

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

HOUSE COMMITTEE ON HUMAN RESOURCES

March 8, 1991Hearing Room D 1:30 p.m.Tapes 71 - 72

MEMBERS PRESENT:Rep. Mary Alice Ford, Chair Rep. Beverly Stein, Vice-Chair Rep. Jerry Barnes Rep. Cedric Hayden Rep. John Meek Rep. Hedy Rijken (arrived 1:47) Rep. Jackie Taylor

STAFF PRESENT: Melanie Zermer, Committee Administrator Pamela Berger, Committee Assistant

MEASURES CONSIDERED: HB 2287 - Revises definitions of "disabled" - Wrk SB 92 - Renames "sheltered workshop" to "rehabilitation facility" - Pub SDS Nursing Home Settlement & QUIP Program - Inf Children and Youth Services Commission Overview - Inf Children Services Division - risk assessment - Inf

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TAPE 71, SIDE A

010 CHAIR FORD: Calls the meeting to order at 1:33 p.m. - Announces that future meetings will begin at 1:00 p.m. - Work sheet for prioritizing programs in view of Measure 5 -- Representative Stein recommends to also use the Benchmarks when evaluating. - Members will no longer be receiving a SMS on each bill; instead a summary sheet for each hearing will be provided.

WORK SESSION: HB 2287 - Revises definitions of "disabled" Witnesses: Mike Bullis, Disabilities Commission/Head Injury Task Force Dave Hultz, Senior and Disabled Services Division

060 MELANIE ZERMER, COMMITTEE ADMINISTRATOR: Submits and explains proposed amendments HB 2287- 1 (EXHIBIT A) and a hand engrossed version of the proposed amendments (EXHIBIT B).

110 MIKE BULLIS, DISABILITIES COMMISSION/HEAD INJURY TASK FORCE: Often brain injured individuals fall through the cracks and are not recognized

as disabled.

130 DAVE HULTZ, SENIOR AND DISABLED SERVICES DIVISION (SDSD): These amendments very comfortably address the concern of task force members from our agency. The amendments make it clear and directive that the ultimate responsibility for serving this population is upon DHR and shared agencies.

REPRESENTATIVE HAYDEN: Section 19 of HB 2287 prevents discrimination of employment including those with a traumatic brain injury. Are these folks covered under the anti-discrimination act?

180 BULLIS: ORS 240 allows the disabled in state government to apply for jobs and gain privileges in the hiring process. Traumatic brain injured persons would fall under that statute if they were under the category of disabled. They currently are not under that statute.

195 REPRESENTATIVE BARNES: Section 1 defines traumatic brain injury. Is it wise to eliminate that?

BULLIS: This was a judgement call. We did not find, in statute, that there were disabled groups or types of disabilities defined. Although blindness is defined as well as visual impairment because it affects the ability to obtain a driver's license. Disabilities are defined for the medical profession in the DSM-3R (The Diagnostic and Statistical Manual - 3rd Revision). Felt it would be lengthy to define all disabilities.
250 This was a controversial issue.

260 REPRESENTATIVE MEEK: Will the proposed amendments affect funding?

CHAIR FORD: No; there is no fiscal or revenue impact.

REPRESENTATIVE MEEK: Will this bill be referred to the floor?

CHAIR FORD: Yes.

REPRESENTATIVE MEEK: Page 2, section 3, (C) (EXHIBIT B) addresses "a physical disability or a traumatic brain injury". There are a number of people who view a traumatic brain injury as a physical disability. Thinks whoever carries the bill to the floor needs to make that distinction.

313 MOTION: REPRESENTATIVE MEEK MOVES ADOPTION OF THE HB 228 7-1 AMENDMENTS (EXHIBIT A).

VOTE: THERE BEING NO OBJECTION, THE AMENDMENTS ARE ADOPTED.

MOTION: REPRESENTATIVE MEEK MOVES HB 2287, AS AMENDED, TO THE FLOOR, WITH A DO PASS RECOMMENDATION.

VOTE: IN A VOICE VOTE, THE MOTION PASSES UNANIMOUSLY. REPRESENTATIVE MEEK CARRIES HB 2287 TO THE FLOOR.

PUBLIC HEARING: SB 92 - Renames "sheltered workshop" to "rehabilitation facility " Witness: Lynnae Ruttledge, Vocational Rehabilitation Division

368 LYNNAE RUTTLEDGE, VOCATION REHABILITATION DIVISION: Testifies in favor of SB 92. This is a housekeeping bill to update language which

identifies facilities, which in the past, were known as sheltered workshops. Other interested parties were involved in discussions and support the name change.

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Discussion on reason for name change.

RUTTLEDGE: Discusses the definition of sheltered workshop. Gives historical perspective. - This will update the term to comply with federal law terminology and current nomenclature in the rehabilitation field. The name change would not conflict with terminology used in the alcohol and drug field.

INFORMATIONAL HEARING: CHILDREN SERVICES DIVISION - RISK ASSESSMENT
Witnesses: Bill Carey, Children Services Division (CSD) John Ball, Oregon Community Children & Youth Services Commission (OCCYSC) Toni Peterson, Children Services Division (CSD)

150 BILL CAREY, CHILDRENS SERVICES DIVISION (CSD): Submits and reads written testimony regarding CSD's risk assessment HB 2540 (EXHIBIT C). - This allows CSD to target services based on risk of future harm. - With the current governor's budget, CSD would be able to provide for the children in vulnerability levels one through three but not four or five.

