

Jan 7-31-81

~~B-Engrossed~~

Senate Bill 955

~~Ordered by the Senate July 30~~
~~(Including Amendments by Senate July 16 and July 30)~~

Sponsored by COMMITTEE ON HUMAN RESOURCES/AGING (at the request of Governor's Commission on Aging; United Seniors)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Creates, operative July 1, 1982, Senior Services Division in Department of Human Resources to provide social services to elderly. Changes name of Governor's Commission on Aging to Governor's Commission on Senior Services. Transfers certain functions from Office of Elderly Affairs and Adult and Family Services Division to the Senior Services Division.

Appropriates [~~\$58,434,987~~] \$2 to Senior Services Division for biennium. [*Changes biennial appropriation to Department of Human Resources and Adult and Family Services Division.*]

Declares emergency, effective October 1, 1981.

A BILL FOR AN ACT

2 Relating to social services; creating new provisions; amending ORS 184.750, 184.865, 184.900, 327.525, 411.590
3 and 441.630; repealing ORS 184.860, 327.523, 413.025 and 441.081; appropriating money; and declaring an
4 emergency.

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

6 SECTION 1. As used in this Act:

7 (1) "Area agency" means:

8 (a) An established or proposed type A or type B Area Agency on Aging within a planning and service area
9 designated under Section 305 of the Older Americans Act; or

10 (b) Any public or nonprofit private agency which is designated as a type A or type B Area Agency on Aging
11 under Section 305 of the Older Americans Act.

12 (2) "Area agency board" means the local policy-making board which directs the actions of the area agency
13 within state and federal laws and regulations.

14 (3) "Division" means the Senior Services Division of the Department of Human Resources.

15 (4) "Elderly" or "elderly persons" means persons who are served by type A area agencies or type B area
16 agencies or by the Senior Services Division.

17 (5) "Handicapped person" means a person with a physical or mental handicap:

18 (a) Who is eligible for Supplemental Security Income or for general assistance from the Adult and Family
19 Services Division; and

20 (b) Who meets one of the following criteria:

21 (A) Is mentally retarded or developmentally disabled and resides in or needs placement in a residential
22 program administered by the Senior Services Division.

NOTE: Matter in bold face in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted; complete new sections begin with SECTION.

1 (B) Is mentally or emotionally disturbed and resides in or needs placement in a residential program
2 administered by the Senior Services Division.

3 (C) Is an alcohol or drug abuser and resides in or needs placement in a residential program administered by
4 the Senior Services Division.

5 (D) Has a physical or mental handicap other than those described in subparagraphs (A) to (C) of this
6 paragraph.

7 (6) "Local government" means a political subdivision of the state whose authority is general or a
8 combination of units of general purpose local governments.

9 (7) "Preadmission screening" means a professional program within the Senior Services Division or type B
10 area agencies, with staff that includes registered nurses and social workers, that assesses the needs of clients
11 and recommends appropriate placements in residential programs administered by the Senior Services Division
12 or type B area agencies.

13 (8) "Protective services" means a service to be provided by the Senior Services Division directly or
14 through type B area agencies, in response to the need for protection from harm or neglect to elderly persons.

15 (9) "Title XIX" means the programs in Title XIX of the Social Security Act transferred from the long term
16 care unit of the health and social services section of the Adult and Family Services Division to the Senior
17 Services Division but does not include Title XIX programs, other than home health, personal care and nursing
18 home programs, or Title XIX programs in other divisions of the Department of Human Resources.

19 (10) "Title XX" means the programs in Title XX of the Social Security Act transferred from the Adult and
20 Family Services Division to the Senior Services Division, but does not include Title XX programs in other
21 divisions of the Department of Human Resources.

22 (11) "Type A area agency" means an area agency:

23 (a) For which either the local government or the area agency board does not agree to accept local
24 administrative responsibility for Title XIX and Title XX; and

25 (b) That provides a service to persons 60 years of age or older.

26 (12) "Type B area agency" means an area agency:

27 (a) For which the local government agrees to accept local administrative responsibility for Title XIX and
28 Title XX; and

29 (b) That provides a service to persons 60 years of age or older and handicapped persons who require
30 services similar to those required by persons 60 years of age or older, or both.

31 **SECTION 2.** The State of Oregon finds that the needs of the elderly population can be best served and
32 planned for at the local community level; that a longer life expectancy and a growing elderly population
33 demands services be provided in a coordinated manner and a single local agency system for such services be
34 instituted; that local resources and volunteer help will augment state funds and needed manpower; that local
35 flexibility in providing services should be encouraged; and that a single state agency should regulate and
36 provide leadership to insure that the elderly citizens of Oregon will receive the necessary care and services at
37 the least cost and in the least confining situation. The State of Oregon further finds that within budgetary
38 constraints, it is appropriate that savings in nursing home services allocations within a planning and service area
39 be reallocated to alternative care services under Title XIX, Title XX and Oregon Project Independence in that
40 area.

- 1 **SECTION 3. (1)** The Senior Services Division is created in the Department of Human Resources. The
 2 division shall administer laws and programs relating to social, health and protective services to elderly persons.
- 3 (2) The division shall:
- 4 (a) Serve as the central state agency with primary responsibility for the planning, coordination,
 5 development and evaluation of policy, programs and services for elderly persons in Oregon and the designated
 6 state unit on aging, as defined in the Older Americans Act of 1965.
- 7 (b) With the advice of the Governor's Commission on Senior Services, develop long-range state plans for
 8 programs, services and activities for elderly and handicapped persons. State plans should be revised annually
 9 and should be based on area agency plans, state-wide priorities and state and federal requirements.
- 10 (c) Have the authority to transfer state and federal funds, except Title III of the Older Americans Act
 11 funds, from one area agency to another area agency or from one program or service to another program or
 12 service after consultation with the area agencies involved in the transfer. However, no area agency shall suffer
 13 a reduction in state or federal funds due to increased local funds.
- 14 (d) Receive and disburse all federal and state funds allocated to the division and solicit, accept and
 15 administer grants, including federal grants or gifts made to the division or to the state for the benefit of elderly
 16 persons in this state.
- 17 (e) Provide technical, training and program assistance to area agencies and assist them to provide such
 18 assistance to public and private agencies and organizations.
- 19 (f) Assist area agencies to stimulate more effective use of existing resources and services for elderly
 20 persons and develop programs, opportunities and services which are not otherwise provided for elderly
 21 persons, with the aim of developing a comprehensive and coordinated system for the delivery of social services
 22 to elderly persons.
- 23 (g) Serve within government and in the state at large as an advocate for elderly persons by holding hearings
 24 and conducting studies or investigations concerning matters affecting the health, safety and welfare of elderly
 25 persons and by assisting elderly persons to assure their rights to apply for and receive services and to be given
 26 fair hearings when such services are denied.
- 27 (h) Process fiscal and client data for all area agencies.
- 28 (i) Conduct regulatory functions with regard to program operation, by adopting rules for providing social
 29 services, including protective services, to elderly persons who need services that the division or area agencies
 30 are authorized to provide and rules for standard rate setting and quality assurance.
- 31 (j) Provide information and technical assistance to the Governor's Commission on Senior Services and
 32 keep the commission continually informed of the activities of the division.
- 33 (k) Make recommendations for legislative action to the Governor and to the Legislative Assembly, after
 34 consultation with the Governor's Commission on Senior Services.
- 35 (L) Conduct research and other appropriate activities to determine the needs of elderly persons in this
 36 state, including, but not limited to, their needs for social and health services, and to determine what existing
 37 services and facilities, private and public, are available to elderly persons to meet those needs.
- 38 (m) Maintain a clearinghouse for information related to the needs and interests of elderly persons.
- 39 (n) Provide area agencies with assistance in applying for federal, state and private grants and identifying
 40 new funding sources.

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1 (3) In addition to the requirements of subsection (2) of this section, the division shall:

2 (a) Determine type A and type B area agencies annual budget levels for Oregon Project Independence and
3 Title III of the Older Americans Act expenditures.

4 (b) For type B area agencies:

5 (A) Determine annual budget levels for planning Title XIX and Title XX reimbursed services. In
6 determining the budget levels, the division shall retain contingency reserves against overruns and transfers in
7 use of Title XIX and Title XX funds.

8 (B) Provide timely management information so the area agency can manage Title XIX and Title XX
9 reimbursements within budgeted levels.

10 (c) Make payments for services within a central processing system for:

11 (A) A type A area agency, at the request of the agency, for Oregon Project Independence or Title III of the
12 Older Americans Act expenditures, or both.

13 (B) A type B area agency, for Title XIX, Title XX and Oregon Project Independence expenditures, and at
14 the request of the agency, for Title III of the Older Americans Act expenditures.

15 (d) Assume program responsibility for Title XIX and Title XX programs in areas served by type A area
16 agencies and in areas where no area agency is designated.

17 **SECTION 4.** (1) It is the policy of the State of Oregon that handicapped persons served by the Senior
18 Services Division shall also receive necessary services, as appropriate for their needs, from other state
19 agencies and divisions.

20 (2) In carrying out the provisions in subsection (1) of this section, the Department of Human Resources
21 shall insure that the Senior Services Division negotiates interagency agreements and coordinates services with
22 the Mental Health Division, Vocational Rehabilitation Division, Employment Division, Children's Services
23 Division and the Department of Education for the provision of appropriate services to handicapped clients of
24 the Senior Services Division.

25 (3) (a) Prior to placement in any residential program administered by the Senior Services Division, all
26 handicapped persons shall be assessed by preadmission screening to insure the appropriateness of such
27 placement.

28 (b) If a handicapped person is diagnosed as, or is suspected of being, mentally retarded or developmentally
29 disabled, preadmission screening shall include assessment by the Diagnosis and Evaluation Service of the
30 Mental Health Division.

31 (4) The Senior Services Division, in coordination with the Mental Health Division, Children's Services
32 Division, Vocational Rehabilitation Division and the Department of Education shall work with nursing homes
33 which have one or more residents under 18 years of age to develop a program appropriate to the needs of such
34 residents.

35 **SECTION 5.** (1) Agreements and coordination described in subsection (2) of section 4 of this Act shall
36 include but not be limited to the following:

37 (a) After creation of the Senior Services Division, the Department of Human Resources shall transfer to
38 the Mental Health Division jurisdiction over specialized foster care homes and residential care facilities
39 exclusively serving persons with mental retardation or developmental disabilities, mental or emotional

1 disturbances, and alcohol or drug abuse or dependence. This transfer shall be completed by July 1, 1982, and
2 shall include associated fiscal and staff resources.

3 (b) The Department of Human Resources shall direct the Senior Services Division and the Mental Health
4 Division to complete, by July 1, 1982, a joint study of persons with mental retardation or developmental
5 disabilities, mental or emotional disturbances, and alcohol or drug abuse or dependence who remain in foster
6 care homes, residential care facilities or nursing homes.

7 (2) The study described in paragraph (b) of subsection (1) of this section shall:

8 (a) Assess the appropriateness of current placement for persons described in paragraph (b) of subsection
9 (1) of this section.

10 (b) Make recommendations for appropriate residential, day programs and support services for those
11 persons not appropriately placed.

12 (c) Plan needed case management for those persons who should remain as clients of the Senior Services
13 Division.

14 (3) Recommendations made pursuant to paragraph (b) of subsection (2) of this section shall be reflected in
15 budget recommendations made by the Mental Health Division to the Sixty-second Legislative Assembly.

16 **SECTION 6.** All programs and functions performed by the Office of Elderly Affairs and the Adult and
17 Family Services Division, Health and Social Services Section, Long-Term Care Unit, are transferred to the
18 Senior Services Division.

19 **SECTION 7.** (1) The Department of Human Resources is the designated single state agency for all federal
20 programs under this Act.

21 (2) Except as provided in paragraph (d) of subsection (3) of section 3 and section 10 of this Act, the
22 administration of services to clients under this Act shall be through area agencies, and shall comply with all
23 applicable federal regulations.

24 **SECTION 8.** On and after the effective date of this Act, a type A area agency shall operate in the same
25 manner as it operated with local administrative responsibility for Title III of the Older Americans Act and
26 Oregon Project Independence before the effective date of this Act. Nothing in this Act requires a type A area
27 agency to become a type B area agency.

28 **SECTION 9.** (1) A local government shall be responsible for all actions of a type B area agency in its
29 jurisdiction, including but not limited to the accountability for funds and compliance with federal and state laws
30 and rules. Such responsibility shall include all geographic areas in which the type B area agency is designated
31 to operate.

32 (2) The respective local government shall appoint a director of the type B area agency in its jurisdiction
33 who must meet minimum qualifications established by the division. The director shall serve with the continuing
34 approval of the Assistant Director for Senior Services. Continuing approval may be withdrawn by the assistant
35 director only when it can be shown that the state or federal rules have not been complied with by the type B
36 area agency, state or federal funds are not being expended for the purposes for which they were intended or the
37 elderly are not receiving appropriate services within available funds. Withdrawal of continuing approval is
38 appealable to the Director of Human Resources and the Governor by the local government.

39 **SECTION 10.** (1) In the event that a local government withdraws the designation of an area agency, or the
40 division withdraws the area agency designation in accordance with the Older Americans Act, the division shall

1 administer the services to clients previously performed by the area agency until a new area agency is
2 designated.

3 (2) The division may withdraw any particular program or service, except Title III of the Older Americans
4 Act programs, from the area agency, and administer such programs and services. Before such action is taken,
5 the division must consult with the director of the area agency and the chief elected official of the affected local
6 government. Such action shall be taken by the division only when it can be shown the federal or state laws or
7 rules have not been complied with, state or federal funds are not being expended for the purposes for which
8 they were intended, or the elderly are not receiving appropriate services within available resources.
9 Withdrawal of any particular program or service is appealable to the Director of Human Resources and the
10 Governor.

11 **SECTION 11.** (1) Each area agency shall have an area agency advisory council, with members appointed
12 by the area agency board.

13 (a) For a type A area agency, membership of the council shall include consumers of services under Senior
14 Services Division programs, including low income, minority and handicapped persons.

15 (b) For a type B area agency, membership of the council shall include persons described in paragraph (a) of
16 this subsection and handicapped persons. Representation of handicapped persons on the council shall be in
17 proportion to the ratio of such persons to all persons in the jurisdiction of the area agency who received Title
18 XIX and Title XX services, or both, during the preceding 12-month period, but shall not be fewer than one.

19 (2) Each area agency advisory council shall:

20 (a) Recommend basic policy guidelines for the administration of the activities of the area agencies on
21 behalf of elderly persons, and advise the area agency on questions of policy.

22 (b) Advise the area agency with respect to development of the area plan and budget, and review and
23 comment on the completed area plan and budget before its transmittal to the Assistant Director for Senior
24 Services.

25 (c) Review and evaluate the effectiveness of the area agency in meeting the needs of elderly persons in the
26 planning and service area.

27 (d) Meet at least quarterly. The meetings are subject to ORS 192.610 to 192.690.

28 **SECTION 12.** Each type A area agency shall:

29 (1) Conduct local planning functions for Title III of the Older Americans Act and Oregon Project
30 Independence.

31 (2) Develop a local plan for service delivery that complies with federal and state requirements and is in
32 accord with locally determined objectives consistent with the state policy on aging. This plan shall be reviewed
33 and approved by the division.

34 (3) Assess the needs of elderly persons within the planning and service delivery area for service for social
35 and health services, and determine what resources are currently available to meet those needs.

36 (4) Assume the responsibility of determining services required to meet the needs of elderly persons, assure
37 that such services are provided within the resources available and determine when such services are no longer
38 needed.

1 (5) Endeavor to coordinate and expand existing resources in order to develop within its planning and
2 service area a comprehensive and coordinated system for the delivery of social and health services to elderly
3 persons.

4 (6) Serve as an advocate within government and within the community at large for the interests of elderly
5 persons within its planning and service area.

6 (7) Make grants to or enter into contracts with any public or private agency for the provision of social or
7 health services not otherwise sufficiently available to elderly persons within the planning and service area.

8 (8) Monitor and evaluate the activities of its service providers to insure that the services being provided
9 comply with the terms of the grant or contract. Where a provider is found to be in breach of the terms of its
10 grant or contract, the area agency shall enforce the terms of the grant or contract.

11 (9) Conduct research, evaluation, demonstration or training activities appropriate to the achievement of the
12 goal of improving the quality of life for elderly persons within its planning and service area.

13 (10) Comply with division requirements that have been developed in consultation with the area agencies for
14 client and fiscal information and provide to the division information necessary for federal and state reporting,
15 program evaluation, program management, fiscal control and research needs.

16 **SECTION 13.** Each type B area agency shall:

17 (1) Comply with the provisions of subsection (1) and subsections (3) to (10) of section 12 of this Act.

18 (2) Conduct local planning functions for Title XIX and Title XX of the Social Security Act.

19 (3) Develop a local plan for service delivery subject to review and approval by the division and the
20 responsible unit of local government that complies with federal and state requirements and in accord with
21 locally determined objectives consistent with the state policy on aging.

22 (4) Provide protective services within available resources.

23 **SECTION 14.** Each area agency may use, with the consent of state and municipal departments and
24 agencies, their services, equipment, facilities and personnel, and pay therefor, within the limits of its resources,
25 as agreed between the agencies and cooperate with other public and private agencies as to the use of services,
26 equipment and facilities.

27 **SECTION 15.** (1) A type B area agency may contract with the division for services of state employees or
28 have such employees transferred to employment by the area agency by transfer agreement.

29 (2) State employees whose services have been contracted to a type B area agency shall be supervised for
30 program purposes by the area agency.

31 (3) If state employees are transferred to a type B area agency, the provisions of ORS 236.610 to 236.650 shall
32 apply.

33 (4) Prior to transfer of any state employee to any other public employer under this Act, at a date to be
34 determined by the Assistant Director for Senior Services, each type B area agency shall prepare a plan in
35 coordination with local staff of the Adult and Family Services Division for implementation of this Act. The
36 plan shall show how statutory responsibilities are to be met and how all staff are to be utilized.

37 **SECTION 16.** (1) Prior to the designation of an area agency as a type B area agency, the area agency, the
38 responsible unit of local government and the division must jointly agree upon a plan under which the area
39 agency will operate.

40 (2) The plan described in subsection (1) of this section shall:

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- 1 (a) Establish an administrative structure and qualifications for key personnel that reflect the population to
- 2 be served.
- 3 (b) Be developed in coordination with the appropriate local mental health authority.
- 4 (c) Include any necessary interagency agreements regarding which agency is to have responsibility for each
- 5 specific group of clients under 60 years of age.
- 6 (d) Address necessary transfers of staff, available equipment and administrative and service funds.
- 7 (e) Be prepared with the participation of potentially affected clients, staff and other individuals at the local
- 8 level, including but not limited to physically handicapped individuals.

9 Section 17. ORS 184.900 is amended to read:

10 184.900. (1) The Governor's Commission on [~~Aging~~] Senior Services is created. The commission shall

11 consist of at least [~~19~~] 21 members appointed by the Governor for terms of three years.

12 (2) Prior to making appointments, the Governor shall request and consider recommendations from the area

13 agencies on aging and other interested senior organizations. The Governor shall designate a member to serve at

14 [~~his~~] the pleasure of the Governor as chairman for a term of two years with such duties as [~~he~~] the Governor

15 shall prescribe. The membership of the commission shall be composed of [~~members~~] persons broadly

16 representative of major public and private agencies who are experienced in or have demonstrated particular

17 interest in the special needs of [~~the~~] elderly persons, including [~~citizens~~] persons who have been active in [~~senior~~]

18 organizations and advocates on behalf of [~~senior citizens~~] elderly persons. [~~Of the members appointed to the~~

19 ~~commission under this subsection, a majority shall be actual~~] Additionally, membership shall include persons

20 who are active in advocacy organizations representing the interests of handicapped persons who are served in

21 programs under the Senior Services Division and consumers of services under the [~~aging~~] Senior Services Division

22 programs, including low income, [~~and~~] minority [~~older~~] and handicapped persons [~~at least in proportion to the~~

23 ~~number of minority and older persons in the state~~]. At least a majority of members shall be 60 years of age or

24 older.

25 [(2)] (3) In addition to the members of the commission appointed under subsection (1) of this section, the

26 President of the Senate shall appoint one member from the Senate and the Speaker of the House of

27 Representatives shall appoint one member from the House of Representatives. [~~The members of the~~

28 ~~commission appointed under this subsection shall be entitled to actual and necessary expenses.~~]

29 [(3)] (4) The Governor's Commission on [~~Aging~~] Senior Services shall advise the Governor, [~~and~~] the

30 Director of the Department of Human Resources and the Assistant Director for Senior Services on needs of [~~the~~]

31 elderly [~~and~~] persons, and recommend actions by the Governor, the Department of Human Resources, the

32 Senior Services Division, other governmental entities and the private sector, appropriate to meet such needs.

33 [(4)] (5) The commission shall have authority to study programs and budgets of all state agencies which

34 affect [~~senior citizens~~] elderly persons. After such study, the commission shall make recommendations to the

35 Governor and to the agencies involved. Such recommendations shall be designed to provide coordination of

36 programs for [~~the~~] elderly persons, to avoid unnecessary duplication in provision of services, and to point out

37 gaps in provision of services. The commission shall also recommend development of a comprehensive plan for

38 delivery of services to [~~the~~] elderly persons. In carrying out these tasks, the commission shall coordinate its

39 efforts with other advisory groups within the Department of Human Resources to avoid duplication of effort.

1 ~~[(5)]~~ (6) The commission shall promote responsible state-wide advocacy for ~~[senior citizens]~~ elderly
2 persons.

3 ~~[(6)]~~ (7) Members of the commission, other than legislators, shall be entitled to compensation and expenses
4 as provided in ORS 292.495.

5 **SECTION 18.** On the effective date of this Act, the terms of incumbent members of the Governor's
6 Commission on Aging shall end. In the first year appointments required by ORS 184.900 as amended by section
7 17 of this Act are made, the members will be appointed as follows:

- 8 (1) One-third shall be appointed for one year;
9 (2) One-third shall be appointed for two years; and
10 (3) One-third shall be appointed for three years.

11 Section 19. ORS 184.750 is amended to read:

12 184.750. (1) The Department of Human Resources is created.

13 (2) The Department of Human Resources shall provide programs for the delivery to the public of services
14 relating to public assistance, children and families, health and health-related affairs, mental health, corrections,
15 employment, vocational rehabilitation, ~~[aging,]~~ elderly persons and such other services as may be assigned to
16 the Department of Human Resources.

17 (3) The Department of Human Resources shall provide the programs and services enumerated in
18 subsection (2) of this section through the divisions and other organizational units, including but not limited to
19 the following:

- 20 (a) The Adult and Family Services Division;
21 (b) The Children's Services Division;
22 (c) The Mental Health Division;
23 (d) The Corrections Division;
24 (e) The Employment Division;
25 (f) The Vocational Rehabilitation Division;
26 (g) The Health Division; and
27 (h) The ~~[Office of Elderly Affairs]~~ Senior Services Division.

