TPR statutes to allow a child or DHS to make a motion to the court for reinstatement of parental rights under some circumstances. The law allows for appropriate reunification services and supports. *Awaiting Governor's signature.*

## **KEY BILLS FOR DEVELOPMENTAL DISABILITIES SERVICES**

**SB 1534** (see Aging and People with Disabilities Section)

**HB 4041** (see Vocational Rehabilitation Section)

## **KEY BILLS FOR SELF SUFFICIENCY PROGRAMS**

### **Saving for Retirement and Higher Education Expenses**

Two bills passed which will make it easier for Oregonians to save for retirement or for higher education and still apply for programs or services at DHS. The Treasurer's Office worked on both bills, and each bill is furthering the goal of helping Oregonians save for large expenses that are incurred either while going to college or later in life. **HB 4079** requires DHS to disregard money held in specified pension or retirement accounts when determining eligibility for the Temporary Assistance to Needy Families (TANF) program, and **SB 1554** requires DHS to disregard money in an account established for higher education expenses when determining financial eligibility for assistance programs. *HB 4079 takes effect on January 1, 2019. SB 1554 takes effect on June 4, 2018*

### **Assisting Community College Students**

**HB 4043** requires community colleges to study the best methods for helping students learn and apply for benefits. This bill grew out of conversations over the past two years focused on helping students with all possible means, including public assistance, to afford attending college. While DHS is not specifically named in **HB 4043**, the work of the bill directly involves our programs and we will assist the community colleges with the required study. *Effective March 16, 2018.*

## **KEY BILLS FOR VOCATIONAL REHABILITATION**

**HB 4041**, which did not pass, would have established a task force focused on workforce development for people with disabilities. Although **HB 4041** didn't pass this session, Vocational Rehabilitation (VR) is working with partners on a statewide assessment of employment and training programs that assist people with disabilities so some of the work envisioned by this bill will continue with VR's assessment.

## **BUDGET HIGHLIGHTS FOR AGING AND PEOPLE WITH DISABILITIES**

The Aging and People with Disabilities (APD) program provides services and supports to Oregonians over the age of 65 and to adults with physical disabilities. In partnership with Area Agencies on Aging, APD 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 Legislature approved the Department's rebalance plan, keeping APD funded at anticipated levels, and also:

- Increased Community Based Care settings rates by 5% starting July 1, 2018, and
- Directed DHS to develop a plan to increase access to nursing facility residents for individuals who are dependent on ventilators effective January 1, 2019.

## **BUDGET HIGHLIGHTS FOR CHILD WELFARE**

Child Welfare works to keep children safely at home whenever possible, and provide safe and appropriate placements for children who cannot remain at home.

Building on the Governor's and Legislature's support of Child Welfare in the 2017 session, this session the Legislature also:

- Invested \$13.3 million to add much needed staff in the field. This funding will mean there are 186 additional staff that includes caseworkers, case aides, and support staff as well as additional Human Resources staff to assist with Child Welfare position recruitment and processing statewide.
- Invested an additional \$2.5 million Special Purpose Appropriation to continue development and implementation of an action plan to improve child safety, stabilize the workforce and help foster families.
- Approved a plan to spend the \$750,000 Special Purpose Appropriation granted in the 2017 session to pay for Foster Parent supports that will provide:
  - Funding for respite care resource development
  - Foster parent mentoring program development
  - Access to funds for foster parent immediate needs to serve foster children (car seats, beds, etc.)
- Approved the plan for expenditure of Applicable Adoption savings funds (created by SB 102 in 2017) to provide a \$375/month child care stipend for foster homes where all parents work was also approved.

## **BUDGET HIGHLIGHTS FOR DEVELOPMENTAL DISABILITIES SERVICES**

The Developmental Disabilities program serves over 23,500 children and adults with intellectual and developmental disabilities (I/DD) throughout their life span. 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 Legislature approved the Department's rebalance plan, keeping ODDS funded at anticipated levels, and also:

- Approved a plan to achieve a \$12 million overall budget reduction through management actions to prevent a reduction in services, eligibility, or rates in the current biennium, and
- Funded 10 positions for the Children's Intensive In-Home Services (CIIS) and Children's Residential programs that were included in the workload model for 2017-19.

## **BUDGET HIGHLIGHTS FOR SELF SUFFICIENCY PROGRAMS**

Self-Sufficiency Programs (SSP) provide a safety net, family stability, and a connection to careers that guide Oregonians out of poverty. In a single year, SSP serves more than one million Oregonians.

The Legislature approved funding caseloads and costs-per-case at rebalance levels, and also approved:

- Moving the Oregon Health Plan Processing Center budget and 474 positions from OHA to DHS as of April 2018 (management of the processing center moved to DHS in September 2017),
- A one-time investment of \$300,000 to the Oregon Food Bank for improvements in storage infrastructure, and
- A \$750,000 Special Purpose Appropriation to be sent to the Early Learning Division for one time training costs for child care providers.

## **BUDGET HIGHLIGHTS FOR SHARED SERVICES**

Shared Services provide infrastructure to both DHS and OHA to operate as efficiently and lean as possible through economies of scale.

The Legislature approved an investment of \$4.3 million for 33 permanent positions for the Background Check Unit. This investment is intended to cover costs of providing background checks and to increase staffing levels in order to eliminate the current backlog. It is expected that these additional funds and positions will help the Background Check Unit to complete most background checks within two weeks.

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