CHAIR FORD: The assumptions that I am concerned about are whether or not the Mental Health and Developmental Disabled Department has in their recommended budget the ability to serve those that CSD cannot.

CAREY: There is a budget item for respite care, but I'm not sure if it will be sufficient.

CHAIR FORD: What about cuts to families with MR/DD children that have already been cut, are they capable of taking this on as well?

CAREY: I can't answer that.

CHAIR FORD: What about emotionally disturbed children? The Darts program cannot assume that responsibility in its entirety.

CAREY: There are problems with who will be served in the Darts program.

CHAIR FORD: If the mental health division gets what it has proposed and only title 19 children will be assisted will there be no assistance to seriously emotionally disturbed children?

330 CAREY: Yes, that's correct.

REP. STEIN: Have you looked at trends for 2-5 years in the future?

CAREY: This bill's impact will allow CSD to make priority waiting lists and make projections on the waiting list for as far as five years out.

REP. STEIN: Is our plan being successful? What percent of CSD budget is going towards prevention?

CAREY: Children at levels 4 and 5 are receiving "preventive restorative services". The Children's Trust Fund is basically contracted for prevention.

REP. STEIN: The only prevention is through the Childrens Trust Fund, less than 1 million dollars out of a total budget of 354 million dollars.

CAREY: Yes, it is only a small amount of our total budget.

CHAIR FORD: On level 4 vulnerability, if there is sexual abuse who has protective rights?

TONI PETERSON, CSD: In this category the child would be living with a non-afflicting parent.

CHAIR FORD: Is there a place for a parent to find local services outside of CSD?

PETERSON: People call in to make reports or referrals, if the child is not eligible for CSD services they are referred to local resources.

REP. MEEK: Current level of funding would provide for levels one to three. Are all children in those levels being served?

CAREY: I believe that they are. - There may be certain circumstances in which we try to get the children who are most abused and most neglected first rather than try to spread ourselves too thin.

TAPE 71, SIDE B

029 REP.MEEK: The services that you are providing to the levels one and two, could you do all you would like to do for them adequately with your current budget of 354 million?

CAREY: No, I doubt that we could meet all those needs.

REP. MEEK: So, now that we've identified these levels, what are we going to do with them?

CAREY: I can't really answer that question.

REP. BARNES: If we don't serve levels four or five they may soon become levels one or two.

CAREY: I agree.

CHAIR FORD: Is there going to be some flexibility in the levels rather than just by age?

CAREY: That will be the hardest part of implementation but there will have to be some flexibility.

CHAIR FORD: Is there an adequate staffing level to deal with the levels of vulnerability in various counties?

CAREY: We have done research to see if we currently have enough staffing. The situation is such that an emergency in one county may not become a case in another county.

CHAIR FORD: When can we expect to see this implemented?

125 CAREY: It depends.

CHAIR FORD: What about the growing communities, how are you going to give equity to them?

CAREY: HB 2540 helps, first of all, to provide a quality assurance program. If these changes need to be made more rapidly, we'll make them.

REP.BARNES: Every child in the state is entitled to the exact same opportunities.

JOHN BALL, DIRECTOR, OREGON COMMUNITY CHILDREN & YOUTH SERVICES COMMISSION (OCCYSC): Testifies on cuts in his program. Loss of services from CSD may result in major crisis at the local level. - Serving about 40 thousand children currently; funded by juvenile services grants or runaway and homeless grants. - There are no counties in which CSD's need is comparative to what it can provide. - Keys to functioning with CSD program: 1. Maintain flexibility, local levels need to be able to serve as well as they possibly can. 2. Cooperation with CSD and the local level. No one should fall through the cracks. 3. If there is some sort of a phase in period it would be easier to accommodate at the local level.

CHAIR FORD: Could you discuss the money situation?

BALL: Our only money is the Childrens Trust Fund from CSD. An advisory committee appointed by the governor administers grants across the state. Long term goal of this committee is to lower CSD case load. This fund would be transferred to our program from CSD but there are no new funds.

CHAIR FORD: How much is in this fund?

CAREY: A little over a million dollars.

BALL: Last biennium \$690,000

300 CAREY: These funds are allocated to contracted agencies; funding programs at \$25,000 each.

ZERMER: Clarification of who is providing which services. It seems that both programs serve the same type of problems. Can we combine services?

BALL: Yes, that is essentially what we would like to do. We need to find where the gaps are.

REP. BARNES: Should we be expanding the scope of your commission to fill in the gaps?

BALL: It would be good policy to lower the gaps.

REP. BARNES: Who looks for these gaps? Questions having local areas take control of this responsibility.

425 CAREY: Developed a paper on qualifications of a branch manager mandating community involvement.

420 REP. MEEK: Refers to a past public hearing in which we heard of many horror stories of these gaps.

BALL: We've always had to swim upstream.

TAPE 72, SIDE B

REP. MEEK: This hearing is a step in the right direction.

CHAIR FORD: Recesses the meeting at 3:05 p.m. - Re-convenes the meeting at 3:24 p.m. - Will reschedule Ball (OCCYSC) and Wilson (SDSD). - Adjourns the meeting at 3:25 p.m.

Submitted by,

Reviewed by,

Pamela Berger

Melanie Zermer

EXHIBIT LOG: A - HB 2287 - proposed amendments - staff - 3 pp. B - HB 2287 - hand engrossed amendments - staff - 3 pp. C - (HB 2540) CSD Risk Assessment - Carey - 10 pp.