28 (4) The Department of Human Resources shall be the recipient of all federal funds paid or to be paid to the
29 state to enable the state to provide the programs and services assigned to the Department of Human Resources.

30 Section 20. ORS 184.865 is amended to read:

31 184.865. (1) The Department of Human Resources is directed to develop and place in effect a program of
32 supportive social services for persons age 60 or older.

33 (2) The Department of Human Resources is authorized to develop and adopt such rules as necessary for
34 the sound, efficient and economical administration of the provisions of this section and ORS 184.900 to
35 184.910, including the implementation of a fee for service schedule based upon ability to pay, and to assure that
36 no eligible person, resident in a skilled nursing home or intermediate care facility, shall be removed and placed
37 in an alternative care program unless such services are determined to be more appropriate for the individual

1 citizen based upon appropriate, individual, service considerations.

2 *[(3) There is hereby created an Office of Elderly Affairs in the Department of Human Resources. The office*
3 *shall have responsibility for all programs and functions heretofore performed by the State Program on Aging and*
4 *the Office of Special Assistant for Programs for the Elderly, and for such other functions as shall be assigned to*
5 *it by the Legislative Assembly, the Governor or the Director of the Department of Human Resources.]*

6 *[(4) In accordance with any applicable provisions of ORS 183.310 to 183.500, the office may make such*
7 *rules as are necessary to carry out the provisions of ORS 184.750, 184.760, 184.900 and this section.]*

8 *[(5) The office shall be staffed by one administrator and one assistant administrator, both of whom shall be*
9 *in the unclassified service, and by such other personnel as may be necessary. The Director of the Department of*
10 *Human Resources shall appoint the administrator and the assistant administrator.]*

11 Section 21. ORS 327.525 is amended to read:

12 327.525. The School Lunch Revolving Account of the General Fund is continuously appropriated for the
13 purposes of ORS 327.520 *[and 327.523]*. All money received under the provisions of ORS 327.520 *[and 327.523]*
14 shall be paid by the superintendent to the State Treasurer for credit to the School Lunch Revolving Account.

15 Section 22. ORS 441.630 is amended to read:

16 441.630. As used in ORS 441.630 to 441.680:

17 (1) "Abuse" means:

18 (a) Any physical injury to a patient of a long term care facility which has been caused by other than
19 accidental means, including any injury which appears to be at variance with the explanation given of the injury.

20 (b) Neglect which leads to physical harm.

21 (c) Failure to provide direct patient care.

22 (2) "Division" means the *[Adult and Family]* Senior Services Division of the Department of Human
23 Resources.

24 (3) "Law enforcement agency" means:

25 (a) Any city or municipal police department.

26 (b) Any county sheriff's office.

27 (c) The Oregon State Police.

28 (d) Any district attorney.

29 (4) "Public or private official" means:

30 (a) Physician, including any intern or resident.

31 (b) Licensed practical nurse or registered nurse.

32 (c) Employee of the Department of Human Resources, county health department, community mental health
33 program or a long term care facility or person who contracts to provide services to a long term care facility.

34 (d) Peace officer.

35 (e) Clergyman.

36 (f) Registered social worker.

37 (g) Physical therapist.

38 (h) Legal counsel for a resident or guardian or family member of the resident.

39 Section 23. ORS 411.590 is amended to read:

1 411.590. A person who is employed as a housekeeper, homemaker or otherwise as a domestic servant in
2 the house of a recipient of public assistance or services, whose compensation is paid in whole or in part by the
3 Adult and Family Services Division, the Senior Services Division or the Children's Services Division and is not
4 otherwise employed by [either] the division, shall not for any purposes be deemed to be an employe of the State
5 of Oregon whether or not the division selects the person for employment or exercises any direction or control
6 over the person's employment. Such person shall be deemed to be a nonsubject [workman] worker under ORS
7 656.027.

8 **SECTION 24.** (1) On written request of the Senior Services Division, the Executive Department shall draw
9 warrants on amounts appropriated to the Senior Services Division for operating expenses for use by the
10 division as a revolving fund. The revolving fund shall not exceed the aggregate sum of \$50,000 including
11 unreimbursed advances. The revolving fund shall be deposited with the State Treasurer to be held in a special
12 account against which the division may draw checks.

13 (2) The revolving fund may be used by the division to pay for travel expenses for employes of the division
14 and for any consultants or advisers for whom payment of travel expenses is authorized by law, or advances
15 therefor, or for purchases required from time to time or for receipt or disbursement of federal funds available
16 under federal law.

17 (3) All claims for reimbursement of amounts paid from the revolving fund shall be approved by the division
18 and by the Executive Department. When such claims have been approved, a warrant covering them shall be
19 drawn in favor of the division and charged against the appropriate fund or account, and shall be used to
20 reimburse the revolving fund.

21 **SECTION 25.** (1) There is established in the General Fund of the State Treasury an account to be known as
22 the Senior Services Account. All moneys in the Senior Services Account are continuously appropriated for and
23 shall be used by the Senior Services Division for the respective purposes authorized by law. The moneys in the
24 Senior Services Account and all appropriations for the Senior Services Division shall be subject to allotment
25 made by the Executive Department.

26 (2) The Senior Services Division shall keep a record of all moneys credited to and deposited in the Senior
27 Services Account. The record shall indicate by separate cumulative accounts the source from which the
28 moneys are derived and the individual activity or program against which each withdrawal is charged.

29 (3) The unobligated balance in the Senior Services Account on June 30 of each odd-numbered year shall be
30 determined by the Senior Services Division as of September 30 following the close of each biennium and
31 certified to the Executive Department. The amount certified pursuant to this subsection shall revert to the
32 General Fund and become available for general governmental purposes.

33 **SECTION 26.** The assistant director may appoint and employ such personnel as may be necessary for the
34 Senior Services Division and appoint and fix the compensation of all assistants and employes of the division.

35 **SECTION 27.** The Senior Services Division shall make and enforce rules governing the custody, use and
36 preservation of the records, papers, files and communications by any other agency or department of
37 government or person to which the records may be furnished. Use shall be limited to the purposes for which
38 the records are furnished and by the provisions of the law under which they may be furnished.

39 **SECTION 28.** For the protection of applicants for and recipients of services, the Senior Services Division
40 shall not disclose or use the contents of any records, files, papers or communications for purposes other than

1 those directly connected with the administration of the laws of Oregon, and these records, files, papers and
2 communications are considered confidential subject to the rules of the Senior Services Division, except as
3 otherwise provided in ORS 411.325 to 411.335. In any judicial proceedings, except proceedings directly
4 connected with the administration of public assistance laws, their contents are considered privileged
5 communications.

6 **SECTION 29.** Any reference to the Adult and Family Services Division or the Office of Elderly Affairs
7 with respect to such duties, functions and powers transferred by this Act is intended to be and shall be
8 considered a reference to the Senior Services Division of the Department of Human Resources.

9 **SECTION 30.** (1) The Adult and Family Services Division and the Office of Elderly Affairs whose duties,
10 functions and powers are assigned and transferred to the Senior Services Division by this Act shall transfer and
11 deliver to the Senior Services Division all supplies, materials, equipment, facilities, contracts, books, maps,
12 plans, papers, records and property of every description within its jurisdiction or control which relate to the
13 duties, functions and powers so transferred and shall also transfer thereto those employes engaged primarily in
14 the exercise of the duties, functions and powers so transferred. The Assistant Director for Senior Services
15 shall take possession of such property and shall take charge of such employes and, except as provided in
16 subsection (2) of this section, shall employ them in the exercise of their respective duties, functions and powers
17 assigned or transferred by this Act, without reduction of compensation.

18 (2) The Assistant Director for Senior Services may abolish positions and change duties to the extent that
19 the assistant director finds it desirable for the sound, efficient and economical administration and enforcement
20 of the duties, functions and powers transferred by this Act. However, in the case of any transfer of personnel
21 made pursuant to this section, any employe occupying a classified position who is so transferred shall, so far as
22 possible, retain the same salary classification and status.

23 (3) Any controversy relating to the transfers of property and employes made by this section shall be
24 resolved by the Director of the Executive Department.

25 **SECTION 31.** Nothing in this Act shall relieve any person of any obligation with respect to any tax, fee,
26 fine or other charge, interest, penalty, forfeiture or other liability, duty or obligation accruing under, or with
27 respect to, the duties, functions and powers transferred by this Act. After the effective date of this Act the
28 Senior Services Division may undertake the collection or enforcement of such tax, fee, fine, charge, interest,
29 penalty, forfeiture or other liability, duty or obligation; but such liability, duty or obligation shall not be
30 increased or decreased or continued beyond the period authorized by law for its existence or beyond the time
31 when it would have terminated if this Act had not been passed.

32 **SECTION 32.** (1) The Senior Services Division shall be considered and held to constitute a continuation of
33 the Adult and Family Services Division and the Office of Elderly Affairs with respect to powers, functions and
34 duties and obligations of the Adult and Family Services Division or the Office of Elderly Affairs legally
35 incurred under contracts, leases and business transactions executed, entered into or commenced prior to the
36 effective date of this Act. The Senior Services Division shall exercise such rights, powers, duties and
37 obligations with the same force and effect as if they had not been transferred; but such right, power, duty or
38 obligation shall not be continued beyond the period authorized by law for its existence or beyond the time when
39 it would have terminated if this Act had not been passed.

1 (2) The continuation of powers and functions described in this section shall include rulemaking authority
2 pertaining to functions, duties and obligations transferred by this Act, and rulemaking authority for functions,
3 duties and obligations established by this Act.

4 SECTION 33. Any proceeding, court action, prosecution or other business or matter undertaken or
5 commenced prior to the effective date of this Act by the Adult and Family Services Division or Office of
6 Elderly Affairs with respect to the duties, functions or powers which are by this Act assigned and transferred to
7 the Senior Services Division, and still pending on the effective date of this Act, may be conducted and
8 completed by the Senior Services Division in the same manner and under the same terms and conditions and
9 with the same effect as though it were undertaken or commenced and were conducted or completed by the
10 Adult and Family Services Division or the Office of Elderly Affairs prior to transfer.

11 SECTION 34. (1) Whenever in any other law or resolution of the Legislative Assembly, or in any rule,
12 regulation, document, record or proceeding authorized by the same, any word or phrase is used in reference to
13 or descriptive of the Adult and Family Services Division or the Office of Elderly Affairs whose duties,
14 functions or powers are by this Act assigned or transferred, such word, phrase or reference shall, after the
15 effective date of this Act, unless the context or provisions of this Act require otherwise, be considered to refer
16 to, include and describe the Senior Services Division which is charged with carrying out such powers, functions
17 and duties, as the context and provisions of this Act may require.

18 (2) Notwithstanding the transfer of duties, functions and powers by this Act, any lawful authorization,
19 designation, determination, directive, license, order, permit, policy, privilege, rule or other action of the Adult
20 and Family Services Division or the Office of Elderly Affairs whose powers, functions and duties are by this
21 Act assigned and transferred to the Senior Services Division, in effect on the effective date of this Act, shall
22 continue in effect until superseded by, or repealed by the lawful action of the Senior Services Division; but it
23 shall not continue any such action beyond the period authorized by law for its existence or beyond the time
24 when the action would have terminated if this Act had not been passed.

25 SECTION 35. The functions of the Adult and Family Services Division or the Office of Elderly Affairs
26 described in this Act are transferred to and vested in the Senior Services Division.

27 SECTION 36. Nothing in this Act extends estate claims requirements and procedures related to certain
28 Title XIX and Title XX services under current Oregon statutes and federal regulations to other services.

29 SECTION 37. Nothing in this Act requires an area agency or local governmental unit to expend local funds
30 for the purpose of maintaining or expanding services to elderly and handicapped persons.

31 SECTION 38. ORS 184.860, 327.523, 413.025 and 441.081 are repealed.

32 SECTION 39. (1) There are appropriated to the Senior Services Division of the Department of Human
33 Resources, for the biennium ending June 30, 1983, out of the General Fund, the following amounts, which shall
34 be placed in the Senior Services Account in quarterly instalments based upon estimates of expenditure
35 requirements approved by the Executive Department, to be expended for the following purposes:

- 36 (a) Long-term care \$ 1
- 37 (b) Administrative expenses \$ 1

38 (2) Notwithstanding any other law, \$1 is established for the biennium ending June 30, 1983, as the
39 maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous

1 Receipts, excluding federal funds, collected or received by the Department of Human Resources for
2 administrative expense.

3 (3) Notwithstanding any other law, the following amounts are established for the biennium beginning July
4 1, 1981, as the maximum limits for the payment of expenses from federal funds received by the Senior Services
5 Division of the Department of Human Resources. Such amounts shall be credited to the Senior Services
6 Account within the General Fund as they are made available by the United States Government and, subject to
7 the approval of the Executive Department, may be expended for the following purposes:

- 8 (a) Long-term care \$ 1
- 9 (b) Administrative expenses \$ 1

10 SECTION 40. Sections 7, 9, 10, 13 and 15 of this Act are operative July 1, 1982.

11 SECTION 41. This Act being necessary for the immediate preservation of the public peace, health and
12 safety, an emergency is declared to exist, and this Act takes effect October 1, 1981.

Enrolled

Senate Bill 955

Sponsored by COMMITTEE ON HUMAN RESOURCES/AGING (at the request of
Governor's Commission on Aging; United Seniors)

CHAPTER.....

AN ACT

Relating to social services; creating new provisions; amending ORS 184.750, 184.865, 184.900, 327.525, 411.590 and 441.630; repealing ORS 184.860, 327.523, 413.025 and 441.081; appropriating money; and declaring an emergency.

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

SECTION 1. As used in this Act:

(1) "Area agency" means:

(a) An established or proposed type A or type B Area Agency on Aging within a planning and service area designated under Section 305 of the Older Americans Act; or

(b) Any public or nonprofit private agency which is designated as a type A or type B Area Agency on Aging under Section 305 of the Older Americans Act.

(2) "Area agency board" means the local policy-making board which directs the actions of the area agency within state and federal laws and regulations.

(3) "Division" means the Senior Services Division of the Department of Human Resources.

(4) "Elderly" or "elderly persons" means persons who are served by type A area agencies or type B area agencies or by the Senior Services Division.

(5) "Handicapped person" means a person with a physical or mental handicap:

(a) Who is eligible for Supplemental Security Income or for general assistance from the Adult and Family Services Division; and

(b) Who meets one of the following criteria:

(A) Is mentally retarded or developmentally disabled and resides in or needs placement in a residential program administered by the Senior Services Division.

(B) Is mentally or emotionally disturbed and resides in or needs placement in a residential program administered by the Senior Services Division.

(C) Is an alcohol or drug abuser and resides in or needs placement in a residential program administered by the Senior Services Division.

(D) Has a physical or mental handicap other than those described in subparagraphs (A) to (C) of this paragraph.

(6) "Local government" means a political subdivision of the state whose authority is general or a combination of units of general purpose local governments.

(7) "Preadmission screening" means a professional program within the Senior Services Division or type B area agencies, with staff that includes registered nurses and social workers, that assesses the needs of clients

and recommends appropriate placements in residential programs administered by the Senior Services Division or type B area agencies.

(8) "Protective services" means a service to be provided by the Senior Services Division directly or through type B area agencies, in response to the need for protection from harm or neglect to elderly persons.

(9) "Title XIX" means the programs in Title XIX of the Social Security Act transferred from the long term care unit of the health and social services section of the Adult and Family Services Division to the Senior Services Division but does not include Title XIX programs, other than home health, personal care and nursing home programs, or Title XIX programs in other divisions of the Department of Human Resources.

(10) "Title XX" means the programs in Title XX of the Social Security Act transferred from the Adult and Family Services Division to the Senior Services Division, but does not include Title XX programs in other divisions of the Department of Human Resources.

(11) "Type A area agency" means an area agency:

(a) For which either the local government or the area agency board does not agree to accept local administrative responsibility for Title XIX and Title XX; and

(b) That provides a service to persons 60 years of age or older.

(12) "Type B area agency" means an area agency:

(a) For which the local government agrees to accept local administrative responsibility for Title XIX and Title XX; and

(b) That provides a service to persons 60 years of age or older and handicapped persons who require services similar to those required by persons 60 years of age or older, or both.

SECTION 2. The State of Oregon finds that the needs of the elderly population can be best served and planned for at the local community level; that a longer life expectancy and a growing elderly population demands services be provided in a coordinated manner and a single local agency system for such services be instituted; that local resources and volunteer help will augment state funds and needed manpower; that local flexibility in providing services should be encouraged; and that a single state agency should regulate and provide leadership to insure that the elderly citizens of Oregon will receive the necessary care and services at the least cost and in the least confining situation. The State of Oregon further finds that within budgetary constraints, it is appropriate that savings in nursing home services allocations within a planning and service area be reallocated to alternative care services under Title XIX, Title XX and Oregon Project Independence in that area.

SECTION 3. (1) The Senior Services Division is created in the Department of Human Resources. The division shall administer laws and programs relating to social, health and protective services to elderly persons.

(2) The division shall:

(a) Serve as the central state agency with primary responsibility for the planning, coordination, development and evaluation of policy, programs and services for elderly persons in Oregon and the designated state unit on aging, as defined in the Older Americans Act of 1965.

(b) With the advice of the Governor's Commission on Senior Services, develop long-range state plans for programs, services and activities for elderly and handicapped persons. State plans should be revised annually and should be based on area agency plans, state-wide priorities and state and federal requirements.

(c) Have the authority to transfer state and federal funds, except Title III of the Older Americans Act funds, from one area agency to another area agency or from one program or service to another program or service after consultation with the area agencies involved in the transfer. However, no area agency shall suffer a reduction in state or federal funds due to increased local funds.

(d) Receive and disburse all federal and state funds allocated to the division and solicit, accept and administer grants, including federal grants or gifts made to the division or to the state for the benefit of elderly persons in this state.

(e) Provide technical, training and program assistance to area agencies and assist them to provide such assistance to public and private agencies and organizations.

(f) Assist area agencies to stimulate more effective use of existing resources and services for elderly persons and develop programs, opportunities and services which are not otherwise provided for elderly persons, with the aim of developing a comprehensive and coordinated system for the delivery of social services to elderly persons.

(g) Serve within government and in the state at large as an advocate for elderly persons by holding hearings and conducting studies or investigations concerning matters affecting the health, safety and welfare of elderly persons and by assisting elderly persons to assure their rights to apply for and receive services and to be given fair hearings when such services are denied.

(h) Process fiscal and client data for all area agencies.

(i) Conduct regulatory functions with regard to program operation, by adopting rules for providing social services, including protective services, to elderly persons who need services that the division or area agencies are authorized to provide and rules for standard rate setting and quality assurance.

(j) Provide information and technical assistance to the Governor's Commission on Senior Services and keep the commission continually informed of the activities of the division.

(k) Make recommendations for legislative action to the Governor and to the Legislative Assembly, after consultation with the Governor's Commission on Senior Services.

(L) Conduct research and other appropriate activities to determine the needs of elderly persons in this state, including, but not limited to, their needs for social and health services, and to determine what existing services and facilities, private and public, are available to elderly persons to meet those needs.

(m) Maintain a clearinghouse for information related to the needs and interests of elderly persons.

(n) Provide area agencies with assistance in applying for federal, state and private grants and identifying new funding sources.

(3) In addition to the requirements of subsection (2) of this section, the division shall:

(a) Determine type A and type B area agencies annual budget levels for Oregon Project Independence and Title III of the Older Americans Act expenditures.

(b) For type B area agencies:

(A) Determine annual budget levels for planning Title XIX and Title XX reimbursed services. In determining the budget levels, the division shall retain contingency reserves against overruns and transfers in use of Title XIX and Title XX funds.

(B) Provide timely management information so the area agency can manage Title XIX and Title XX reimbursements within budgeted levels.

(c) Make payments for services within a central processing system for:

(A) A type A area agency, at the request of the agency, for Oregon Project Independence or Title III of the Older Americans Act expenditures, or both.

(B) A type B area agency, for Title XIX, Title XX and Oregon Project Independence expenditures, and at the request of the agency, for Title III of the Older Americans Act expenditures.

(d) Assume program responsibility for Title XIX and Title XX programs in areas served by type A area agencies and in areas where no area agency is designated.

SECTION 4. (1) It is the policy of the State of Oregon that handicapped persons served by the Senior Services Division shall also receive necessary services, as appropriate for their needs, from other state agencies and divisions.

(2) In carrying out the provisions in subsection (1) of this section, the Department of Human Resources shall insure that the Senior Services Division negotiates interagency agreements and coordinates services with the Mental Health Division, Vocational Rehabilitation Division, Employment Division, Children's Services Division and the Department of Education for the provision of appropriate services to handicapped clients of the Senior Services Division.

(3) (a) Prior to placement in any residential program administered by the Senior Services Division, all handicapped persons shall be assessed by preadmission screening to insure the appropriateness of such placement.

(b) If a handicapped person is diagnosed as, or is suspected of being, mentally retarded or developmentally disabled, preadmission screening shall include assessment by the Diagnosis and Evaluation Service of the Mental Health Division.

(4) The Senior Services Division, in coordination with the Mental Health Division, Children's Services Division, Vocational Rehabilitation Division and the Department of Education shall work with nursing homes which have one or more residents under 18 years of age to develop a program appropriate to the needs of such residents.

SECTION 5. (1) Agreements and coordination described in subsection (2) of section 4 of this Act shall include but not be limited to the following:

(a) After creation of the Senior Services Division, the Department of Human Resources shall transfer to the Mental Health Division jurisdiction over specialized foster care homes and residential care facilities exclusively serving persons with mental retardation or developmental disabilities, mental or emotional disturbances, and alcohol or drug abuse or dependence. This transfer shall be completed by July 1, 1982, and shall include associated fiscal and staff resources.

(b) The Department of Human Resources shall direct the Senior Services Division and the Mental Health Division to complete, by July 1, 1982, a joint study of persons with mental retardation or developmental disabilities, mental or emotional disturbances, and alcohol or drug abuse or dependence who remain in foster care homes, residential care facilities or nursing homes.

(2) The study described in paragraph (b) of subsection (1) of this section shall:

(a) Assess the appropriateness of current placement for persons described in paragraph (b) of subsection (1) of this section.

(b) Make recommendations for appropriate residential, day programs and support services for those persons not appropriately placed.

(c) Plan needed case management for those persons who should remain as clients of the Senior Services Division.

(3) Recommendations made pursuant to paragraph (b) of subsection (2) of this section shall be reflected in budget recommendations made by the Mental Health Division to the Sixty-second Legislative Assembly.

SECTION 6. All programs and functions performed by the Office of Elderly Affairs and the Adult and Family Services Division, Health and Social Services Section, Long-Term Care Unit, are transferred to the Senior Services Division.

SECTION 7. (1) The Department of Human Resources is the designated single state agency for all federal programs under this Act.

(2) Except as provided in paragraph (d) of subsection (3) of section 3 and section 10 of this Act, the administration of services to clients under this Act shall be through area agencies, and shall comply with all applicable federal regulations.

SECTION 8. On and after the effective date of this Act, a type A area agency shall operate in the same manner as it operated with local administrative responsibility for Title III of the Older Americans Act and Oregon Project Independence before the effective date of this Act. Nothing in this Act requires a type A area agency to become a type B area agency.

SECTION 9. (1) A local government shall be responsible for all actions of a type B area agency in its jurisdiction, including but not limited to the accountability for funds and compliance with federal and state laws and rules. Such responsibility shall include all geographic areas in which the type B area agency is designated to operate.

(2) The respective local government shall appoint a director of the type B area agency in its jurisdiction who must meet minimum qualifications established by the division. The director shall serve with the continuing approval of the Assistant Director for Senior Services. Continuing approval may be withdrawn by the assistant director only when it can be shown that the state or federal rules have not been complied with by the type B area agency, state or federal funds are not being expended for the purposes for which they were intended or the elderly are not receiving appropriate services within available funds. Withdrawal of continuing approval is appealable to the Director of Human Resources and the Governor by the local government.

SECTION 10. (1) In the event that a local government withdraws the designation of an area agency, or the division withdraws the area agency designation in accordance with the Older Americans Act, the division shall administer the services to clients previously performed by the area agency until a new area agency is designated.

(2) The division may withdraw any particular program or service, except Title III of the Older Americans Act programs, from the area agency, and administer such programs and services. Before such action is taken, the division must consult with the director of the area agency and the chief elected official of the affected local government. Such action shall be taken by the division only when it can be shown the federal or state laws or rules have not been complied with, state or federal funds are not being expended for the purposes for which

they were intended, or the elderly are not receiving appropriate services within available resources. Withdrawal of any particular program or service is appealable to the Director of Human Resources and the Governor.

SECTION 11. (1) Each area agency shall have an area agency advisory council, with members appointed by the area agency board.

(a) For a type A area agency, membership of the council shall include consumers of services under Senior Services Division programs, including low income, minority and handicapped persons.

(b) For a type B area agency, membership of the council shall include persons described in paragraph (a) of this subsection and handicapped persons. Representation of handicapped persons on the council shall be in proportion to the ratio of such persons to all persons in the jurisdiction of the area agency who received Title XIX and Title XX services, or both, during the preceding 12-month period, but shall not be fewer than one.

(2) Each area agency advisory council shall:

(a) Recommend basic policy guidelines for the administration of the activities of the area agencies on behalf of elderly persons, and advise the area agency on questions of policy.

(b) Advise the area agency with respect to development of the area plan and budget, and review and comment on the completed area plan and budget before its transmittal to the Assistant Director for Senior Services.

(c) Review and evaluate the effectiveness of the area agency in meeting the needs of elderly persons in the planning and service area.

(d) Meet at least quarterly. The meetings are subject to ORS 192.610 to 192.690.

SECTION 12. Each type A area agency shall:

(1) Conduct local planning functions for Title III of the Older Americans Act and Oregon Project Independence.

(2) Develop a local plan for service delivery that complies with federal and state requirements and is in accord with locally determined objectives consistent with the state policy on aging. This plan shall be reviewed and approved by the division.

(3) Assess the needs of elderly persons within the planning and service delivery area for service for social and health services, and determine what resources are currently available to meet those needs.

(4) Assume the responsibility of determining services required to meet the needs of elderly persons, assure that such services are provided within the resources available and determine when such services are no longer needed.

(5) Endeavor to coordinate and expand existing resources in order to develop within its planning and service area a comprehensive and coordinated system for the delivery of social and health services to elderly persons.

(6) Serve as an advocate within government and within the community at large for the interests of elderly persons within its planning and service area.

(7) Make grants to or enter into contracts with any public or private agency for the provision of social or health services not otherwise sufficiently available to elderly persons within the planning and service area.

(8) Monitor and evaluate the activities of its service providers to insure that the services being provided comply with the terms of the grant or contract. Where a provider is found to be in breach of the terms of its grant or contract, the area agency shall enforce the terms of the grant or contract.

(9) Conduct research, evaluation, demonstration or training activities appropriate to the achievement of the goal of improving the quality of life for elderly persons within its planning and service area.

(10) Comply with division requirements that have been developed in consultation with the area agencies for client and fiscal information and provide to the division information necessary for federal and state reporting, program evaluation, program management, fiscal control and research needs.

SECTION 13. Each type B area agency shall:

(1) Comply with the provisions of subsection (1) and subsections (3) to (10) of section 12 of this Act.

(2) Conduct local planning functions for Title XIX and Title XX of the Social Security Act.

(3) Develop a local plan for service delivery subject to review and approval by the division and the responsible unit of local government that complies with federal and state requirements and in accord with locally determined objectives consistent with the state policy on aging.

(4) Provide protective services within available resources.

SECTION 14. Each area agency may use, with the consent of state and municipal departments and agencies, their services, equipment, facilities and personnel, and pay therefor, within the limits of its resources, as agreed between the agencies and cooperate with other public and private agencies as to the use of services, equipment and facilities.

SECTION 15. (1) A type B area agency may contract with the division for services of state employees or have such employees transferred to employment by the area agency by transfer agreement.

(2) State employees whose services have been contracted to a type B area agency shall be supervised for program purposes by the area agency.

(3) If state employees are transferred to a type B area agency, the provisions of ORS 236.610 to 236.650 shall apply.

(4) Prior to transfer of any state employee to any other public employer under this Act, at a date to be determined by the Assistant Director for Senior Services, each type B area agency shall prepare a plan in coordination with local staff of the Adult and Family Services Division for implementation of this Act. The plan shall show how statutory responsibilities are to be met and how all staff are to be utilized.

SECTION 16. (1) Prior to the designation of an area agency as a type B area agency, the area agency, the responsible unit of local government and the division must jointly agree upon a plan under which the area agency will operate.

(2) The plan described in subsection (1) of this section shall:

(a) Establish an administrative structure and qualifications for key personnel that reflect the population to be served.

(b) Be developed in coordination with the appropriate local mental health authority.

(c) Include any necessary interagency agreements regarding which agency is to have responsibility for each specific group of clients under 60 years of age.

(d) Address necessary transfers of staff, available equipment and administrative and service funds.

(e) Be prepared with the participation of potentially affected clients, staff and other individuals at the local level, including but not limited to physically handicapped individuals.

Section 17. ORS 184.900 is amended to read:

184.900. (1) The Governor's Commission on [*Aging*] Senior Services is created. The commission shall consist of at least [*19*] 21 members appointed by the Governor for terms of three years.

(2) Prior to making appointments, the Governor shall request and consider recommendations from the area agencies on aging and other interested senior organizations. The Governor shall designate a member to serve at [*his*] the pleasure of the Governor as chairman for a term of two years with such duties as [*he*] the Governor shall prescribe. The membership of the commission shall be composed of [*members*] persons broadly representative of major public and private agencies who are experienced in or have demonstrated particular interest in the special needs of [*the*] elderly persons, including [*citizens*] persons who have been active in [*senior*] organizations and advocates on behalf of [*senior citizens*] elderly persons. [*Of the members appointed to the commission under this subsection, a majority shall be actual*] Additionally, membership shall include persons who are active in advocacy organizations representing the interests of handicapped persons who are served in programs under the Senior Services Division and consumers of services under the [*aging*] Senior Services Division programs, including low income, [*and*] minority [*older*] and handicapped persons [*at least in proportion to the number of minority and older persons in the state*]. At least a majority of members shall be 60 years of age or older.

[(2)] (3) In addition to the members of the commission appointed under subsection (1) of this section, the President of the Senate shall appoint one member from the Senate and the Speaker of the House of Representatives shall appoint one member from the House of Representatives. [*The members of the commission appointed under this subsection shall be entitled to actual and necessary expenses.*]

[(3)] (4) The Governor's Commission on [*Aging*] Senior Services shall advise the Governor, [*and*] the Director of the Department of Human Resources and the Assistant Director for Senior Services on needs of [*the*] elderly [*and*] persons, and recommend actions by the Governor, the Department of Human Resources, the Senior Services Division, other governmental entities and the private sector, appropriate to meet such needs.

[(4)] (5) The commission shall have authority to study programs and budgets of all state agencies which affect [senior citizens] elderly persons. After such study, the commission shall make recommendations to the Governor and to the agencies involved. Such recommendations shall be designed to provide coordination of programs for [the] elderly persons, to avoid unnecessary duplication in provision of services, and to point out gaps in provision of services. The commission shall also recommend development of a comprehensive plan for delivery of services to [the] elderly persons. In carrying out these tasks, the commission shall coordinate its efforts with other advisory groups within the Department of Human Resources to avoid duplication of effort.

[(5)] (6) The commission shall promote responsible state-wide advocacy for [senior citizens] elderly persons.

[(6)] (7) Members of the commission, other than legislators, shall be entitled to compensation and expenses as provided in ORS 292.495.

SECTION 18. On the effective date of this Act, the terms of incumbent members of the Governor's Commission on Aging shall end. In the first year appointments required by ORS 184.900 as amended by section 17 of this Act are made, the members will be appointed as follows:

- (1) One-third shall be appointed for one year;
- (2) One-third shall be appointed for two years; and
- (3) One-third shall be appointed for three years.

Section 19. ORS 184.750 is amended to read:

184.750. (1) The Department of Human Resources is created.

(2) The Department of Human Resources shall provide programs for the delivery to the public of services relating to public assistance, children and families, health and health-related affairs, mental health, corrections, employment, vocational rehabilitation, [aging,] elderly persons and such other services as may be assigned to the Department of Human Resources.

(3) The Department of Human Resources shall provide the programs and services enumerated in subsection (2) of this section through the divisions and other organizational units, including but not limited to the following:

- (a) The Adult and Family Services Division;
- (b) The Children's Services Division;
- (c) The Mental Health Division;
- (d) The Corrections Division;
- (e) The Employment Division;
- (f) The Vocational Rehabilitation Division;
- (g) The Health Division; and
- (h) The [Office of Elderly Affairs] Senior Services Division.

(4) The Department of Human Resources shall be the recipient of all federal funds paid or to be paid to the state to enable the state to provide the programs and services assigned to the Department of Human Resources.

Section 20. ORS 184.865 is amended to read:

184.865. (1) The Department of Human Resources is directed to develop and place in effect a program of supportive social services for persons age 60 or older.

(2) The Department of Human Resources is authorized to develop and adopt such rules as necessary for the sound, efficient and economical administration of the provisions of this section and ORS 184.900 to 184.910, including the implementation of a fee for service schedule based upon ability to pay, and to assure that no eligible person, resident in a skilled nursing home or intermediate care facility, shall be removed and placed in an alternative care program unless such services are determined to be more appropriate for the individual citizen based upon appropriate, individual, service considerations.

[(3)] *There is hereby created an Office of Elderly Affairs in the Department of Human Resources. The office shall have responsibility for all programs and functions heretofore performed by the State Program on Aging and the Office of Special Assistant for Programs for the Elderly, and for such other functions as shall be assigned to it by the Legislative Assembly, the Governor or the Director of the Department of Human Resources.*

[(4)] *In accordance with any applicable provisions of ORS 183.310 to 183.500, the office may make such rules as are necessary to carry out the provisions of ORS 184.750, 184.760, 184.900 and this section.*

[(5) The office shall be staffed by one administrator and one assistant administrator, both of whom shall be in the unclassified service, and by such other personnel as may be necessary. The Director of the Department of Human Resources shall appoint the administrator and the assistant administrator.]

Section 21. ORS 327.525 is amended to read:

327.525. The School Lunch Revolving Account of the General Fund is continuously appropriated for the purposes of ORS 327.520 *[and 327.523]*. All money received under the provisions of ORS 327.520 *[and 327.523]* shall be paid by the superintendent to the State Treasurer for credit to the School Lunch Revolving Account.

Section 22. ORS 441.630 is amended to read:

441.630. As used in ORS 441.630 to 441.680:

(1) "Abuse" means:

(a) Any physical injury to a patient of a long term care facility which has been caused by other than accidental means, including any injury which appears to be at variance with the explanation given of the injury.

(b) Neglect which leads to physical harm.

(c) Failure to provide direct patient care.

(2) "Division" means the *[Adult and Family]* Senior Services Division of the Department of Human Resources.

(3) "Law enforcement agency" means:

(a) Any city or municipal police department.

(b) Any county sheriff's office.

(c) The Oregon State Police.

(d) Any district attorney.

(4) "Public or private official" means:

(a) Physician, including any intern or resident.

(b) Licensed practical nurse or registered nurse.

(c) Employee of the Department of Human Resources, county health department, community mental health program or a long term care facility or person who contracts to provide services to a long term care facility.

(d) Peace officer.

(e) Clergyman.

(f) Registered social worker.

(g) Physical therapist.

(h) Legal counsel for a resident or guardian or family member of the resident.

Section 23. ORS 411.590 is amended to read:

411.590. A person who is employed as a housekeeper, homemaker or otherwise as a domestic servant in the house of a recipient of public assistance or services, whose compensation is paid in whole or in part by the Adult and Family Services Division, the Senior Services Division or the Children's Services Division and is not otherwise employed by *[either]* the division, shall not for any purposes be deemed to be an employee of the State of Oregon whether or not the division selects the person for employment or exercises any direction or control over the person's employment. Such person shall be deemed to be a nonsubject *[workman]* worker under ORS 656.027.

SECTION 24. (1) On written request of the Senior Services Division, the Executive Department shall draw warrants on amounts appropriated to the Senior Services Division for operating expenses for use by the division as a revolving fund. The revolving fund shall not exceed the aggregate sum of \$50,000 including unreimbursed advances. The revolving fund shall be deposited with the State Treasurer to be held in a special account against which the division may draw checks.

(2) The revolving fund may be used by the division to pay for travel expenses for employees of the division and for any consultants or advisers for whom payment of travel expenses is authorized by law, or advances therefor, or for purchases required from time to time or for receipt or disbursement of federal funds available under federal law.

(3) All claims for reimbursement of amounts paid from the revolving fund shall be approved by the division and by the Executive Department. When such claims have been approved, a warrant covering them shall be drawn in favor of the division and charged against the appropriate fund or account, and shall be used to reimburse the revolving fund.

SECTION 25. (1) There is established in the General Fund of the State Treasury an account to be known as the Senior Services Account. All moneys in the Senior Services Account are continuously appropriated for and shall be used by the Senior Services Division for the respective purposes authorized by law. The moneys in the Senior Services Account and all appropriations for the Senior Services Division shall be subject to allotment made by the Executive Department.

(2) The Senior Services Division shall keep a record of all moneys credited to and deposited in the Senior Services Account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity or program against which each withdrawal is charged.

(3) The unobligated balance in the Senior Services Account on June 30 of each odd-numbered year shall be determined by the Senior Services Division as of September 30 following the close of each biennium and certified to the Executive Department. The amount certified pursuant to this subsection shall revert to the General Fund and become available for general governmental purposes.

SECTION 26. The assistant director may appoint and employ such personnel as may be necessary for the Senior Services Division and appoint and fix the compensation of all assistants and employes of the division.

SECTION 27. The Senior Services Division shall make and enforce rules governing the custody, use and preservation of the records, papers, files and communications by any other agency or department of government or person to which the records may be furnished. Use shall be limited to the purposes for which the records are furnished and by the provisions of the law under which they may be furnished.

SECTION 28. For the protection of applicants for and recipients of services, the Senior Services Division shall not disclose or use the contents of any records, files, papers or communications for purposes other than those directly connected with the administration of the laws of Oregon, and these records, files, papers and communications are considered confidential subject to the rules of the Senior Services Division, except as otherwise provided in ORS 411.325 to 411.335. In any judicial proceedings, except proceedings directly connected with the administration of public assistance laws, their contents are considered privileged communications.

SECTION 29. Any reference to the Adult and Family Services Division or the Office of Elderly Affairs with respect to such duties, functions and powers transferred by this Act is intended to be and shall be considered a reference to the Senior Services Division of the Department of Human Resources.

SECTION 30. (1) The Adult and Family Services Division and the Office of Elderly Affairs whose duties, functions and powers are assigned and transferred to the Senior Services Division by this Act shall transfer and deliver to the Senior Services Division all supplies, materials, equipment, facilities, contracts, books, maps, plans, papers, records and property of every description within its jurisdiction or control which relate to the duties, functions and powers so transferred and shall also transfer thereto those employes engaged primarily in the exercise of the duties, functions and powers so transferred. The Assistant Director for Senior Services shall take possession of such property and shall take charge of such employes and, except as provided in subsection (2) of this section, shall employ them in the exercise of their respective duties, functions and powers assigned or transferred by this Act, without reduction of compensation.

(2) The Assistant Director for Senior Services may abolish positions and change duties to the extent that the assistant director finds it desirable for the sound, efficient and economical administration and enforcement of the duties, functions and powers transferred by this Act. However, in the case of any transfer of personnel made pursuant to this section, any employe occupying a classified position who is so transferred shall, so far as possible, retain the same salary classification and status.

(3) Any controversy relating to the transfers of property and employes made by this section shall be resolved by the Director of the Executive Department.

SECTION 31. Nothing in this Act shall relieve any person of any obligation with respect to any tax, fee, fine or other charge, interest, penalty, forfeiture or other liability, duty or obligation accruing under, or with respect to, the duties, functions and powers transferred by this Act. After the effective date of this Act the Senior Services Division may undertake the collection or enforcement of such tax, fee, fine, charge, interest, penalty, forfeiture or other liability, duty or obligation; but such liability, duty or obligation shall not be increased or decreased or continued beyond the period authorized by law for its existence or beyond the time when it would have terminated if this Act had not been passed.

SECTION 32. (1) The Senior Services Division shall be considered and held to constitute a continuation of the Adult and Family Services Division and the Office of Elderly Affairs with respect to powers, functions and duties and obligations of the Adult and Family Services Division or the Office of Elderly Affairs legally incurred under contracts, leases and business transactions executed, entered into or commenced prior to the effective date of this Act. The Senior Services Division shall exercise such rights, powers, duties and obligations with the same force and effect as if they had not been transferred; but such right, power, duty or obligation shall not be continued beyond the period authorized by law for its existence or beyond the time when it would have terminated if this Act had not been passed.

(2) The continuation of powers and functions described in this section shall include rulemaking authority pertaining to functions, duties and obligations transferred by this Act, and rulemaking authority for functions, duties and obligations established by this Act.

SECTION 33. Any proceeding, court action, prosecution or other business or matter undertaken or commenced prior to the effective date of this Act by the Adult and Family Services Division or Office of Elderly Affairs with respect to the duties, functions or powers which are by this Act assigned and transferred to the Senior Services Division, and still pending on the effective date of this Act, may be conducted and completed by the Senior Services Division in the same manner and under the same terms and conditions and with the same effect as though it were undertaken or commenced and were conducted or completed by the Adult and Family Services Division or the Office of Elderly Affairs prior to transfer.

SECTION 34. (1) Whenever in any other law or resolution of the Legislative Assembly, or in any rule, regulation, document, record or proceeding authorized by the same, any word or phrase is used in reference to or descriptive of the Adult and Family Services Division or the Office of Elderly Affairs whose duties, functions or powers are by this Act assigned or transferred, such word, phrase or reference shall, after the effective date of this Act, unless the context or provisions of this Act require otherwise, be considered to refer to, include and describe the Senior Services Division which is charged with carrying out such powers, functions and duties, as the context and provisions of this Act may require.

(2) Notwithstanding the transfer of duties, functions and powers by this Act, any lawful authorization, designation, determination, directive, license, order, permit, policy, privilege, rule or other action of the Adult and Family Services Division or the Office of Elderly Affairs whose powers, functions and duties are by this Act assigned and transferred to the Senior Services Division, in effect on the effective date of this Act, shall continue in effect until superseded by, or repealed by the lawful action of the Senior Services Division; but it shall not continue any such action beyond the period authorized by law for its existence or beyond the time when the action would have terminated if this Act had not been passed.

SECTION 35. The functions of the Adult and Family Services Division or the Office of Elderly Affairs described in this Act are transferred to and vested in the Senior Services Division.

SECTION 36. Nothing in this Act extends estate claims requirements and procedures related to certain Title XIX and Title XX services under current Oregon statutes and federal regulations to other services.

SECTION 37. Nothing in this Act requires an area agency or local governmental unit to expend local funds for the purpose of maintaining or expanding services to elderly and handicapped persons.

SECTION 38. ORS 184.860, 327.523, 413.025 and 441.081 are repealed.

SECTION 39. (1) There are appropriated to the Senior Services Division of the Department of Human Resources, for the biennium ending June 30, 1983, out of the General Fund, the following amounts, which shall be placed in the Senior Services Account in quarterly instalments based upon estimates of expenditure requirements approved by the Executive Department, to be expended for the following purposes:

(a) Long-term care	\$	1
(b) Administrative expenses.....	\$	1

(2) Notwithstanding any other law, \$1 is established for the biennium ending June 30, 1983, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, excluding federal funds, collected or received by the Department of Human Resources for administrative expense.

(3) Notwithstanding any other law, the following amounts are established for the biennium beginning July 1, 1981, as the maximum limits for the payment of expenses from federal funds received by the Senior Services Division of the Department of Human Resources. Such amounts shall be credited to the Senior Services

Account within the General Fund as they are made available by the United States Government and, subject to the approval of the Executive Department, may be expended for the following purposes:

- (a) Long-term care \$ 1
- (b) Administrative expenses \$ 1

SECTION 40. Sections 7, 9, 10, 13 and 15 of this Act are operative July 1, 1982.

SECTION 41. This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act takes effect October 1, 1981.

Passed by Senate July 31, 1981

.....
Secretary of Senate
.....
President of Senate

Received by Governor:

..... M.,....., 1981

Approved:

..... M.,....., 1981

.....
Governor

Filed in Office of Secretary of State:

..... M.,....., 1981

Passed by House August 1, 1981

.....
Speaker of House

.....
Secretary of State

S A-Engrossed

Senate Bill 955

Ordered by the Senate ~~July 16~~ *July 30*
(Including Amendments by Senate July 16) *2 and July 30*

Sponsored by COMMITTEE ON HUMAN RESOURCES/AGING (at the request of Governor's Commission on Aging; United Seniors)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Creates, operative July 1, 1982, Senior Services Division in Department of Human Resources to provide social services to elderly [*and adult disabled persons*]. Changes name of Governor's Commission on Aging to Governor's Commission on [*Aging and the Disabled*] **Senior Services**. Transfers certain functions from Office of Elderly Affairs and Adult and Family Services Division to the Senior Services Division.

Appropriates [*\$_____*] **\$58,434,983** to Senior Services Division for biennium. Changes biennial appropriation to Department of Human Resources and Adult and Family Services Division.

Declares emergency, effective October 1, 1981.

A BILL FOR AN ACT

1
2 Relating to social services; creating new provisions; amending ORS 184.750, 184.865, 184.900, 327.525, 411.590
3 and 441.630 ~~and sections 1 and 2, chapter _____, Oregon Laws 1981 (Enrolled House Bill 5036), and~~
4 ~~sections 1, 2 and 3, chapter _____, Oregon Laws 1981 (Enrolled Senate Bill 5522);~~ repealing ORS
5 184.860, 327.523, 413.025 and 441.081; appropriating money; and declaring an emergency.

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

7 **SECTION 1.** As used in this Act:

8 (1) "Area agency" means:

9 (a) An established or proposed type A or type B Area Agency on Aging within a planning and service area
10 designated under Section 305 of the Older Americans Act; or

11 (b) Any public or nonprofit private agency which is designated as a type A or type B Area Agency on Aging
12 under Section 305 of the Older Americans Act.

13 (2) "Area agency board" means the local policy-making board which directs the actions of the area agency
14 within state and federal laws and regulations.

15 (3) "Division" means the Senior Services Division of the Department of Human Resources.

16 (4) "Elderly" or "elderly persons" means persons who are served by type A area agencies or type B area
17 agencies or by the Senior Services Division.

18 (5) "Handicapped person" means a person with a physical or mental handicap:

19 (a) Who is eligible for Supplemental Security Income or for general assistance from the Adult and Family
20 Services Division; and

21 (b) Who meets one of the following criteria:

22 (A) Is mentally retarded or developmentally disabled and resides in or needs placement in a residential
23 program administered by the Senior Services Division.

NOTE: Matter in **bold face** in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted; complete new sections begin with **SECTION**.

1 (B) Is mentally or emotionally disturbed and resides in or needs placement in a residential program
2 administered by the Senior Services Division.

3 (C) Is an alcohol or drug abuser and resides in or needs placement in a residential program administered by
4 the Senior Services Division.

5 (D) Has a physical or mental handicap other than those described in subparagraphs (A) to (C) of this
6 paragraph.

7 (6) "Local government" means a political subdivision of the state whose authority is general or a
8 combination of units of general purpose local governments.

9 (7) "Preadmission screening" means a professional program within the Senior Services Division or type B
10 area agencies, with staff that includes registered nurses and social workers, that assesses the needs of clients
11 and recommends appropriate placements in residential programs administered by the Senior Services Division
12 or type B area agencies.

13 (8) "Protective services" means a service to be provided by the Senior Services Division directly or
14 through type B area agencies, in response to the need for protection from harm or neglect to elderly persons.

15 (9) "Title XIX" means the programs in Title XIX of the Social Security Act transferred from the long term
16 care unit of the health and social services section of the Adult and Family Services Division to the Senior
17 Services Division but does not include Title XIX programs, other than home health, personal care and nursing
18 home programs, or Title XIX programs in other divisions of the Department of Human Resources.

19 (10) "Title XX" means the programs in Title XX of the Social Security Act transferred from the Adult and
20 Family Services Division to the Senior Services Division, but does not include Title XX programs in other
21 divisions of the Department of Human Resources.

22 (11) "Type A area agency" means an area agency:

23 (a) For which either the local government or the area agency board does not agree to accept local
24 administrative responsibility for Title XIX and Title XX; and

25 (b) That provides a service to persons 60 years of age or older.

26 (12) "Type B area agency" means an area agency:

27 (a) For which the local government agrees to accept local administrative responsibility for Title XIX and
28 Title XX; and

29 (b) That provides a service to persons 60 years of age or older and handicapped persons who require
30 services similar to those required by persons 60 years of age or older, or both.

31 **SECTION 2.** The State of Oregon finds that the needs of the elderly population can be best served and
32 planned for at the local community level; that a longer life expectancy and a growing elderly population
33 demands services be provided in a coordinated manner and a single local agency system for such services be
34 instituted; that local resources and volunteer help will augment state funds and needed manpower; that local
35 flexibility in providing services should be encouraged; and that a single state agency should regulate and
36 provide leadership to insure that the elderly citizens of Oregon will receive the necessary care and services at
37 the least cost and in the least confining situation. The State of Oregon further finds that within budgetary
38 constraints, it is appropriate that savings in nursing home services allocations within a planning and service area
39 be reallocated to alternative care services under Title XIX, Title XX and Oregon Project Independence in that
40 area.

1 **SECTION 3.** (1) The Senior Services Division is created in the Department of Human Resources. The
2 division shall administer laws and programs relating to social, health and protective services to elderly persons.

3 (2) The division shall:

4 (a) Serve as the central state agency with primary responsibility for the planning, coordination,
5 development and evaluation of policy, programs and services for elderly persons in Oregon and the designated
6 state unit on aging, as defined in the Older Americans Act of 1965.

7 (b) With the advice of the Governor's Commission on Senior Services, develop long-range state plans for
8 programs, services and activities for elderly and handicapped persons. State plans should be revised annually
9 and should be based on area agency plans, state-wide priorities and state and federal requirements.

10 (c) Have the authority to transfer state and federal funds, except Title III of the Older Americans Act
11 funds, from one area agency to another area agency or from one program or service to another program or
12 service after consultation with the area agencies involved in the transfer. However, no area agency shall suffer
13 a reduction in state or federal funds due to increased local funds.

14 (d) Receive and disburse all federal and state funds allocated to the division and solicit, accept and
15 administer grants, including federal grants or gifts made to the division or to the state for the benefit of elderly
16 persons in this state.

17 (e) Provide technical, training and program assistance to area agencies and assist them to provide such
18 assistance to public and private agencies and organizations.

19 (f) Assist area agencies to stimulate more effective use of existing resources and services for elderly
20 persons and develop programs, opportunities and services which are not otherwise provided for elderly
21 persons, with the aim of developing a comprehensive and coordinated system for the delivery of social services
22 to elderly persons.

23 (g) Serve within government and in the state at large as an advocate for elderly persons by holding hearings
24 and conducting studies or investigations concerning matters affecting the health, safety and welfare of elderly
25 persons and by assisting elderly person to assure their rights to apply for and receive services and to be given
26 fair hearings when such services are denied.

27 (h) Process fiscal and client data for all area agencies.

28 (i) Conduct regulatory functions with regard to program operation, by adopting rules for providing social
29 services, including protective services, to elderly persons who need services that the division or area agencies
30 are authorized to provide and rules for standard rate setting and quality assurance.

31 (j) Provide information and technical assistance to the Governor's Commission on Senior Services and
32 keep the commission continually informed of the activities of the division.

33 (k) Make recommendations for legislative action to the Governor and to the Legislative Assembly, after
34 consultation with the Governor's Commission on Senior Services.

35 (L) Conduct research and other appropriate activities to determine the needs of elderly persons in this
36 state, including, but not limited to, their needs for social and health services, and to determine what existing
37 services and facilities, private and public, are available to elderly persons to meet those needs.

38 (m) Maintain a clearinghouse for information related to the needs and interests of elderly persons.

39 (n) Provide area agencies with assistance in applying for federal, state and private grants and identifying
40 new funding sources.

1 (3) In addition to the requirements of subsection (2) of this section, the division shall:

2 (a) Determine type A and type B area agencies annual budget levels for Oregon Project Independence and
3 Title III of the Older Americans Act expenditures.

4 (b) For type B area agencies:

5 (A) Determine annual budget levels for planning Title XIX and Title XX reimbursed services. In
6 determining the budget levels, the division shall retain contingency reserves against overruns and transfers in
7 use of Title XIX and Title XX funds.

8 (B) Provide timely management information so the area agency can manage Title XIX and Title XX
9 reimbursements within budgeted levels.

10 (c) Make payments for services within a central processing system for:

11 (A) A type A area agency, at the request of the agency, for Oregon Project Independence or Title III of the
12 Older Americans Act expenditures, or both.

13 (B) A type B area agency, for Title XIX, Title XX and Oregon Project Independence expenditures, and at
14 the request of the agency, for Title III of the Older Americans Act expenditures.

15 (d) Assume program responsibility for Title XIX and Title XX programs in areas served by type A area
16 agencies and in areas where no area agency is designated.

17 **SECTION 4.** (1) It is the policy of the State of Oregon that handicapped persons served by the Senior
18 Services Division shall also receive necessary services, as appropriate for their needs, from other state
19 agencies and divisions.

20 (2) In carrying out the provisions in subsection (1) of this section, the Department of Human Resources
21 shall insure that the Senior Services Division negotiates interagency agreements and coordinates services with
22 the Mental Health Division, Vocational Rehabilitation Division, Employment Division, Children's Services
23 Division and the Department of Education for the provision of appropriate services to handicapped clients of
24 the Senior Services Division.

25 (3) (a) Prior to placement in any residential program administered by the Senior Services Division, all
26 handicapped persons shall be assessed by preadmission screening to insure the appropriateness of such
27 placement.

28 (b) If a handicapped person is diagnosed as, or is suspected of being, mentally retarded or developmentally
29 disabled, preadmission screening shall include assessment by the Diagnosis and Evaluation Service of the
30 Mental Health Division.

31 (4) The Senior Services Division, in coordination with the Mental Health Division, Children's Services
32 Division, Vocational Rehabilitation Division and the Department of Education shall work with nursing homes
33 which have one or more residents under 18 years of age to develop a program appropriate to the needs of such
34 residents.

35 **SECTION 5.** (1) Agreements and coordination described in subsection (2) of section 4 of this Act shall
36 include but not be limited to the following:

37 (a) After creation of the Senior Services Division, the Department of Human Resources shall transfer to
38 the Mental Health Division jurisdiction over specialized foster care homes and residential care facilities
39 exclusively serving persons with mental retardation or developmental disabilities, mental or emotional

1 disturbances, and alcohol or drug abuse or dependence. This transfer shall be completed by July 1, 1982, and
2 shall include associated fiscal and staff resources.

3 (b) The Department of Human Resources shall direct the Senior Services Division and the Mental Health
4 Division to complete, by July 1, 1982, a joint study of persons with mental retardation or developmental
5 disabilities, mental or emotional disturbances, and alcohol or drug abuse or dependence who remain in foster
6 care homes, residential care facilities or nursing homes.

7 (2) The study described in paragraph (b) of subsection (1) of this section shall:

8 (a) Assess the appropriateness of current placement for persons described in paragraph (b) of subsection
9 (1) of this section.

10 (b) Make recommendations for appropriate residential, day programs and support services for those
11 persons not appropriately placed.

12 (c) Plan needed case management for those persons who should remain as clients of the Senior Services
13 Division.

14 (3) Recommendations made pursuant to paragraph (b) of subsection (2) of this section shall be reflected in
15 budget recommendations made by the Mental Health Division to the Sixty-second Legislative Assembly.

16 **SECTION 6.** All programs and functions performed by the Office of Elderly Affairs and the Adult and
17 Family Services Division, Health and Social Services Section, Long-Term Care Unit, are transferred to the
18 Senior Services Division.

19 **SECTION 7.** (1) The Department of Human Resources is the designated single state agency for all federal
20 programs under this Act.

21 (2) Except as provided in paragraph (d) of subsection (3) of section 3 and section 10 of this Act, the
22 administration of services to clients under this Act shall be through area agencies, and shall comply with all
23 applicable federal regulations.

24 **SECTION 8.** On and after the effective date of this Act, a type A area agency shall operate in the same
25 manner as it operated with local administrative responsibility for Title III of the Older Americans Act and
26 Oregon Project Independence before the effective date of this Act. Nothing in this Act requires a type A area
27 agency to become a type B area agency.

28 **SECTION 9.** (1) A local government shall be responsible for all actions of a type B area agency in its
29 jurisdiction, including but not limited to the accountability for funds and compliance with federal and state laws
30 and rules. Such responsibility shall include all geographic areas in which the type B area agency is designated
31 to operate.

32 (2) The respective local government shall appoint a director of the type B area agency in its jurisdiction
33 who must meet minimum qualifications established by the division. The director shall serve with the continuing
34 approval of the Assistant Director for Senior Services. Continuing approval may be withdrawn by the assistant
35 director only when it can be shown that the state or federal rules have not been complied with by the type B
36 area agency, state or federal funds are not being expended for the purposes for which they were intended or the
37 elderly are not receiving appropriate services within available funds. Withdrawal of continuing approval is
38 appealable to the Director of Human Resources and the Governor by the local government.

39 **SECTION 10.** (1) In the event that a local government withdraws the designation of an area agency, or the
40 division withdraws the area agency designation in accordance with the Older Americans Act, the division shall

1 administer the services to clients previously performed by the area agency until a new area agency is
2 designated.

3 (2) The division may withdraw any particular program or service, except Title III of the Older Americans
4 Act programs, from the area agency, and administer such programs and services. Before such action is taken,
5 the division must consult with the director of the area agency and the chief elected official of the affected local
6 government. Such action shall be taken by the division only when it can be shown the federal or state laws or
7 rules have not been complied with, state or federal funds are not being expended for the purposes for which
8 they were intended, or the elderly are not receiving appropriate services within available resources.
9 Withdrawal of any particular program or service is appealable to the Director of Human Resources and the
10 Governor.

11 **SECTION 11.** (1) Each area agency shall have an area agency advisory council, with members appointed
12 by the area agency board.

13 (a) For a type A area agency, membership of the council shall include consumers of services under Senior
14 Services Division programs, including low income, minority and handicapped persons.

15 (b) For a type B area agency, membership of the council shall include persons described in paragraph (a) of
16 this subsection and handicapped persons. Representation of handicapped persons on the council shall be in
17 proportion to the ratio of such persons to all persons in the jurisdiction of the area agency who received Title
18 XIX and Title XX services, or both, during the preceding 12-month period, but shall not be fewer than one.

19 (2) Each area agency advisory council shall:

20 (a) Recommend basic policy guidelines for the administration of the activities of the area agencies on
21 behalf of elderly persons, and advise the area agency on questions of policy.

22 (b) Advise the area agency with respect to development of the area plan and budget, and review and
23 comment on the completed area plan and budget before its transmittal to the Assistant Director for Senior
24 Services.

25 (c) Review and evaluate the effectiveness of the area agency in meeting the needs of elderly persons in the
26 planning and service area.

27 (d) Meet at least quarterly. The meetings are subject to ORS 192.610 to 192.690.

28 **SECTION 12.** Each type A area agency shall:

29 (1) Conduct local planning functions for Title III of the Older Americans Act and Oregon Project
30 Independence.

31 (2) Develop a local plan for service delivery that complies with federal and state requirements and is in
32 accord with locally determined objectives consistent with the state policy on aging. This plan shall be reviewed
33 and approved by the division.

34 (3) Assess the needs of elderly persons within the planning and service delivery area for service for social
35 and health services, and determine what resources are currently available to meet those needs.

36 (4) Assume the responsibility of determining services required to meet the needs of elderly persons, assure
37 that such services are provided within the resources available and determine when such services are no longer
38 needed.

1 (5) Endeavor to coordinate and expand existing resources in order to develop within its planning and
2 service area a comprehensive and coordinated system for the delivery of social and health services to elderly
3 persons.

4 (6) Serve as an advocate within government and within the community at large for the interests of elderly
5 persons within its planning and service area.

6 (7) Make grants to or enter into contracts with any public or private agency for the provision of social or
7 health services not otherwise sufficiently available to elderly persons within the planning and service area.

8 (8) Monitor and evaluate the activities of its service providers to insure that the services being provided
9 comply with the terms of the grant or contract. Where a provider is found to be in breach of the terms of its
10 grant or contract, the area agency shall enforce the terms of the grant or contract.

11 (9) Conduct research, evaluation, demonstration or training activities appropriate to the achievement of the
12 goal of improving the quality of life for elderly persons within its planning and service area.

13 (10) Comply with division requirements that have been developed in consultation with the area agencies for
14 client and fiscal information and provide to the division information necessary for federal and state reporting,
15 program evaluation, program management, fiscal control and research needs.

16 **SECTION 13.** Each type B area agency shall:

17 (1) Comply with the provisions of subsection (1) and subsections (3) to (10) of section 12 of this Act.

18 (2) Conduct local planning functions for Title XIX and Title XX of the Social Security Act.

19 (3) Develop a local plan for service delivery subject to review and approval by the division and the
20 responsible unit of local government that complies with federal and state requirements and in accord with
21 locally determined objectives consistent with the state policy on aging.

22 (4) Provide protective services within available resources.

23 **SECTION 14.** Each area agency may use, with the consent of state and municipal departments and
24 agencies, their services, equipment, facilities and personnel, and pay therefor, within the limits of its resources,
25 as agreed between the agencies and cooperate with other public and private agencies as to the use of services,
26 equipment and facilities.

27 **SECTION 15.** (1) A type B area agency may contract with the division for services of state employees or
28 have such employees transferred to employment by the area agency by transfer agreement.

29 (2) State employees whose services have been contracted to a type B area agency shall be supervised for
30 program purposes by the area agency.

31 (3) If state employees are transferred to a type B area agency, the provisions of ORS 236.610 to 236.650 shall
32 apply.

33 (4) Prior to transfer of any state employee to any other public employer under this Act, at a date to be
34 determined by the Assistant Director for Senior Services, each type B area agency shall prepare a plan in
35 coordination with local staff of the Adult and Family Services Division for implementation of this Act. The
36 plan shall show how statutory responsibilities are to be met and how all staff are to be utilized.

37 **SECTION 16.** (1) Prior to the designation of an area agency as a type B area agency, the area agency, the
38 responsible unit of local government and the division must jointly agree upon a plan under which the area
39 agency will operate.

40 (2) The plan described in subsection (1) of this section shall:

1 (a) Establish an administrative structure and qualification for key personnel that reflect the population to
2 be served.

3 (b) Be developed in coordination with the appropriate local mental health authority.

4 (c) Include any necessary interagency agreements regarding which agency is to have responsibility for each
5 specific group of clients under 60 years of age.

6 (d) Address necessary transfers of staff, available equipment and administrative and service funds.

7 (e) Be prepared with the participation of potentially affected clients, staff and other individuals at the local
8 level, including but not limited to physically handicapped individuals.

9 Section 17. ORS 184.900 is amended to read:

10 184.900. (1) The Governor's Commission on [*Aging*] **Senior Services** is created. The commission shall
11 consist of at least [*19*] **21** members appointed by the Governor for terms of three years.

12 (2) Prior to making appointments, the Governor shall request and consider recommendations from the area
13 agencies on aging and other interested senior organizations. The Governor shall designate a member to serve at
14 [*his*] **the pleasure of the Governor** as chairman for a term of two years with such duties as [*he*] **the Governor**
15 shall prescribe. The membership of the commission shall be composed of [*members*] **persons** broadly
16 representative of major public and private agencies who are experienced in or have demonstrated particular
17 interest in the special needs of [*the*] **elderly persons**, including [*citizens*] **persons** who have been active in [*senior*]
18 organizations and advocates on behalf of [*senior citizens*] **elderly persons**. [*Of the members appointed to the*
19 *commission under this subsection, a majority shall be actual*] **Additionally, membership shall include persons**
20 **who are active in advocacy organizations representing the interests of handicapped persons who are served in**
21 **programs under the Senior Services Division and consumers of services under the [*aging*] Senior Services Division**
22 **programs, including low income, [*and*] minority [*older*] and handicapped persons [*at least in proportion to the***
23 **number of minority and older persons in the state]. At least a majority of members shall be 60 years of age or**
24 **older.**

25 [(2)] (3) In addition to the members of the commission appointed under subsection (1) of this section, the
26 President of the Senate shall appoint one member from the Senate and the Speaker of the House of
27 Representatives shall appoint one member from the House of Representatives. [*The members of the*
28 *commission appointed under this subsection shall be entitled to actual and necessary expenses.*]

29 [(3)] (4) The Governor's Commission on [*Aging*] **Senior Services** shall advise the Governor, [*and*] the
30 Director of the Department of Human Resources **and the Assistant Director for Senior Services** on needs of [*the*]
31 elderly [*and*] **persons, and** recommend actions by the Governor, the Department of Human Resources, **the**
32 **Senior Services Division**, other governmental entities and the private sector, appropriate to meet such needs.

33 [(4)] (5) The commission shall have authority [*to*] **study programs and budgets of all state agencies which**
34 **affect [*senior citizens*] elderly persons.** After such study, the commission shall make recommendations to the
35 Governor and to the agencies involved. Such recommendations shall be designed to provide coordination of
36 programs for [*the*] **elderly persons**, to avoid unnecessary duplication in provision of services, and to point out
37 gaps in provision of services. The commission shall also recommend development of a comprehensive plan for
38 delivery of services to [*the*] **elderly persons**. In carrying out these tasks, the commission shall coordinate its
39 efforts with other advisory groups within the Department of Human Resources to avoid duplication of effort.

1 ~~[(5)]~~ (6) The commission shall promote responsible state-wide advocacy for ~~[senior citizens]~~ **elderly**
2 **persons.**

3 ~~[(6)]~~ (7) Members of the commission, other than legislators, shall be entitled to compensation and expenses
4 as provided in ORS 292.495.

5 **SECTION 18.** On the effective date of this Act, the terms of incumbent members of the Governor's
6 Commission on Aging shall end. In the first year appointments required by ORS 184.900 as amended by section
7 17 of this Act are made, the members will be appointed as follows:

- 8 (1) One-third shall be appointed for one year;
9 (2) One-third shall be appointed for two years; and
10 (3) One-third shall be appointed for three years.

11 Section 19. ORS 184.750 is amended to read:

12 184.750. (1) The Department of Human Resources is created.

13 (2) The Department of Human Resources shall provide programs for the delivery to the public of services
14 relating to public assistance, children and families, health and health-related affairs, mental health, corrections,
15 employment, vocational rehabilitation, ~~[aging,]~~ **elderly persons** and such other services as may be assigned to
16 the Department of Human Resources.

17 (3) The Department of Human Resources shall provide the programs and services enumerated in
18 subsection (2) of this section through the divisions and other organizational units, including but not limited to
19 the following:

- 20 (a) The Adult and Family Services Division;
21 (b) The Children's Services Division;
22 (c) The Mental Health Division;
23 (d) The Corrections Division;
24 (e) The Employment Division;
25 (f) The Vocational Rehabilitation Division;
26 (g) The Health Division; and
27 (h) The ~~[Office of Elderly Affairs]~~ **Senior Services Division.**

28 (4) The Department of Human Resources shall be the recipient of all federal funds paid or to be paid to the
29 state to enable the state to provide the programs and services assigned to the Department of Human Resources.

30 Section 20. ORS 184.865 is amended to read:

31 184.865. (1) The Department of Human Resources is directed to develop and place in effect a program of
32 supportive social services for persons age 60 or older.

33 (2) The Department of Human Resources is authorized to develop and adopt such rules as necessary for
34 the sound, efficient and economical administration of the provisions of this section and ORS 184.900 to
35 184.910, including the implementation of a fee for service schedule based upon ability to pay, and to assure that
36 no eligible person, resident in a skilled nursing home or intermediate care facility, shall be removed and placed
37 in an alternative care program unless such services are determined to be more appropriate for the individual

1 citizen based upon appropriate, individual, service considerations.

2 *[(3) There is hereby created an Office of Elderly Affairs in the Department of Human Resources. The office*
3 *shall have responsibility for all programs and functions heretofore performed by the State Program on Aging and*
4 *the Office of Special Assistant for Programs for the Elderly, and for such other functions as shall be assigned to*
5 *it by the Legislative Assembly, the Governor or the Director of the Department of Human Resources.]*

6 *[(4) In accordance with any applicable provisions of ORS 183.310 to 183.500, the office may make such*
7 *rules as are necessary to carry out the provisions of ORS 184.750, 184.760, 184.900 and this section.]*

8 *[(5) The office shall be staffed by one administrator and one assistant administrator, both of whom shall be*
9 *in the unclassified service, and by such other personnel as may be necessary. The Director of the Department of*
10 *Human Resources shall appoint the administrator and the assistant administrator.]*

11 Section 21. ORS 327.525 is amended to read:

12 327.525. The School Lunch Revolving Account of the General Fund is continuously appropriated for the
13 purposes of ORS 327.520 *[and 327.523]*. All money received under the provisions of ORS 327.520 *[and 327.523]*
14 shall be paid by the superintendent to the State Treasurer for credit to the School Lunch Revolving Account.

15 Section 22. ORS 441.630 is amended to read:

16 441.630. As used in ORS 441.630 to 441.680:

17 (1) "Abuse" means:

18 (a) Any physical injury to a patient of a long term care facility which has been caused by other than
19 accidental means, including any injury which appears to be at variance with the explanation given of the injury.

20 (b) Neglect which leads to physical harm.

21 (c) Failure to provide direct patient care.

22 (2) "Division" means the *[Adult and Family]* Senior Services Division of the Department of Human
23 Resources.

24 (3) "Law enforcement agency" means:

25 (a) Any city or municipal police department.

26 (b) Any county sheriff's office.

27 (c) The Oregon State Police.

28 (d) Any district attorney.

29 (4) "Public or private official" means:

30 (a) Physician, including any intern or resident.

31 (b) Licensed practical nurse or registered nurse.

32 (c) Employee of the Department of Human Resources, county health department, community mental health
33 program or a long term care facility or person who contracts to provide services to a long term care facility.

34 (d) Peace officer.

35 (e) Clergyman.

36 (f) Registered social worker.

37 (g) Physical therapist.

38 (h) Legal counsel for a resident or guardian or family member of the resident.

39 Section 23. ORS 411.590 is amended to read:

1 411.590. A person who is employed as a housekeeper, homemaker or otherwise as a domestic servant in
2 the house of a recipient of public assistance or services, whose compensation is paid in whole or in part by the
3 Adult and Family Services Division, the Senior Services Division or the Children's Services Division and is not
4 otherwise employed by [either] the division, shall not for any purposes be deemed to be an employe of the State
5 of Oregon whether or not the division selects the person for employment or exercises any direction or control
6 over the person's employment. Such person shall be deemed to be a nonsubject [workman] worker under ORS
7 656.027.

8 **SECTION 24.** (1) On written request of the Senior Services Division, the Executive Department shall draw
9 warrants on amounts appropriated to the Senior Services Division for operating expenses for use by the
10 division as a revolving fund. The revolving fund shall not exceed the aggregate sum of \$50,000 including
11 unreimbursed advances. The revolving fund shall be deposited with the State Treasurer to be held in a special
12 account against which the division may draw checks.

13 (2) The revolving fund may be used by the division to pay for travel expenses for employes of the division
14 and for any consultants or advisers for whom payment of travel expenses is authorized by law, or advances
15 therefor, or for purchases required from time to time or for receipt or disbursement of federal funds available
16 under federal law.

17 (3) All claims for reimbursement of amounts paid from the revolving fund shall be approved by the division
18 and by the Executive Department. When such claims have been approved, a warrant covering them shall be
19 drawn in favor of the division and charged against the appropriate fund or account, and shall be used to
20 reimburse the revolving fund.

21 **SECTION 25.** (1) There is established in the General Fund of the State Treasury an account to be known as
22 the Senior Services Account. All moneys in the Senior Services Account are continuously appropriated for and
23 shall be used by the Senior Services Division for the respective purposes authorized by law. The moneys in the
24 Senior Services Account and all appropriations for the Senior Services Division shall be subject to allotment
25 made by the Executive Department.

26 (2) The Senior Services Division shall keep a record of all moneys credited to and deposited in the Senior
27 Services Account. The record shall indicate by separate cumulative accounts the source from which the
28 moneys are derived and the individual activity or program against which each withdrawal is charged.

29 (3) The unobligated balance in the Senior Services Account on June 30 of each odd-numbered year shall be
30 determined by the Senior Services Division as of September 30 following the close of each biennium and
31 certified to the Executive Department. The amount certified pursuant to this subsection shall revert to the
32 General Fund and become available for general governmental purposes.

33 **SECTION 26.** The assistant director may appoint and employ such personnel as may be necessary for the
34 Senior Services Division and appoint and fix the compensation of all assistants and employes of the division.

35 **SECTION 27.** The Senior Services Division shall make and enforce rules governing the custody, use and
36 preservation of the records, papers, files and communications by any other agency or department of
37 government or person to which the records may be furnished. Use shall be limited to the purposes for which
38 the records are furnished and by the provisions of the law under which they may be furnished.

39 **SECTION 28.** For the protection of applicants for and recipients of services, the Senior Services Division
40 shall not disclose or use the contents of any records, files, papers or communications for purposes other than

1 those directly connected with the administration of the laws of Oregon, and these records, files, papers and
2 communications are considered confidential subject to the rules of the Senior Services Division, except as
3 otherwise provided in ORS 411.325 to 411.335. In any judicial proceedings, except proceedings directly
4 connected with the administration of public assistance laws, their contents are considered privileged
5 communications.

6 **SECTION 29.** Any reference to the Adult and Family Services Division or the Office of Elderly Affairs
7 with respect to such duties, functions and powers transferred by this Act is intended to be and shall be
8 considered a reference to the Senior Services Division of the Department of Human Resources.

9 **SECTION 30.** (1) The Adult and Family Services Division and the Office of Elderly Affairs whose duties,
10 functions and powers are assigned and transferred to the Senior Services Division by this Act shall transfer and
11 deliver to the Senior Services Division all supplies, materials, equipment, facilities, contracts, books, maps,
12 plans, papers, records and property of every description within its jurisdiction or control which relate to the
13 duties, functions and powers so transferred and shall also transfer thereto those employees engaged primarily in
14 the exercise of the duties, functions and powers so transferred. The Assistant Director for Senior Services
15 shall take possession of such property and shall take charge of such employees and, except as provided in
16 subsection (2) of this section, shall employ them in the exercise of their respective duties, functions and powers
17 assigned or transferred by this Act, without reduction of compensation.

18 (2) The Assistant Director for Senior Services may abolish positions and change duties to the extent that
19 the assistant director finds it desirable for the sound, efficient and economical administration and enforcement
20 of the duties, functions and powers transferred by this Act. However, in the case of any transfer of personnel
21 made pursuant to this section, any employee occupying a classified position who is so transferred shall, so far as
22 possible, retain the same salary classification and status.

23 (3) Any controversy relating to the transfers of property and employees made by this section shall be
24 resolved by the Director of the Executive Department.

25 **SECTION 31.** Nothing in this Act shall relieve any person of any obligation with respect to any tax, fee,
26 fine or other charge, interest, penalty, forfeiture or other liability, duty or obligation accruing under, or with
27 respect to, the duties, functions and powers transferred by this Act. After the effective date of this Act the
28 Senior Services Division may undertake the collection or enforcement of such tax, fee, fine, charge, interest,
29 penalty, forfeiture or other liability, duty or obligation; but such liability, duty or obligation shall not be
30 increased or decreased or continued beyond the period authorized by law for its existence or beyond the time
31 when it would have terminated if this Act had not been passed.

32 **SECTION 32.** (1) The Senior Services Division shall be considered and held to constitute a continuation of
33 the Adult and Family Services Division and the Office of Elderly Affairs with respect to powers, functions and
34 duties and obligations of the Adult and Family Services Division or the Office of Elderly Affairs legally
35 incurred under contracts, leases and business transactions executed, entered into or commenced prior to the
36 effective date of this Act. The Senior Services Division shall exercise such rights, powers, duties and
37 obligations with the same force and effect as if they had not been transferred; but such right, power, duty or
38 obligation shall not be continued beyond the period authorized by law for its existence or beyond the time when
39 it would have terminated if this Act had not been passed.

(2) The continuation of powers and functions described in this section shall include rulemaking authority pertaining to functions, duties and obligations transferred by this Act, and rulemaking authority for functions, duties and obligations established by this Act.

SECTION 33. Any proceeding, court action, prosecution or other business or matter undertaken or commenced prior to the effective date of this Act by the Adult and Family Services Division or Office of Elderly Affairs with respect to the duties, functions or powers which are by this Act assigned and transferred to the Senior Services Division, and still pending on the effective date of this Act, may be conducted and completed by the Senior Services Division in the same manner and under the same terms and conditions and with the same effect as though it were undertaken or commenced and were conducted or completed by the Adult and Family Services Division or the Office of Elderly Affairs prior to transfer.

SECTION 34. (1) Whenever in any other law or resolution of the Legislative Assembly, or in any rule, regulation, document, record or proceeding authorized by the same, any word or phrase is used in reference to or descriptive of the Adult and Family Services Division or the Office of Elderly Affairs whose duties, functions or powers are by this Act assigned or transferred, such word, phrase or reference shall, after the effective date of this Act, unless the context or provisions of this Act require otherwise, be considered to refer to, include and describe the Senior Services Division which is charged with carrying out such powers, functions and duties, as the context and provisions of this Act may require.

(2) Notwithstanding the transfer of duties, functions and powers by this Act, any lawful authorization, designation, determination, directive, license, order, permit, policy, privilege, rule or other action of the Adult and Family Services Division or the Office of Elderly Affairs whose powers, functions and duties are by this Act assigned and transferred to the Senior Services Division, in effect on the effective date of this Act, shall continue in effect until superseded by, or repealed by the lawful action of the Senior Services Division; but it shall not continue any such action beyond the period authorized by law for its existence or beyond the time when the action would have terminated if this Act had not been passed.

SECTION 35. The functions of the Adult and Family Services Division or the Office of Elderly Affairs described in this Act are transferred to and vested in the Senior Services Division.

SECTION 36. Nothing in this Act extends estate claims requirements and procedures related to certain Title XIX and Title XX services under current Oregon statutes and federal regulations to other services.

SECTION 37. Nothing in this Act requires an area agency or local governmental unit to expend local funds for the purpose of maintaining or expanding services to elderly and handicapped persons.

SECTION 38. ORS 184.860, 327.523, 413.025 and 441.081 are repealed.

~~Section 39. If House Bill 5036 becomes law, section 1, chapter _____, Oregon Laws 1981 (Enrolled House Bill 5036), is amended to read:~~

~~Sec. 1. There is appropriated to the Office of the Director of the Department of Human Resources, for the biennium beginning July 1, 1981, out of the General Fund, the amount of [~~\$5,160,289~~] \$642,582.~~

~~Section 40. If House Bill 5036 becomes law, section 3, chapter _____, Oregon Laws 1981 (Enrolled House Bill 5036), is amended to read:~~

~~Sec. 3. Notwithstanding any other law, the amount of [~~\$60,765,223~~] \$45,296,089 is established for the biennium beginning July 1, 1981, as the maximum limit for the payment of expenses from federal funds collected or received by the Office of the Director of the Department of Human Resources.~~

Section 41. If Senate Bill 5532 becomes law, section 1, chapter _____, Oregon Laws 1981 (Enrolled Senate Bill 5532), is amended to read:

Sec. 1. There are appropriated to the Adult and Family Services Division of the Department of Human Resources, for the biennium beginning July 1, 1981, out of the General Fund, the following amounts, which shall be placed in the Public Welfare Account in quarterly instalments based upon estimates of expenditure requirements approved by the Executive Department, to be expended for the following purposes:

9	(1)	Assistance payments and related expenses	\$ 130,896,269	
8	(2)	Long-term care	[\$ 87,904,492]	\$ 41,230,180
9	(3)	Medical assistance for the categorically needy and general assistance medical payments.....	\$ 109,205,970	
13	(4)	Special projects	\$ 154,165	
14	(5)	Administrative expenses.....	[\$ 70,909,628]	\$ 67,524,298

Section 42. If Senate Bill 5532 becomes law, section 2, chapter _____, Oregon Laws 1981 (Enrolled Senate Bill 5532), is amended to read:

Sec. 2. Notwithstanding any other law, the following amounts are established for the biennium beginning July 1, 1981, as the maximum limits for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, excluding federal funds, collected or received by the Adult and Family Services Division of the Department of Human Resources:

21	(1)	Assistance payments and related expenses	\$ 26,242,967	
23	(2)	Medical assistance for the categorically needy and general assistance payments.....	\$ 5,004,677	
26	(3)	Administrative expenses.....	[\$ 2,639,843]	\$ 2,637,763

Section 43. If Senate Bill 5532 becomes law, section 3, chapter _____, Oregon Laws 1981 (Enrolled Senate Bill 5532), is amended to read:

Sec. 3. Notwithstanding any other law, the following amounts are established for the biennium beginning July 1, 1981, as the maximum limits for the payment of expenses from federal funds received by the Adult and Family Services Division of the Department of Human Resources. Such amounts shall be credited to the Public Welfare Account within the General Fund as they are made available by the United States Government and subject to the approval of the Executive Department, may be expended for the following purposes:

34	(1)	Assistance payments and related expenses	\$ 138,413,098	
36	(2)	Long-term care	[\$ 101,609,727]	\$ 47,492,280
37	(3)	Medical assistance for the categorically needy and general assistance medical payments.....	\$ 94,497,655	

1	(4)	Special projects	\$ 68,989,424
2	(5)	Administrative expenses	[\$ 100,130,368] \$ 92,296,108

3 ~~SECTION 44~~³⁹. (1) There are appropriated to the Senior Services Division of the Department of Human
4 Resources, for the biennium ending June 30, 1983, out of the General Fund, the following amounts, which shall
5 be placed in the Senior Services Account in quarterly instalments based upon estimates of expenditure
6 requirements approved by the Executive Department, to be expended for the following purposes:

7	(a)	Long-term care	\$ 54,604,349 ^{#1}
8	(b)	Administrative expenses	\$ 3,830,634 ^{#1}

9 (2) Notwithstanding any other law, ~~\$2,000~~^{#1} is established for the biennium ending June 30, 1983, as the
10 maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous
11 Receipts, excluding federal funds, collected or received by the Department of Human Resources for
12 administrative expense.

13 (3) Notwithstanding any other law, the following amounts are established for the biennium beginning July
14 1, 1981, as the maximum limits for the payment of expenses from federal funds received by the Senior Services
15 Division of the Department of Human Resources. Such amounts shall be credited to the Senior Services
16 Account within the General Fund as they are made available by the United States Government and, subject to
17 the approval of the Executive Department, may be expended for the following purposes:

18	(a)	Long-term care	\$ 77,420,841 ^{#1}
19	(b)	Administrative expenses	\$ 8,521,862 ^{#1}

20 ~~SECTION 45~~⁴⁰. Sections 7, 9, 10, 13 and 15 of this Act are operative July 1, 1982.

21 ~~SECTION 46~~⁴¹. This Act being necessary for the immediate preservation of the public peace, health and
22 safety, an emergency is declared to exist, and this Act takes effect October 1, 1981.

BUDGET REPORT - Joint Committee on Ways and Means - 61st Legislative Assembly

Agency Department of Human Resources Senior Services Division
 Budget Page -- LFO Analysis Page -- Bill No. SB 955 Biennium 1981-83

Subcommittee No. 4
 Sens: Burdidge, Meeker Ripper
 Reprs: Katz, Riebel, Van Vliet
 Date: July 30, 1981
 Prepared by: (Executive Department) Wayne J. Wolfe
 Reviewed by: (Legislative Fiscal Office) Arthur L. Wilkinson
 Vera Katz, Chairperson

Budget Description	1979-81	1981-83		Differences from Governor's Rec.
	Estimated Expenditures	Governor's Printed Budget Recommendation	Committee Recommendation	
<u>Administrative Expenses</u>				
General Fund	--	--	\$1	\$+1
Other Funds	--	--	1	+1
Federal Funds	--	--	1	+1
Total	--	--	\$3	\$+3
<u>Long-Term Care</u>				
General Fund	--	--	\$1	\$+1
Federal Funds	--	--	1	+1
Total	--	--	\$2	\$+2
<u>Agency Totals</u>				
General Fund	--	--	\$2	\$+2
Other Funds	--	--	1	+1
Federal Funds	--	--	2	+2
Total	--	--	\$5	\$+5

POSITION SUMMARY

POSITIONS	--	--	--	--
Full-time equivalent positions	--	--	--	--

SUMMARY OF SUBCOMMITTEE ACTION

The Subcommittee recommends approval of amended Senate Bill 955 which transfers programs of the Office of Elderly Affairs and the Long-Term Care unit of the Adult and Family Services Division to a newly created Senior Services Division. Appropriations and limitations of \$1 are established to enable the Director of the Department of Human Resources to request funding transfers from the Emergency Board when a transition plan is completed.

**SENATE AMENDMENTS TO
SENATE BILL 955**

By COMMITTEE ON HUMAN RESOURCES/AGING

July 16

1 On page 1 of the printed bill, line 3, delete “, 2”.

2 Delete lines 7 through 25 and pages 2 through 13 and insert:

3 **“SECTION 1.** As used in this Act:

4 **“(1)** ‘Area agency’ means:

5 **“(a)** An established or proposed type A or type B Area Agency on Aging within a planning and service area
6 designated under Section 305 of the Older Americans Act; or

7 **“(b)** Any public or nonprofit private agency which is designated as a type A or type B Area Agency on
8 Aging under Section 305 of the Older Americans Act.

9 **“(2)** ‘Area agency board’ means the local policy-making board which directs the actions of the area agency
10 within state and federal laws and regulations.

11 **“(3)** ‘Division’ means the Senior Services Division of the Department of Human Resources.

12 **“(4)** ‘Elderly’ or ‘elderly persons’ means persons who are served by type A area agencies or type B area
13 agencies or by the Senior Services Division.

14 **“(5)** ‘Handicapped person’ means a person with a physical or mental handicap:

15 **“(a)** Who is eligible for Supplemental Security Income or for general assistance from the Adult and Family
16 Services Division; and

17 **“(b)** Who meets one of the following criteria:

18 **“(A)** Is mentally retarded or developmentally disabled and resides in or needs placement in a residential
19 program administered by the Senior Services Division.

20 **“(B)** Is mentally or emotionally disturbed and resides in or needs placement in a residential program
21 administered by the Senior Services Division.

22 **“(C)** Is an alcohol or drug abuser and resides in or needs placement in a residential program administered
23 by the Senior Services Division.

24 **“(D)** Has a physical or mental handicap other than those described in subparagraphs (A) to (C) of this
25 paragraph.

26 **“(6)** ‘Local government’ means a political subdivision of the state whose authority is general or a
27 combination of units of general purpose local governments.

28 **“(7)** ‘Preadmission screening’ means a professional program within the Senior Services Division or type B
29 area agencies, with staff that includes registered nurses and social workers, that assesses the needs of clients
30 and recommends appropriate placements in residential programs administered by the Senior Services Division
31 or type B area agencies.

1 “(8) ‘Protective services’ means a service to be provided by the Senior Services Division directly or
2 through type B area agencies, in response to the need for protection from harm or neglect to elderly persons.

3 “(9) ‘Title XIX’ means the programs in Title XIX of the Social Security Act transferred from the long term
4 care unit of the health and social services section of the Adult and Family Services Division to the Senior
5 Services Division but does not include Title XIX programs, other than home health, personal care and nursing
6 home programs, or Title XIX programs in other divisions of the Department of Human Resources.

7 “(10) ‘Title XX’ means the programs in Title XX of the Social Security Act transferred from the Adult and
8 Family Services Division to the Senior Services Division, but does not include Title XX programs in other
9 divisions of the Department of Human Resources.

10 “(11) ‘Type A area agency’ means an area agency:

11 “(a) For which either the local government or the area agency board does not agree to accept local
12 administrative responsibility for Title XIX and Title XX; and

13 “(b) That provides a service to persons 60 years of age or older.

14 “(12) ‘Type B area agency’ means an area agency:

15 “(a) For which the local government agrees to accept local administrative responsibility for Title XIX and
16 Title XX; and

17 “(b) That provides a service to persons 60 years of age or older and handicapped persons who require
18 services similar to those required by persons 60 years of age or older, or both.

19 “SECTION 2. The State of Oregon finds that the needs of the elderly population can be best served and
20 planned for at the local community level; that a longer life expectancy and a growing elderly population
21 demands services be provided in a coordinated manner and a single local agency system for such services be
22 instituted; that local resources and volunteer help will augment state funds and needed manpower; that local
23 flexibility in providing services should be encouraged; and that a single state agency should regulate and
24 provide leadership to insure that the elderly citizens of Oregon will receive the necessary care and services at
25 the least cost and in the least confining situation. The State of Oregon further finds that within budgetary
26 constraints, it is appropriate that savings in nursing home services allocations within a planning and service area
27 be reallocated to alternative care services under Title XIX, Title XX and Oregon Project Independence in that
28 area.

29 “SECTION 3. (1) The Senior Services Division is created in the Department of Human Resources. The
30 division shall administer laws and programs relating to social, health and protective services to elderly persons.

31 “(2) The division shall:

32 “(a) Serve as the central state agency with primary responsibility for the planning, coordination,
33 development and evaluation of policy, programs and services for elderly persons in Oregon and the designated
34 state unit on aging, as defined in the Older Americans Act of 1965.

35 “(b) With the advice of the Governor’s Commission on Senior Services, develop long-range state plans for
36 programs, services and activities for elderly and handicapped persons. State plans should be revised annually
37 and should be based on area agency plans, state-wide priorities and state and federal requirements.

38 “(c) Have the authority to transfer state and federal funds, except Title III of the Older Americans Act
39 funds, from one area agency to another area agency or from one program or service to another program or
40 service after consultation with the area agencies involved in the transfer. However, no area agency shall suffer
41 a reduction in state or federal funds due to increased local funds.

1 “(d) Receive and disburse all federal and state funds allocated to the division and solicit, accept and
2 administer grants, including federal grants or gifts made to the division or to the state for the benefit of elderly
3 persons in this state.

4 “(e) Provide technical, training and program assistance to area agencies and assist them to provide such
5 assistance to public and private agencies and organizations.

6 “(f) Assist area agencies to stimulate more effective use of existing resources and services for elderly
7 persons and develop programs, opportunities and services which are not otherwise provided for elderly
8 persons, with the aim of developing a comprehensive and coordinated system for the delivery of social services
9 to elderly persons.

10 “(g) Serve within government and in the state at large as an advocate for elderly persons by holding
11 hearings and conducting studies or investigations concerning matters affecting the health, safety and welfare of
12 elderly persons and by assisting elderly person to assure their rights to apply for and receive services and to be
13 given fair hearings when such services are denied.

14 “(h) Process fiscal and client data for all area agencies.

15 “(i) Conduct regulatory functions with regard to program operation, by adopting rules for providing social
16 services, including protective services, to elderly persons who need services that the division or area agencies
17 are authorized to provide and rules for standard rate setting and quality assurance.

18 “(j) Provide information and technical assistance to the Governor’s Commission on Senior Services and
19 keep the commission continually informed of the activities of the division.

20 “(k) Make recommendations for legislative action to the Governor and to the Legislative Assembly, after
21 consultation with the Governor’s Commission on Senior Services.

22 “(L) Conduct research and other appropriate activities to determine the needs of elderly persons in this
23 state, including, but not limited to, their needs for social and health services, and to determine what existing
24 services and facilities, private and public, are available to elderly persons to meet those needs.

25 “(m) Maintain a clearinghouse for information related to the needs and interests of elderly persons.

26 “(n) Provide area agencies with assistance in applying for federal, state and private grants and identifying
27 new funding sources.

28 “(3) In addition to the requirements of subsection (2) of this section, the division shall:

29 “(a) Determine type A and type B area agencies annual budget levels for Oregon Project Independence and
30 Title III of the Older Americans Act expenditures.

31 “(b) For type B area agencies:

32 “(A) Determine annual budget levels for planning Title XIX and Title XX reimbursed services. In
33 determining the budget levels, the division shall retain contingency reserves against overruns and transfers in
34 use of Title XIX and Title XX funds.

35 “(B) Provide timely management information so the area agency can manage Title XIX and Title XX
36 reimbursements within budgeted levels.

37 “(c) Make payments for services within a central processing system for:

38 “(A) A type A area agency, at the request of the agency, for Oregon Project Independence or Title III of
39 the Older Americans Act expenditures, or both.

40 “(B) A type B area agency, for Title XIX, Title XX and Oregon Project Independence expenditures, and at
41 the request of the agency, for Title III of the Older Americans Act expenditures.

1 “(d) Assume program responsibility for Title XIX and Title XX programs in areas served by type A area
2 agencies and in areas where no area agency is designated.

3 “SECTION 4. (1) It is the policy of the State of Oregon that handicapped persons served by the Senior
4 Services Division shall also receive necessary services, as appropriate for their needs, from other state
5 agencies and divisions.

6 “(2) In carrying out the provisions in subsection (1) of this section, the Department of Human Resources
7 shall insure that the Senior Services Division negotiates interagency agreements and coordinates services with
8 the Mental Health Division, Vocational Rehabilitation Division, Employment Division, Children’s Services
9 Division and the Department of Education for the provision of appropriate services to handicapped clients of
10 the Senior Services Division.

11 “(3) (a) Prior to placement in any residential program administered by the Senior Services Division, all
12 handicapped persons shall be assessed by preadmission screening to insure the appropriateness of such
13 placement.

14 “(b) If a handicapped person is diagnosed as, or is suspected of being, mentally retarded or
15 developmentally disabled, preadmission screening shall include assessment by the Diagnosis and Evaluation
16 Service of the Mental Health Division.

17 “(4) The Senior Services Division, in coordination with the Mental Health Division, Children’s Services
18 Division, Vocational Rehabilitation Division and the Department of Education shall work with nursing homes
19 which have one or more residents under 18 years of age to develop a program appropriate to the needs of such
20 residents.

21 “SECTION 5. (1) Agreements and coordination described in subsection (2) of section 4 of this Act shall
22 include but not be limited to the following:

23 “(a) After creation of the Senior Services Division, the Department of Human Resources shall transfer to
24 the Mental Health Division jurisdiction over specialized foster care homes and residential care facilities
25 exclusively serving persons with mental retardation or developmental disabilities, mental or emotional
26 disturbances, and alcohol or drug abuse or dependence. This transfer shall be completed by July 1, 1982, and
27 shall include associated fiscal and staff resources.

28 “(b) The Department of Human Resources shall direct the Senior Services Division and the Mental Health
29 Division to complete, by July 1, 1982, a joint study of persons with mental retardation or developmental
30 disabilities, mental or emotional disturbances, and alcohol or drug abuse or dependence who remain in foster
31 care homes, residential care facilities or nursing homes.

32 “(2) The study described in paragraph (b) of subsection (1) of this section shall:

33 “(a) Assess the appropriateness of current placement for persons described in paragraph (b) of subsection
34 (1) of this section.

35 “(b) Make recommendations for appropriate residential, day programs and support services for those
36 persons not appropriately placed.

37 “(c) Plan needed case management for those persons who should remain as clients of the Senior Services
38 Division.

39 “(3) Recommendations made pursuant to paragraph (b) of subsection (2) of this section shall be reflected in
40 budget recommendations made by the Mental Health Division to the Sixty-second Legislative Assembly.

1 **“SECTION 6.** All programs and functions performed by the Office of Elderly Affairs and the Adult and
2 Family Services Division, Health and Social Services Section, Long-Term Care Unit, are transferred to the
3 Senior Services Division.

4 **“SECTION 7.** (1) The Department of Human Resources is the designated single state agency for all federal
5 programs under this Act.

6 **“(2)** Except as provided in paragraph (d) of subsection (3) of section 3 and section 10 of this Act, the
7 administration of services to clients under this Act shall be through area agencies, and shall comply with all
8 applicable federal regulations.

9 **“SECTION 8.** On and after the effective date of this Act, a type A area agency shall operate in the same
10 manner as it operated with local administrative responsibility for Title III of the Older Americans Act and
11 Oregon Project Independence before the effective date of this Act. Nothing in this Act requires a type A area
12 agency to become a type B area agency.

13 **“SECTION 9.** (1) A local government shall be responsible for all actions of a type B area agency in its
14 jurisdiction, including but not limited to the accountability for funds and compliance with federal and state laws
15 and rules. Such responsibility shall include all geographic areas in which the type B area agency is designated
16 to operate.

17 **“(2)** The respective local government shall appoint a director of the type B area agency in its jurisdiction
18 who must meet minimum qualifications established by the division. The director shall serve with the continuing
19 approval of the Assistant Director for Senior Services. Continuing approval may be withdrawn by the assistant
20 director only when it can be shown that the state or federal rules have not been complied with by the type B
21 area agency, state or federal funds are not being expended for the purposes for which they were intended or the
22 elderly are not receiving appropriate services within available funds. Withdrawal of continuing approval is
23 appealable to the Director of Human Resources and the Governor by the local government.

24 **“SECTION 10.** (1) In the event that a local government withdraws the designation of an area agency, or the
25 division withdraws the area agency designation in accordance with the Older Americans Act, the division shall
26 administer the services to clients previously performed by the area agency until a new area agency is
27 designated.

28 **“(2)** The division may withdraw any particular program or service, except Title III of the Older Americans
29 Act programs, from the area agency, and administer such programs and services. Before such action is taken,
30 the division must consult with the director of the area agency and the chief elected official of the affected local
31 government. Such action shall be taken by the division only when it can be shown the federal or state laws or
32 rules have not been complied with, state or federal funds are not being expended for the purposes for which
33 they were intended, or the elderly are not receiving appropriate services within available resources.
34 Withdrawal of any particular program or service is appealable to the Director of Human Resources and the
35 Governor.

36 **“SECTION 11.** (1) Each area agency shall have an area agency advisory council, with members appointed
37 by the area agency board.

38 **“(a)** For a type A area agency, membership of the council shall include consumers of services under Senior
39 Services Division programs, including low income, minority and handicapped persons.

40 **“(b)** For a type B area agency, membership of the council shall include persons described in paragraph (a)
41 of this subsection and handicapped persons. Representation of handicapped persons on the council shall be in

proportion to the ratio of such persons to all persons in the jurisdiction of the area agency who received Title XIX and Title XX services, or both, during the preceding 12-month period, but shall not be fewer than one.

“(2) Each area agency advisory council shall:

“(a) Recommend basic policy guidelines for the administration of the activities of the area agencies on behalf of elderly persons, and advise the area agency on questions of policy.

“(b) Advise the area agency with respect to development of the area plan and budget, and review and comment on the completed area plan and budget before its transmittal to the Assistant Director for Senior Services.

“(c) Review and evaluate the effectiveness of the area agency in meeting the needs of elderly persons in the planning and service area.

“(d) Meet at least quarterly. The meetings are subject to ORS 192.610 to 192.690.

“SECTION 12. Each type A area agency shall:

“(1) Conduct local planning functions for Title III of the Older Americans Act and Oregon Project Independence.

“(2) Develop a local plan for service delivery that complies with federal and state requirements and is in accord with locally determined objectives consistent with the state policy on aging. This plan shall be reviewed and approved by the division.

“(3) Assess the needs of elderly persons within the planning and service delivery area for service for social and health services, and determine what resources are currently available to meet those needs.

“(4) Assume the responsibility of determining services required to meet the needs of elderly persons, assure that such services are provided within the resources available and determine when such services are no longer needed.

“(5) Endeavor to coordinate and expand existing resources in order to develop within its planning and service area a comprehensive and coordinated system for the delivery of social and health services to elderly persons.

“(6) Serve as an advocate within government and within the community at large for the interests of elderly persons within its planning and service area.

“(7) Make grants to or enter into contracts with any public or private agency for the provision of social or health services not otherwise sufficiently available to elderly persons within the planning and service area.

“(8) Monitor and evaluate the activities of its service providers to insure that the services being provided comply with the terms of the grant or contract. Where a provider is found to be in breach of the terms of its grant or contract, the area agency shall enforce the terms of the grant or contract.

“(9) Conduct research, evaluation, demonstration or training activities appropriate to the achievement of the goal of improving the quality of life for elderly persons within its planning and service area.

“(10) Comply with division requirements that have been developed in consultation with the area agencies for client and fiscal information and provide to the division information necessary for federal and state reporting, program evaluation, program management, fiscal control and research needs.

“SECTION 13. Each type B area agency shall:

“(1) Comply with the provisions of subsection (1) and subsections (3) to (10) of section 12 of this Act.

“(2) Conduct local planning functions for Title XIX and Title XX of the Social Security Act.

1 “(3) Develop a local plan for service delivery subject to review and approval by the division and the
2 responsible unit of local government that complies with federal and state requirements and in accord with
3 locally determined objectives consistent with the state policy on aging.

4 “(4) Provide protective services within available resources.

5 “SECTION 14. Each area agency may use, with the consent of state and municipal departments and
6 agencies, their services, equipment, facilities and personnel, and pay therefor, within the limits of its resources,
7 as agreed between the agencies and cooperate with other public and private agencies as to the use of services,
8 equipment and facilities.

9 “SECTION 15. (1) A type B area agency may contract with the division for services of state employes or
10 have such employes transferred to employment by the area agency by transfer agreement.

11 “(2) State employes whose services have been contracted to a type B area agency shall be supervised for
12 program purposes by the area agency.

13 “(3) If state employes are transferred to a type B area agency, the provisions of ORS 236.610 to 236.650
14 shall apply.

15 “(4) Prior to transfer of any state employe to any other public employer under this Act, at a date to be
16 determined by the Assistant Director for Senior Services, each type B area agency shall prepare a plan in
17 coordination with local staff of the Adult and Family Services Division for implementation of this Act. The
18 plan shall show how statutory responsibilities are to be met and how all staff are to be utilized.

19 “SECTION 16. (1) Prior to the designation of an area agency as a type B area agency, the area agency, the
20 responsible unit of local government and the division must jointly agree upon a plan under which the area
21 agency will operate.

22 “(2) The plan described in subsection (1) of this section shall:

23 “(a) Establish an administrative structure and qualification for key personnel that reflect the population to
24 be served.

25 “(b) Be developed in coordination with the appropriate local mental health authority.

26 “(c) Include any necessary interagency agreements regarding which agency is to have responsibility for
27 each specific group of clients under 60 years of age.

28 “(d) Address necessary transfers of staff, available equipment and administrative and service funds.

29 “(e) Be prepared with the participation of potentially affected clients, staff and other individuals at the
30 local level, including but not limited to physically handicapped individuals.

31 “Section 17. ORS 184.900 is amended to read:

32 “184.900. (1) The Governor’s Commission on *[Aging]* **Senior Services** is created. The commission shall
33 consist of at least *[19]* **21** members appointed by the Governor for terms of three years.

34 “(2) Prior to making appointments, the Governor shall request and consider recommendations from the
35 area agencies on aging and other interested senior organizations. The Governor shall designate a member to
36 serve at *[his]* **the pleasure of the Governor** as chairman for a term of two years with such duties as *[he]* **the**
37 **Governor** shall prescribe. The membership of the commission shall be composed of *[members]* **persons** broadly
38 representative of major public and private agencies who are experienced in or have demonstrated particular
39 interest in the special needs of *[the]* **elderly persons**, including *[citizens]* **persons** who have been active in *[senior]*
40 organizations and advocates on behalf of *[senior citizens]* **elderly persons**. *[Of the members appointed to the*
41 *commission under this subsection, a majority shall be actual]* **Additionally, membership shall include persons**

1 who are active in advocacy organizations representing the interests of handicapped persons who are served in
2 programs under the Senior Services Division and consumers of services under the [aging] Senior Services Division
3 programs, including low income, [and] minority [older] and handicapped persons [at least in proportion to the
4 number of minority and older persons in the state]. At least a majority of members shall be 60 years of age or
5 older.

6 “[2] (3) In addition to the members of the commission appointed under subsection (1) of this section, the
7 President of the Senate shall appoint one member from the Senate and the Speaker of the House of
8 Representatives shall appoint one member from the House of Representatives. [The members of the
9 commission appointed under this subsection shall be entitled to actual and necessary expenses.]

10 “[3] (4) The Governor’s Commission on [Aging] Senior Services shall advise the Governor, [and] the
11 Director of the Department of Human Resources and the Assistant Director for Senior Services on needs of [the]
12 elderly [and] persons, and recommend actions by the Governor, the Department of Human Resources, the
13 Senior Services Division, other governmental entities and the private sector, appropriate to meet such needs.

14 “[4] (5) The commission shall have authority to study programs and budgets of all state agencies which
15 affect [senior citizens] elderly persons. After such study, the commission shall make recommendations to the
16 Governor and to the agencies involved. Such recommendations shall be designed to provide coordination of
17 programs for [the] elderly persons, to avoid unnecessary duplication in provision of services, and to point out
18 gaps in provision of services. The commission shall also recommend development of a comprehensive plan for
19 delivery of services to [the] elderly persons. In carrying out these tasks, the commission shall coordinate its
20 efforts with other advisory groups within the Department of Human Resources to avoid duplication of effort.

21 “[5] (6) The commission shall promote responsible state-wide advocacy for [senior citizens] elderly
22 persons.

23 “[6] (7) Members of the commission, other than legislators, shall be entitled to compensation and
24 expenses as provided in ORS 292.495.

25 “SECTION 18. On the effective date of this Act, the terms of incumbent members of the Governor’s
26 Commission on Aging shall end. In the first year appointments required by ORS 184.900 as amended by section
27 17 of this Act are made, the members will be appointed as follows:

28 “(1) One-third shall be appointed for one year;

29 “(2) One-third shall be appointed for two years; and

30 “(3) One-third shall be appointed for three years.

31 “Section 19. ORS 184.750 is amended to read:

32 “184.750. (1) The Department of Human Resources is created.

33 “(2) The Department of Human Resources shall provide programs for the delivery to the public of services
34 relating to public assistance, children and families, health and health-related affairs, mental health, corrections,
35 employment, vocational rehabilitation, [aging,] elderly persons and such other services as may be assigned to
36 the Department of Human Resources.

37 “(3) The Department of Human Resources shall provide the programs and services enumerated in
38 subsection (2) of this section through the divisions and other organizational units, including but not limited to
39 the following:

40 “(a) The Adult and Family Services Division;

41 “(b) The Children’s Services Division;

1 “(c) The Mental Health Division;

2 “(d) The Corrections Division;

3 “(e) The Employment Division;

4 “(f) The Vocational Rehabilitation Division;

5 “(g) The Health Division; and

6 “(h) The [*Office of Elderly Affairs*] **Senior Services Division**.

7 “(4) The Department of Human Resources shall be the recipient of all federal funds paid or to be paid to
8 the state to enable the state to provide the programs and services assigned to the Department of Human
9 Resources.

10 “Section 20. ORS 184.865 is amended to read:

11 “184.865. (1) The Department of Human Resources is directed to develop and place in effect a program of
12 supportive social services for persons age 60 or older.

13 “(2) The Department of Human Resources is authorized to develop and adopt such rules as necessary for
14 the sound, efficient and economical administration of the provisions of this section and ORS 184.900 to
15 184.910, including the implementation of a fee for service schedule based upon ability to pay, and to assure that
16 no eligible person, resident in a skilled nursing home or intermediate care facility, shall be removed and placed
17 in an alternative care program unless such services are determined to be more appropriate for the individual
18 citizen based upon appropriate, individual, service considerations.

19 “[(3) *There is hereby created an Office of Elderly Affairs in the Department of Human Resources. The office*
20 *shall have responsibility for all programs and functions heretofore performed by the State Program on Aging and*
21 *the Office of Special Assistant for Programs for the Elderly, and for such other functions as shall be assigned to*
22 *it by the Legislative Assembly, the Governor or the Director of the Department of Human Resources.*]

23 “[(4) *In accordance with any applicable provisions of ORS 183.310 to 183.500, the office may make such*
24 *rules as are necessary to carry out the provisions of ORS 184.750, 184.760, 184.900 and this section.*]

25 “[(5) *The office shall be staffed by one administrator and one assistant administrator, both of whom shall*
26 *be in the unclassified service, and by such other personnel as may be necessary. The Director of the Department*
27 *of Human Resources shall appoint the administrator and the assistant administrator.*]

28 “Section 21. ORS 327.525 is amended to read:

29 “327.525. The School Lunch Revolving Account of the General Fund is continuously appropriated for the
30 purposes of ORS 327.520 [*and 327.523*]. All money received under the provisions of ORS 327.520 [*and 327.523*]
31 shall be paid by the superintendent to the State Treasurer for credit to the School Lunch Revolving Account.

32 “Section 22. ORS 441.630 is amended to read:

33 “441.630. As used in ORS 441.630 to 441.680:

34 “(1) ‘Abuse’ means:

35 “(a) Any physical injury to a patient of a long term care facility which has been caused by other than
36 accidental means, including any injury which appears to be at variance with the explanation given of the injury.

37 “(b) Neglect which leads to physical harm.

38 “(c) Failure to provide direct patient care.

39 “(2) ‘Division’ means the [*Adult and Family*] **Senior Services Division** of the Department of Human
40 Resources.

41 “(3) ‘Law enforcement agency’ means:

1 “(a) Any city or municipal police department.

2 “(b) Any county sheriff’s office.

3 “(c) The Oregon State Police.

4 “(d) Any district attorney.

5 “(4) ‘Public or private official’ means:

6 “(a) Physician, including any intern or resident.

7 “(b) Licensed practical nurse or registered nurse.

8 “(c) Employe of the Department of Human Resources, county health department, community mental
9 health program or a long term care facility or person who contracts to provide services to a long term care
10 facility.

11 “(d) Peace officer.

12 “(e) Clergyman.

13 “(f) Registered social worker.

14 “(g) Physical therapist.

15 “(h) Legal counsel for a resident or guardian or family member of the resident.

16 “Section 23. ORS 411.590 is amended to read:

17 “411.590. A person who is employed as a housekeeper, homemaker or otherwise as a domestic servant in
18 the house of a recipient of public assistance or services, whose compensation is paid in whole or in part by the
19 Adult and Family Services Division, **the Senior Services Division** or the Children’s Services Division and is not
20 otherwise employed by *[either]* the division, shall not for any purposes be deemed to be an employe of the State
21 of Oregon whether or not the division selects the person for employment or exercises any direction or control
22 over the person’s employment. Such person shall be deemed to be a nonsubject *[workman]* worker under ORS
23 656.027.

24 “SECTION 24. (1) On written request of the Senior Services Division, the Executive Department shall
25 draw warrants on amounts appropriated to the Senior Services Division for operating expenses for use by the
26 division as a revolving fund. The revolving fund shall not exceed the aggregate sum of \$50,000 including
27 unreimbursed advances. The revolving fund shall be deposited with the State Treasurer to be held in a special
28 account against which the division may draw checks.

29 “(2) The revolving fund may be used by the division to pay for travel expenses for employes of the
30 division and for any consultants or advisers for whom payment of travel expenses is authorized by law, or
31 advances therefor, or for purchases required from time to time or for receipt or disbursement of federal funds
32 available under federal law.

33 “(3) All claims for reimbursement of amounts paid from the revolving fund shall be approved by the
34 division and by the Executive Department. When such claims have been approved, a warrant covering them
35 shall be drawn in favor of the division and charged against the appropriate fund or account, and shall be used to
36 reimburse the revolving fund.

37 “SECTION 25. (1) There is established in the General Fund of the State Treasury an account to be known
38 as the Senior Services Account. All moneys in the Senior Services Account are continuously appropriated for
39 and shall be used by the Senior Services Division for the respective purposes authorized by law. The moneys in
40 the Senior Services Account and all appropriations for the Senior Services Division shall be subject to
41 allotment made by the Executive Department.

1 “(2) The Senior Services Division shall keep a record of all moneys credited to and deposited in the Senior
2 Services Account. The record shall indicate by separate cumulative accounts the source from which the
3 moneys are derived and the individual activity or program against which each withdrawal is charged.

4 “(3) The unobligated balance in the Senior Services Account on June 30 of each odd-numbered year shall
5 be determined by the Senior Services Division as of September 30 following the close of each biennium and
6 certified to the Executive Department. The amount certified pursuant to this subsection shall revert to the
7 General Fund and become available for general governmental purposes.

8 “SECTION 26. The assistant director may appoint and employ such personnel as may be necessary for the
9 Senior Services Division and appoint and fix the compensation of all assistants and employes of the division.

10 “SECTION 27. The Senior Services Division shall make and enforce rules governing the custody, use and
11 preservation of the records, papers, files and communications by any other agency or department of
12 government or person to which the records may be furnished. Use shall be limited to the purposes for which
13 the records are furnished and by the provisions of the law under which they may be furnished.

14 “SECTION 28. For the protection of applicants for and recipients of services, the Senior Services Division
15 shall not disclose or use the contents of any records, files, papers or communications for purposes other than
16 those directly connected with the administration of the laws of Oregon, and these records, files, papers and
17 communications are considered confidential subject to the rules of the Senior Services Division, except as
18 otherwise provided in ORS 411.325 to 411.335. In any judicial proceedings, except proceedings directly
19 connected with the administration of public assistance laws, their contents are considered privileged
20 communications.

21 “SECTION 29. Any reference to the Adult and Family Services Division or the Office of Elderly Affairs
22 with respect to such duties, functions and powers transferred by this Act is intended to be and shall be
23 considered a reference to the Senior Services Division of the Department of Human Resources.

24 “SECTION 30. (1) The Adult and Family Services Division and the Office of Elderly Affairs whose duties,
25 functions and powers are assigned and transferred to the Senior Services Division by this Act shall transfer and
26 deliver to the Senior Services Division all supplies, materials, equipment, facilities, contracts, books, maps,
27 plans, papers, records and property of every description within its jurisdiction or control which relate to the
28 duties, functions and powers so transferred and shall also transfer thereto those employes engaged primarily in
29 the exercise of the duties, functions and powers so transferred. The Assistant Director for Senior Services
30 shall take possession of such property and shall take charge of such employes and, except as provided in
31 subsection (2) of this section, shall employ them in the exercise of their respective duties, functions and powers
32 assigned or transferred by this Act, without reduction of compensation.

33 “(2) The Assistant Director for Senior Services may abolish positions and change duties to the extent that
34 the assistant director finds it desirable for the sound, efficient and economical administration and enforcement
35 of the duties, functions and powers transferred by this Act. However, in the case of any transfer of personnel
36 made pursuant to this section, any employe occupying a classified position who is so transferred shall, so far as
37 possible, retain the same salary classification and status.

38 “(3) Any controversy relating to the transfers of property and employes made by this section shall be
39 resolved by the Director of the Executive Department.

40 “SECTION 31. Nothing in this Act shall relieve any person of any obligation with respect to any tax, fee,
41 fine or other charge, interest, penalty, forfeiture or other liability, duty or obligation accruing under, or with

1 respect to, the duties, functions and powers transferred by this Act. After the effective date of this Act the
2 Senior Services Division may undertake the collection or enforcement of such tax, fee, fine, charge, interest,
3 penalty, forfeiture or other liability, duty or obligation; but such liability, duty or obligation shall not be
4 increased or decreased or continued beyond the period authorized by law for its existence or beyond the time
5 when it would have terminated if this Act had not been passed.

6 “SECTION 32. (1) The Senior Services Division shall be considered and held to constitute a continuation
7 of the Adult and Family Services Division and the Office of Elderly Affairs with respect to powers, functions
8 and duties and obligations of the Adult and Family Services Division or the Office of Elderly Affairs legally
9 incurred under contracts, leases and business transactions executed, entered into or commenced prior to the
10 effective date of this Act. The Senior Services Division shall exercise such rights, powers, duties and
11 obligations with the same force and effect as if they had not been transferred; but such right, power, duty or
12 obligation shall not be continued beyond the period authorized by law for its existence or beyond the time when
13 it would have terminated if this Act had not been passed.

14 “(2) The continuation of powers and functions described in this section shall include rulemaking authority
15 pertaining to functions, duties and obligations transferred by this Act, and rulemaking authority for functions,
16 duties and obligations established by this Act.

17 “SECTION 33. Any proceeding, court action, prosecution or other business or matter undertaken or
18 commenced prior to the effective date of this Act by the Adult and Family Services Division or Office of
19 Elderly Affairs with respect to the duties, functions or powers which are by this Act assigned and transferred to
20 the Senior Services Division, and still pending on the effective date of this Act, may be conducted and
21 completed by the Senior Services Division in the same manner and under the same terms and conditions and
22 with the same effect as though it were undertaken or commenced and were conducted or completed by the
23 Adult and Family Services Division or the Office of Elderly Affairs prior to transfer.

24 “SECTION 34. (1) Whenever in any other law or resolution of the Legislative Assembly, or in any rule,
25 regulation, document, record or proceeding authorized by the same, any word or phrase is used in reference to
26 or descriptive of the Adult and Family Services Division or the Office of Elderly Affairs whose duties,
27 functions or powers are by this Act assigned or transferred, such word, phrase or reference shall, after the
28 effective date of this Act, unless the context or provisions of this Act require otherwise, be considered to refer
29 to, include and describe the Senior Services Division which is charged with carrying out such powers, functions
30 and duties, as the context and provisions of this Act may require.

31 “(2) Notwithstanding the transfer of duties, functions and powers by this Act, any lawful authorization,
32 designation, determination, directive, license, order, permit, policy, privilege, rule or other action of the Adult
33 and Family Services Division or the Office of Elderly Affairs whose powers, functions and duties are by this
34 Act assigned and transferred to the Senior Services Division, in effect on the effective date of this Act, shall
35 continue in effect until superseded by, or repealed by the lawful action of the Senior Services Division; but it
36 shall not continue any such action beyond the period authorized by law for its existence or beyond the time
37 when the action would have terminated if this Act had not been passed.

38 “SECTION 35. The functions of the Adult and Family Services Division or the Office of Elderly Affairs
39 described in this Act are transferred to and vested in the Senior Services Division.

40 “SECTION 36. Nothing in this Act extends estate claims requirements and procedures related to certain
41 Title XIX and Title XX services under current Oregon statutes and federal regulations to other services.

1 "SECTION 37. Nothing in this Act requires an area agency or local governmental unit to expend local
2 funds for the purpose of maintaining or expanding services to elderly and handicapped persons.

3 "SECTION 38. ORS 184.860, 327.523, 413.025 and 441.081 are repealed.

4 "Section 39. If House Bill 5036 becomes law, section 1, chapter _____, Oregon Laws 1981 (Enrolled
5 House Bill 5036), is amended to read:

6 "Sec. 1. There is appropriated to the Office of the Director of the Department of Human Resources, for
7 the biennium beginning July 1, 1981, out of the General Fund, the amount of [~~\$5,160,289~~] **\$642,582**.

8 "Section 40. If House Bill 5036 becomes law, section 3, chapter _____, Oregon Laws 1981 (Enrolled
9 House Bill 5036), is amended to read:

10 "Sec. 3. Notwithstanding any other law, the amount of [~~\$60,765,223~~] **\$45,296,089** is established for the
11 biennium beginning July 1, 1981, as the maximum limit for the payment of expenses from federal funds
12 collected or received by the Office of the Director of the Department of Human Resources.

13 "Section 41. If Senate Bill 5532 becomes law, section 1, chapter _____, Oregon Laws 1981 (Enrolled
14 Senate Bill 5532), is amended to read:

15 "Sec. 1. There are appropriated to the Adult and Family Services Division of the Department of Human
16 Resources, for the biennium beginning July 1, 1981, out of the General Fund, the following amounts, which
17 shall be placed in the Public Welfare Account in quarterly instalments based upon estimates of expenditure
18 requirements approved by the Executive Department, to be expended for the following purposes:

19 "(1) Assistance payments and related		
20 expenses	\$ 130,896,269	
21 "(2) Long-term care	[\$ 87,904,492]	\$ 41,230,180
22 "(3) Medical assistance for the		
23 categorically needy and		
24 general assistance		
25 medical payments.....	\$ 109,205,970	
26 "(4) Special projects	\$ 154,165	
27 "(5) Administrative expenses.....	[\$ 70,909,628]	\$ 67,524,298

28 "Section 42. If Senate Bill 5532 becomes law, section 2, chapter _____, Oregon Laws 1981 (Enrolled
29 Senate Bill 5532), is amended to read:

30 "Sec. 2. Notwithstanding any other law, the following amounts are established for the biennium beginning
31 July 1, 1981, as the maximum limits for payment of expenses from fees, moneys or other revenues, including
32 Miscellaneous Receipts, excluding federal funds, collected or received by the Adult and Family Services
33 Division of the Department of Human Resources:

34 "(1) Assistance payments and related		
35 expenses	\$ 26,242,967	
36 "(2) Medical assistance for the		
37 categorically needy and		
38 general assistance payments.....	\$ 5,004,677	
39 "(3) Administrative expenses.....	[\$ 2,639,843]	\$ 2,637,763

40 "Section 43. If Senate Bill 5532 becomes law, section 3, chapter _____, Oregon Laws 1981 (Enrolled
41 Senate Bill 5532), is amended to read:

1 "Sec. 3. Notwithstanding any other law, the following amounts are established for the biennium beginning
2 July 1, 1981, as the maximum limits for the payment of expenses from federal funds received by the Adult and
3 Family Services Division of the Department of Human Resources. Such amounts shall be credited to the Public
4 Welfare Account within the General Fund as they are made available by the United States Government and
5 subject to the approval of the Executive Department, may be expended for the following purposes:

6	"(1) Assistance payments and related		
7	expenses	\$ 138,413,098	
8	"(2) Long-term care	[\$ 101,609,727]	\$ 47,492,280
9	"(3) Medical assistance for the		
10	categorically needy and		
11	general assistance medical		
12	payments.....	\$ 94,497,655	
13	"(4) Special projects	\$ 68,989,424	
14	"(5) Administrative expenses.....	[\$ 100,130,368]	\$ 92,296,108

15 "SECTION 44. (1) There are appropriated to the Senior Services Division of the Department of Human
16 Resources, for the biennium ending June 30, 1983, out of the General Fund, the following amounts, which shall
17 be placed in the Senior Services Account in quarterly instalments based upon estimates of expenditure
18 requirements approved by the Executive Department, to be expended for the following purposes:

19	"(a) Long-term care	\$ 54,604,349	
20	"(b) Administrative expenses.....	\$ 3,830,634	

21 "(2) Notwithstanding any other law, \$2,080 is established for the biennium ending June 30, 1983, as the
22 maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous
23 Receipts, excluding federal funds, collected or received by the Department of Human Resources for
24 administrative expense.

25 "(3) Notwithstanding any other law, the following amounts are established for the biennium beginning July
26 1, 1981, as the maximum limits for the payment of expenses from federal funds received by the Senior Services
27 Division of the Department of Human Resources. Such amounts shall be credited to the Senior Services
28 Account within the General Fund as they are made available by the United States Government and, subject to
29 the approval of the Executive Department, may be expended for the following purposes:

30	"(a) Long-term care	\$ 77,420,841	
31	"(b) Administrative expenses.....	\$ 8,521,862	

32 "SECTION 45. Sections 7, 9, 10, 13 and 15 of this Act are operative July 1, 1982.

33 "SECTION 46. This Act being necessary for the immediate preservation of the public peace, health and
34 safety, an emergency is declared to exist, and this Act takes effect October 1, 1981."

Mr. Speaker:

Your Committee on Aging & Minority Affairs to whom was referred SB 955-B having had the same under consideration, respectfully reports it back with the recommendation that it:

- Do pass. Do pass with _____ House amendments () and be printed engrossed.
- Be adopted. Be adopted with _____ House amendments () and be printed engrossed.
- Be referred to: () Ways and Means by prior reference.
- () _____

Rescind prior referral to Ways & Means

FOR INFORMATION ONLY-NOT PART OF COMMITTEE REPORT

Voting no: Trahern

Voting aye: Gold, Hamby, Schoon, Priestley, Rijken

Excused: Jolin

- 4 copies if no amendments
- 9 copies if amendments
- 9 copies if to be printed engrossed
- 1 copy for committee file

Wally Priestley Chairman
 Rep. *Rijken* will lead floor discussion on this measure

**SENATE AMENDMENTS TO
A-ENGROSSED SENATE BILL 955**

By JOINT COMMITTEE ON WAYS AND MEANS

July 30

- 1 On page 1 of the printed A-engrossed bill, line 3, after "441.630" delete the rest of the line.
 - 2 In line 4, delete "sections 1, 2 and 3, chapter _____, Oregon Laws 1981 (Enrolled Senate Bill 5532)".
 - 3 On page 13, delete lines 32 through 40 and page 14.
 - 4 On page 15, delete lines 1 and 2.
 - 5 In line 3, delete "44" and insert "39".
 - 6 In line 7, delete "\$54,604,349" and insert "\$1".
 - 7 In line 8, delete "\$3,830,634" and insert "\$1".
 - 8 In line 9, delete "\$2,080" and insert "\$1".
 - 9 In line 18, delete "\$77,420,841" and insert "\$1".
 - 10 In line 19, delete "\$8,521,862" and insert "\$1".
 - 11 In line 20, delete "45" and insert "40".
 - 12 In line 21, delete "46" and insert "41".
-

B-Engrossed
Senate Bill 955

Ordered by the Senate July 30
(Including Amendments by Senate July 16 and July 30)

Sponsored by COMMITTEE ON HUMAN RESOURCES/AGING (at the request of Governor's Commission on Aging;
United Seniors)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Creates, operative July 1, 1982, Senior Services Division in Department of Human Resources to provide social services to elderly. Changes name of Governor's Commission on Aging to Governor's Commission on Senior Services. Transfers certain functions from Office of Elderly Affairs and Adult and Family Services Division to the Senior Services Division.

Appropriates [~~\$58,434,983~~] \$2 to Senior Services Division for biennium. [*Changes biennial appropriation to Department of Human Resources and Adult and Family Services Division.*]

Declares emergency, effective October 1, 1981.

A BILL FOR AN ACT

1
2 Relating to social services; creating new provisions; amending ORS 184.750, 184.865, 184.900, 327.525, 411.590
3 and 441.630; repealing ORS 184.860, 327.523, 413.025 and 441.081; appropriating money; and declaring an
4 emergency.

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

6 **SECTION 1.** As used in this Act:

7 (1) "Area agency" means:

8 (a) An established or proposed type A or type B Area Agency on Aging within a planning and service area
9 designated under Section 305 of the Older Americans Act; or

10 (b) Any public or nonprofit private agency which is designated as a type A or type B Area Agency on Aging
11 under Section 305 of the Older Americans Act.

12 (2) "Area agency board" means the local policy-making board which directs the actions of the area agency
13 within state and federal laws and regulations.

14 (3) "Division" means the Senior Services Division of the Department of Human Resources.

15 (4) "Elderly" or "elderly persons" means persons who are served by type A area agencies or type B area
16 agencies or by the Senior Services Division.

17 (5) "Handicapped person" means a person with a physical or mental handicap:

18 (a) Who is eligible for Supplemental Security Income or for general assistance from the Adult and Family
19 Services Division; and

20 (b) Who meets one of the following criteria:

21 (A) Is mentally retarded or developmentally disabled and resides in or needs placement in a residential
22 program administered by the Senior Services Division.

NOTE: Matter in bold face in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted; complete new sections begin with **SECTION**.

1 (B) Is mentally or emotionally disturbed and resides in or needs placement in a residential program
2 administered by the Senior Services Division.

3 (C) Is an alcohol or drug abuser and resides in or needs placement in a residential program administered by
4 the Senior Services Division.

5 (D) Has a physical or mental handicap other than those described in subparagraphs (A) to (C) of this
6 paragraph.

7 (6) "Local government" means a political subdivision of the state whose authority is general or a
8 combination of units of general purpose local governments.

9 (7) "Preadmission screening" means a professional program within the Senior Services Division or type B
10 area agencies, with staff that includes registered nurses and social workers, that assesses the needs of clients
11 and recommends appropriate placements in residential programs administered by the Senior Services Division
12 or type B area agencies.

13 (8) "Protective services" means a service to be provided by the Senior Services Division directly or
14 through type B area agencies, in response to the need for protection from harm or neglect to elderly persons.

15 (9) "Title XIX" means the programs in Title XIX of the Social Security Act transferred from the long term
16 care unit of the health and social services section of the Adult and Family Services Division to the Senior
17 Services Division but does not include Title XIX programs, other than home health, personal care and nursing
18 home programs, or Title XIX programs in other divisions of the Department of Human Resources.

19 (10) "Title XX" means the programs in Title XX of the Social Security Act transferred from the Adult and
20 Family Services Division to the Senior Services Division, but does not include Title XX programs in other
21 divisions of the Department of Human Resources.

22 (11) "Type A area agency" means an area agency:

23 (a) For which either the local government or the area agency board does not agree to accept local
24 administrative responsibility for Title XIX and Title XX; and

25 (b) That provides a service to persons 60 years of age or older.

26 (12) "Type B area agency" means an area agency:

27 (a) For which the local government agrees to accept local administrative responsibility for Title XIX and
28 Title XX; and

29 (b) That provides a service to persons 60 years of age or older and handicapped persons who require
30 services similar to those required by persons 60 years of age or older, or both.

31 **SECTION 2.** The State of Oregon finds that the needs of the elderly population can be best served and
32 planned for at the local community level; that a longer life expectancy and a growing elderly population
33 demands services be provided in a coordinated manner and a single local agency system for such services be
34 instituted; that local resources and volunteer help will augment state funds and needed manpower; that local
35 flexibility in providing services should be encouraged; and that a single state agency should regulate and
36 provide leadership to insure that the elderly citizens of Oregon will receive the necessary care and services at
37 the least cost and in the least confining situation. The State of Oregon further finds that within budgetary
38 constraints, it is appropriate that savings in nursing home services allocations within a planning and service area
39 be reallocated to alternative care services under Title XIX, Title XX and Oregon Project Independence in that
40 area.

1 **SECTION 3.** (1) The Senior Services Division is created in the Department of Human Resources. The
2 division shall administer laws and programs relating to social, health and protective services to elderly persons.

3 (2) The division shall:

4 (a) Serve as the central state agency with primary responsibility for the planning, coordination,
5 development and evaluation of policy, programs and services for elderly persons in Oregon and the designated
6 state unit on aging, as defined in the Older Americans Act of 1965.

7 (b) With the advice of the Governor's Commission on Senior Services, develop long-range state plans for
8 programs, services and activities for elderly and handicapped persons. State plans should be revised annually
9 and should be based on area agency plans, state-wide priorities and state and federal requirements.

10 (c) Have the authority to transfer state and federal funds, except Title III of the Older Americans Act
11 funds, from one area agency to another area agency or from one program or service to another program or
12 service after consultation with the area agencies involved in the transfer. However, no area agency shall suffer
13 a reduction in state or federal funds due to increased local funds.

14 (d) Receive and disburse all federal and state funds allocated to the division and solicit, accept and
15 administer grants, including federal grants or gifts made to the division or to the state for the benefit of elderly
16 persons in this state.

17 (e) Provide technical, training and program assistance to area agencies and assist them to provide such
18 assistance to public and private agencies and organizations.

19 (f) Assist area agencies to stimulate more effective use of existing resources and services for elderly
20 persons and develop programs, opportunities and services which are not otherwise provided for elderly
21 persons, with the aim of developing a comprehensive and coordinated system for the delivery of social services
22 to elderly persons.

23 (g) Serve within government and in the state at large as an advocate for elderly persons by holding hearings
24 and conducting studies or investigations concerning matters affecting the health, safety and welfare of elderly
25 persons and by assisting elderly person to assure their rights to apply for and receive services and to be given
26 fair hearings when such services are denied.

27 (h) Process fiscal and client data for all area agencies.

28 (i) Conduct regulatory functions with regard to program operation, by adopting rules for providing social
29 services, including protective services, to elderly persons who need services that the division or area agencies
30 are authorized to provide and rules for standard rate setting and quality assurance.

31 (j) Provide information and technical assistance to the Governor's Commission on Senior Services and
32 keep the commission continually informed of the activities of the division.

33 (k) Make recommendations for legislative action to the Governor and to the Legislative Assembly, after
34 consultation with the Governor's Commission on Senior Services.

35 (L) Conduct research and other appropriate activities to determine the needs of elderly persons in this
36 state, including, but not limited to, their needs for social and health services, and to determine what existing
37 services and facilities, private and public, are available to elderly persons to meet those needs.

38 (m) Maintain a clearinghouse for information related to the needs and interests of elderly persons.

39 (n) Provide area agencies with assistance in applying for federal, state and private grants and identifying
40 new funding sources.

1 (3) In addition to the requirements of subsection (2) of this section, the division shall:

2 (a) Determine type A and type B area agencies annual budget levels for Oregon Project Independence and
3 Title III of the Older Americans Act expenditures.

4 (b) For type B area agencies:

5 (A) Determine annual budget levels for planning Title XIX and Title XX reimbursed services. In
6 determining the budget levels, the division shall retain contingency reserves against overruns and transfers in
7 use of Title XIX and Title XX funds.

8 (B) Provide timely management information so the area agency can manage Title XIX and Title XX
9 reimbursements within budgeted levels.

10 (c) Make payments for services within a central processing system for:

11 (A) A type A area agency, at the request of the agency, for Oregon Project Independence or Title III of the
12 Older Americans Act expenditures, or both.

13 (B) A type B area agency, for Title XIX, Title XX and Oregon Project Independence expenditures, and at
14 the request of the agency, for Title III of the Older Americans Act expenditures.

15 (d) Assume program responsibility for Title XIX and Title XX programs in areas served by type A area
16 agencies and in areas where no area agency is designated.

17 **SECTION 4.** (1) It is the policy of the State of Oregon that handicapped persons served by the Senior
18 Services Division shall also receive necessary services, as appropriate for their needs, from other state
19 agencies and divisions.

20 (2) In carrying out the provisions in subsection (1) of this section, the Department of Human Resources
21 shall insure that the Senior Services Division negotiates interagency agreements and coordinates services with
22 the Mental Health Division, Vocational Rehabilitation Division, Employment Division, Children's Services
23 Division and the Department of Education for the provision of appropriate services to handicapped clients of
24 the Senior Services Division.

25 (3) (a) Prior to placement in any residential program administered by the Senior Services Division, all
26 handicapped persons shall be assessed by preadmission screening to insure the appropriateness of such
27 placement.

28 (b) If a handicapped person is diagnosed as, or is suspected of being, mentally retarded or developmentally
29 disabled, preadmission screening shall include assessment by the Diagnosis and Evaluation Service of the
30 Mental Health Division.

31 (4) The Senior Services Division, in coordination with the Mental Health Division, Children's Services
32 Division, Vocational Rehabilitation Division and the Department of Education shall work with nursing homes
33 which have one or more residents under 18 years of age to develop a program appropriate to the needs of such
34 residents.

35 **SECTION 5.** (1) Agreements and coordination described in subsection (2) of section 4 of this Act shall
36 include but not be limited to the following:

37 (a) After creation of the Senior Services Division, the Department of Human Resources shall transfer to
38 the Mental Health Division jurisdiction over specialized foster care homes and residential care facilities
39 exclusively serving persons with mental retardation or developmental disabilities, mental or emotional

1 disturbances, and alcohol or drug abuse or dependence. This transfer shall be completed by July 1, 1982, and
2 shall include associated fiscal and staff resources.

3 (b) The Department of Human Resources shall direct the Senior Services Division and the Mental Health
4 Division to complete, by July 1, 1982, a joint study of persons with mental retardation or developmental
5 disabilities, mental or emotional disturbances, and alcohol or drug abuse or dependence who remain in foster
6 care homes, residential care facilities or nursing homes.

7 (2) The study described in paragraph (b) of subsection (1) of this section shall:

8 (a) Assess the appropriateness of current placement for persons described in paragraph (b) of subsection
9 (1) of this section.

10 (b) Make recommendations for appropriate residential, day programs and support services for those
11 persons not appropriately placed.

12 (c) Plan needed case management for those persons who should remain as clients of the Senior Services
13 Division.

14 (3) Recommendations made pursuant to paragraph (b) of subsection (2) of this section shall be reflected in
15 budget recommendations made by the Mental Health Division to the Sixty-second Legislative Assembly.

16 **SECTION 6.** All programs and functions performed by the Office of Elderly Affairs and the Adult and
17 Family Services Division, Health and Social Services Section, Long-Term Care Unit, are transferred to the
18 Senior Services Division.

19 **SECTION 7.** (1) The Department of Human Resources is the designated single state agency for all federal
20 programs under this Act.

21 (2) Except as provided in paragraph (d) of subsection (3) of section 3 and section 10 of this Act, the
22 administration of services to clients under this Act shall be through area agencies, and shall comply with all
23 applicable federal regulations.

24 **SECTION 8.** On and after the effective date of this Act, a type A area agency shall operate in the same
25 manner as it operated with local administrative responsibility for Title III of the Older Americans Act and
26 Oregon Project Independence before the effective date of this Act. Nothing in this Act requires a type A area
27 agency to become a type B area agency.

28 **SECTION 9.** (1) A local government shall be responsible for all actions of a type B area agency in its
29 jurisdiction, including but not limited to the accountability for funds and compliance with federal and state laws
30 and rules. Such responsibility shall include all geographic areas in which the type B area agency is designated
31 to operate.

32 (2) The respective local government shall appoint a director of the type B area agency in its jurisdiction
33 who must meet minimum qualifications established by the division. The director shall serve with the continuing
34 approval of the Assistant Director for Senior Services. Continuing approval may be withdrawn by the assistant
35 director only when it can be shown that the state or federal rules have not been complied with by the type B
36 area agency, state or federal funds are not being expended for the purposes for which they were intended or the
37 elderly are not receiving appropriate services within available funds. Withdrawal of continuing approval is
38 appealable to the Director of Human Resources and the Governor by the local government.

39 **SECTION 10.** (1) In the event that a local government withdraws the designation of an area agency, or the
40 division withdraws the area agency designation in accordance with the Older Americans Act, the division shall

1 administer the services to clients previously performed by the area agency until a new area agency is
2 designated.

3 (2) The division may withdraw any particular program or service, except Title III of the Older Americans
4 Act programs, from the area agency, and administer such programs and services. Before such action is taken,
5 the division must consult with the director of the area agency and the chief elected official of the affected local
6 government. Such action shall be taken by the division only when it can be shown the federal or state laws or
7 rules have not been complied with, state or federal funds are not being expended for the purposes for which
8 they were intended, or the elderly are not receiving appropriate services within available resources.
9 Withdrawal of any particular program or service is appealable to the Director of Human Resources and the
10 Governor.

11 **SECTION 11.** (1) Each area agency shall have an area agency advisory council, with members appointed
12 by the area agency board.

13 (a) For a type A area agency, membership of the council shall include consumers of services under Senior
14 Services Division programs, including low income, minority and handicapped persons.

15 (b) For a type B area agency, membership of the council shall include persons described in paragraph (a) of
16 this subsection and handicapped persons. Representation of handicapped persons on the council shall be in
17 proportion to the ratio of such persons to all persons in the jurisdiction of the area agency who received Title
18 XIX and Title XX services, or both, during the preceding 12-month period, but shall not be fewer than one.

19 (2) Each area agency advisory council shall:

20 (a) Recommend basic policy guidelines for the administration of the activities of the area agencies on
21 behalf of elderly persons, and advise the area agency on questions of policy.

22 (b) Advise the area agency with respect to development of the area plan and budget, and review and
23 comment on the completed area plan and budget before its transmittal to the Assistant Director for Senior
24 Services.

25 (c) Review and evaluate the effectiveness of the area agency in meeting the needs of elderly persons in the
26 planning and service area.

27 (d) Meet at least quarterly. The meetings are subject to ORS 192.610 to 192.690.

28 **SECTION 12.** Each type A area agency shall:

29 (1) Conduct local planning functions for Title III of the Older Americans Act and Oregon Project
30 Independence.

31 (2) Develop a local plan for service delivery that complies with federal and state requirements and is in
32 accord with locally determined objectives consistent with the state policy on aging. This plan shall be reviewed
33 and approved by the division.

34 (3) Assess the needs of elderly persons within the planning and service delivery area for service for social
35 and health services, and determine what resources are currently available to meet those needs.

36 (4) Assume the responsibility of determining services required to meet the needs of elderly persons, assure
37 that such services are provided within the resources available and determine when such services are no longer
38 needed.

1 (5) Endeavor to coordinate and expand existing resources in order to develop within its planning and
2 service area a comprehensive and coordinated system for the delivery of social and health services to elderly
3 persons.

4 (6) Serve as an advocate within government and within the community at large for the interests of elderly
5 persons within its planning and service area.

6 (7) Make grants to or enter into contracts with any public or private agency for the provision of social or
7 health services not otherwise sufficiently available to elderly persons within the planning and service area.

8 (8) Monitor and evaluate the activities of its service providers to insure that the services being provided
9 comply with the terms of the grant or contract. Where a provider is found to be in breach of the terms of its
10 grant or contract, the area agency shall enforce the terms of the grant or contract.

11 (9) Conduct research, evaluation, demonstration or training activities appropriate to the achievement of the
12 goal of improving the quality of life for elderly persons within its planning and service area.

13 (10) Comply with division requirements that have been developed in consultation with the area agencies for
14 client and fiscal information and provide to the division information necessary for federal and state reporting,
15 program evaluation, program management, fiscal control and research needs.

16 **SECTION 13.** Each type B area agency shall:

17 (1) Comply with the provisions of subsection (1) and subsections (3) to (10) of section 12 of this Act.

18 (2) Conduct local planning functions for Title XIX and Title XX of the Social Security Act.

19 (3) Develop a local plan for service delivery subject to review and approval by the division and the
20 responsible unit of local government that complies with federal and state requirements and in accord with
21 locally determined objectives consistent with the state policy on aging.

22 (4) Provide protective services within available resources.

23 **SECTION 14.** Each area agency may use, with the consent of state and municipal departments and
24 agencies, their services, equipment, facilities and personnel, and pay therefor, within the limits of its resources,
25 as agreed between the agencies and cooperate with other public and private agencies as to the use of services,
26 equipment and facilities.

27 **SECTION 15.** (1) A type B area agency may contract with the division for services of state employees or
28 have such employees transferred to employment by the area agency by transfer agreement.

29 (2) State employees whose services have been contracted to a type B area agency shall be supervised for
30 program purposes by the area agency.

31 (3) If state employees are transferred to a type B area agency, the provisions of ORS 236.610 to 236.650 shall
32 apply.

33 (4) Prior to transfer of any state employee to any other public employer under this Act, at a date to be
34 determined by the Assistant Director for Senior Services, each type B area agency shall prepare a plan in
35 coordination with local staff of the Adult and Family Services Division for implementation of this Act. The
36 plan shall show how statutory responsibilities are to be met and how all staff are to be utilized.

37 **SECTION 16.** (1) Prior to the designation of an area agency as a type B area agency, the area agency, the
38 responsible unit of local government and the division must jointly agree upon a plan under which the area
39 agency will operate.

40 (2) The plan described in subsection (1) of this section shall:

1 (a) Establish an administrative structure and qualification for key personnel that reflect the population to
2 be served.

3 (b) Be developed in coordination with the appropriate local mental health authority.

4 (c) Include any necessary interagency agreements regarding which agency is to have responsibility for each
5 specific group of clients under 60 years of age.

6 (d) Address necessary transfers of staff, available equipment and administrative and service funds.

7 (e) Be prepared with the participation of potentially affected clients, staff and other individuals at the local
8 level, including but not limited to physically handicapped individuals.

9 Section 17. ORS 184.900 is amended to read:

10 184.900. (1) The Governor's Commission on *[Aging]* Senior Services is created. The commission shall
11 consist of at least *[19]* 21 members appointed by the Governor for terms of three years.

12 (2) Prior to making appointments, the Governor shall request and consider recommendations from the area
13 agencies on aging and other interested senior organizations. The Governor shall designate a member to serve at
14 *[his]* the pleasure of the Governor as chairman for a term of two years with such duties as *[he]* the Governor
15 shall prescribe. The membership of the commission shall be composed of *[members]* persons broadly
16 representative of major public and private agencies who are experienced in or have demonstrated particular
17 interest in the special needs of *[the]* elderly persons, including *[citizens]* persons who have been active in *[senior]*
18 organizations and advocates on behalf of *[senior citizens]* elderly persons. *[Of the members appointed to the*
19 *commission under this subsection, a majority shall be actual]* Additionally, membership shall include persons
20 who are active in advocacy organizations representing the interests of handicapped persons who are served in
21 programs under the Senior Services Division and consumers of services under the *[aging]* Senior Services Division
22 programs, including low income, *[and]* minority *[older]* and handicapped persons *[at least in proportion to the*
23 *number of minority and older persons in the state]*. At least a majority of members shall be 60 years of age or
24 older.

25 *[(2)]* (3) In addition to the members of the commission appointed under subsection (1) of this section, the
26 President of the Senate shall appoint one member from the Senate and the Speaker of the House of
27 Representatives shall appoint one member from the House of Representatives. *[The members of the*
28 *commission appointed under this subsection shall be entitled to actual and necessary expenses.]*

29 *[(3)]* (4) The Governor's Commission on *[Aging]* Senior Services shall advise the Governor, *[and]* the
30 Director of the Department of Human Resources and the Assistant Director for Senior Services on needs of *[the]*
31 elderly *[and]* persons, and recommend actions by the Governor, the Department of Human Resources, the
32 Senior Services Division, other governmental entities and the private sector, appropriate to meet such needs.

33 *[(4)]* (5) The commission shall have authority to study programs and budgets of all state agencies which
34 affect *[senior citizens]* elderly persons. After such study, the commission shall make recommendations to the
35 Governor and to the agencies involved. Such recommendations shall be designed to provide coordination of
36 programs for *[the]* elderly persons, to avoid unnecessary duplication in provision of services, and to point out
37 gaps in provision of services. The commission shall also recommend development of a comprehensive plan for
38 delivery of services to *[the]* elderly persons. In carrying out these tasks, the commission shall coordinate its
39 efforts with other advisory groups within the Department of Human Resources to avoid duplication of effort.

1 [(5)] (6) The commission shall promote responsible state-wide advocacy for [*senior citizens*] elderly
2 persons.

3 [(6)] (7) Members of the commission, other than legislators, shall be entitled to compensation and expenses
4 as provided in ORS 292.495.

5 SECTION 18. On the effective date of this Act, the terms of incumbent members of the Governor's
6 Commission on Aging shall end. In the first year appointments required by ORS 184.900 as amended by section
7 17 of this Act are made, the members will be appointed as follows:

- 8 (1) One-third shall be appointed for one year;
- 9 (2) One-third shall be appointed for two years; and
- 10 (3) One-third shall be appointed for three years.

11 Section 19. ORS 184.750 is amended to read:

12 184.750. (1) The Department of Human Resources is created.

13 (2) The Department of Human Resources shall provide programs for the delivery to the public of services
14 relating to public assistance, children and families, health and health-related affairs, mental health, corrections,
15 employment, vocational rehabilitation, [*aging,*] elderly persons and such other services as may be assigned to
16 the Department of Human Resources.

17 (3) The Department of Human Resources shall provide the programs and services enumerated in
18 subsection (2) of this section through the divisions and other organizational units, including but not limited to
19 the following:

- 20 (a) The Adult and Family Services Division;
- 21 (b) The Children's Services Division;
- 22 (c) The Mental Health Division;
- 23 (d) The Corrections Division;
- 24 (e) The Employment Division;
- 25 (f) The Vocational Rehabilitation Division;
- 26 (g) The Health Division; and
- 27 (h) The [*Office of Elderly Affairs*] Senior Services Division.

28 (4) The Department of Human Resources shall be the recipient of all federal funds paid or to be paid to the
29 state to enable the state to provide the programs and services assigned to the Department of Human Resources.

30 Section 20. ORS 184.865 is amended to read:

31 184.865. (1) The Department of Human Resources is directed to develop and place in effect a program of
32 supportive social services for persons age 60 or older.

33 (2) The Department of Human Resources is authorized to develop and adopt such rules as necessary for
34 the sound, efficient and economical administration of the provisions of this section and ORS 184.900 to
35 184.910, including the implementation of a fee for service schedule based upon ability to pay, and to assure that
36 no eligible person, resident in a skilled nursing home or intermediate care facility, shall be removed and placed
37 in an alternative care program unless such services are determined to be more appropriate for the individual

1 citizen based upon appropriate, individual, service considerations.

2 *[(3) There is hereby created an Office of Elderly Affairs in the Department of Human Resources. The office*
3 *shall have responsibility for all programs and functions heretofore performed by the State Program on Aging and*
4 *the Office of Special Assistant for Programs for the Elderly, and for such other functions as shall be assigned to*
5 *it by the Legislative Assembly, the Governor or the Director of the Department of Human Resources.]*

6 *[(4) In accordance with any applicable provisions of ORS 183.310 to 183.500, the office may make such*
7 *rules as are necessary to carry out the provisions of ORS 184.750, 184.760, 184.900 and this section.]*

8 *[(5) The office shall be staffed by one administrator and one assistant administrator, both of whom shall be*
9 *in the unclassified service, and by such other personnel as may be necessary. The Director of the Department of*
10 *Human Resources shall appoint the administrator and the assistant administrator.]*

11 Section 21. ORS 327.525 is amended to read:

12 327.525. The School Lunch Revolving Account of the General Fund is continuously appropriated for the
13 purposes of ORS 327.520 [*and 327.523*]. All money received under the provisions of ORS 327.520 [*and 327.523*]
14 shall be paid by the superintendent to the State Treasurer for credit to the School Lunch Revolving Account.

15 Section 22. ORS 441.630 is amended to read:

16 441.630. As used in ORS 441.630 to 441.680:

17 (1) "Abuse" means:

18 (a) Any physical injury to a patient of a long term care facility which has been caused by other than
19 accidental means, including any injury which appears to be at variance with the explanation given of the injury.

20 (b) Neglect which leads to physical harm.

21 (c) Failure to provide direct patient care.

22 (2) "Division" means the [*Adult and Family*] Senior Services Division of the Department of Human
23 Resources.

24 (3) "Law enforcement agency" means:

25 (a) Any city or municipal police department.

26 (b) Any county sheriff's office.

27 (c) The Oregon State Police.

28 (d) Any district attorney.

29 (4) "Public or private official" means:

30 (a) Physician, including any intern or resident.

31 (b) Licensed practical nurse or registered nurse.

32 (c) Employee of the Department of Human Resources, county health department, community mental health
33 program or a long term care facility or person who contracts to provide services to a long term care facility.

34 (d) Peace officer.

35 (e) Clergyman.

36 (f) Registered social worker.

37 (g) Physical therapist.

38 (h) Legal counsel for a resident or guardian or family member of the resident.

39 Section 23. ORS 411.590 is amended to read:

1 411.590. A person who is employed as a housekeeper, homemaker or otherwise as a domestic servant in
2 the house of a recipient of public assistance or services, whose compensation is paid in whole or in part by the
3 Adult and Family Services Division, the Senior Services Division or the Children's Services Division and is not
4 otherwise employed by [either] the division, shall not for any purposes be deemed to be an employe of the State
5 of Oregon whether or not the division selects the person for employment or exercises any direction or control
6 over the person's employment. Such person shall be deemed to be a nonsubject [workman] worker under ORS
7 656.027.

8 **SECTION 24.** (1) On written request of the Senior Services Division, the Executive Department shall draw
9 warrants on amounts appropriated to the Senior Services Division for operating expenses for use by the
10 division as a revolving fund. The revolving fund shall not exceed the aggregate sum of \$50,000 including
11 unreimbursed advances. The revolving fund shall be deposited with the State Treasurer to be held in a special
12 account against which the division may draw checks.

13 (2) The revolving fund may be used by the division to pay for travel expenses for employes of the division
14 and for any consultants or advisers for whom payment of travel expenses is authorized by law, or advances
15 therefor, or for purchases required from time to time or for receipt or disbursement of federal funds available
16 under federal law.

17 (3) All claims for reimbursement of amounts paid from the revolving fund shall be approved by the division
18 and by the Executive Department. When such claims have been approved, a warrant covering them shall be
19 drawn in favor of the division and charged against the appropriate fund or account, and shall be used to
20 reimburse the revolving fund.

21 **SECTION 25.** (1) There is established in the General Fund of the State Treasury an account to be known as
22 the Senior Services Account. All moneys in the Senior Services Account are continuously appropriated for and
23 shall be used by the Senior Services Division for the respective purposes authorized by law. The moneys in the
24 Senior Services Account and all appropriations for the Senior Services Division shall be subject to allotment
25 made by the Executive Department.

26 (2) The Senior Services Division shall keep a record of all moneys credited to and deposited in the Senior
27 Services Account. The record shall indicate by separate cumulative accounts the source from which the
28 moneys are derived and the individual activity or program against which each withdrawal is charged.

29 (3) The unobligated balance in the Senior Services Account on June 30 of each odd-numbered year shall be
30 determined by the Senior Services Division as of September 30 following the close of each biennium and
31 certified to the Executive Department. The amount certified pursuant to this subsection shall revert to the
32 General Fund and become available for general governmental purposes.

33 **SECTION 26.** The assistant director may appoint and employ such personnel as may be necessary for the
34 Senior Services Division and appoint and fix the compensation of all assistants and employes of the division.

35 **SECTION 27.** The Senior Services Division shall make and enforce rules governing the custody, use and
36 preservation of the records, papers, files and communications by any other agency or department of
37 government or person to which the records may be furnished. Use shall be limited to the purposes for which
38 the records are furnished and by the provisions of the law under which they may be furnished.

39 **SECTION 28.** For the protection of applicants for and recipients of services, the Senior Services Division
40 shall not disclose or use the contents of any records, files, papers or communications for purposes other than

1 those directly connected with the administration of the laws of Oregon, and these records, files, papers and
2 communications are considered confidential subject to the rules of the Senior Services Division, except as
3 otherwise provided in ORS 411.325 to 411.335. In any judicial proceedings, except proceedings directly
4 connected with the administration of public assistance laws, their contents are considered privileged
5 communications.

6 **SECTION 29.** Any reference to the Adult and Family Services Division or the Office of Elderly Affairs
7 with respect to such duties, functions and powers transferred by this Act is intended to be and shall be
8 considered a reference to the Senior Services Division of the Department of Human Resources.

9 **SECTION 30.** (1) The Adult and Family Services Division and the Office of Elderly Affairs whose duties,
10 functions and powers are assigned and transferred to the Senior Services Division by this Act shall transfer and
11 deliver to the Senior Services Division all supplies, materials, equipment, facilities, contracts, books, maps,
12 plans, papers, records and property of every description within its jurisdiction or control which relate to the
13 duties, functions and powers so transferred and shall also transfer thereto those employes engaged primarily in
14 the exercise of the duties, functions and powers so transferred. The Assistant Director for Senior Services
15 shall take possession of such property and shall take charge of such employes and, except as provided in
16 subsection (2) of this section, shall employ them in the exercise of their respective duties, functions and powers
17 assigned or transferred by this Act, without reduction of compensation.

18 (2) The Assistant Director for Senior Services may abolish positions and change duties to the extent that
19 the assistant director finds it desirable for the sound, efficient and economical administration and enforcement
20 of the duties, functions and powers transferred by this Act. However, in the case of any transfer of personnel
21 made pursuant to this section, any employe occupying a classified position who is so transferred shall, so far as
22 possible, retain the same salary classification and status.

23 (3) Any controversy relating to the transfers of property and employes made by this section shall be
24 resolved by the Director of the Executive Department.

25 **SECTION 31.** Nothing in this Act shall relieve any person of any obligation with respect to any tax, fee,
26 fine or other charge, interest, penalty, forfeiture or other liability, duty or obligation accruing under, or with
27 respect to, the duties, functions and powers transferred by this Act. After the effective date of this Act the
28 Senior Services Division may undertake the collection or enforcement of such tax, fee, fine, charge, interest,
29 penalty, forfeiture or other liability, duty or obligation; but such liability, duty or obligation shall not be
30 increased or decreased or continued beyond the period authorized by law for its existence or beyond the time
31 when it would have terminated if this Act had not been passed.

32 **SECTION 32.** (1) The Senior Services Division shall be considered and held to constitute a continuation of
33 the Adult and Family Services Division and the Office of Elderly Affairs with respect to powers, functions and
34 duties and obligations of the Adult and Family Services Division or the Office of Elderly Affairs legally
35 incurred under contracts, leases and business transactions executed, entered into or commenced prior to the
36 effective date of this Act. The Senior Services Division shall exercise such rights, powers, duties and
37 obligations with the same force and effect as if they had not been transferred; but such right, power, duty or
38 obligation shall not be continued beyond the period authorized by law for its existence or beyond the time when
39 it would have terminated if this Act had not been passed.

1 (2) The continuation of powers and functions described in this section shall include rulemaking authority
2 pertaining to functions, duties and obligations transferred by this Act, and rulemaking authority for functions,
3 duties and obligations established by this Act.

4 SECTION 33. Any proceeding, court action, prosecution or other business or matter undertaken or
5 commenced prior to the effective date of this Act by the Adult and Family Services Division or Office of
6 Elderly Affairs with respect to the duties, functions or powers which are by this Act assigned and transferred to
7 the Senior Services Division, and still pending on the effective date of this Act, may be conducted and
8 completed by the Senior Services Division in the same manner and under the same terms and conditions and
9 with the same effect as though it were undertaken or commenced and were conducted or completed by the
10 Adult and Family Services Division or the Office of Elderly Affairs prior to transfer.

11 SECTION 34. (1) Whenever in any other law or resolution of the Legislative Assembly, or in any rule,
12 regulation, document, record or proceeding authorized by the same, any word or phrase is used in reference to
13 or descriptive of the Adult and Family Services Division or the Office of Elderly Affairs whose duties,
14 functions or powers are by this Act assigned or transferred, such word, phrase or reference shall, after the
15 effective date of this Act, unless the context or provisions of this Act require otherwise, be considered to refer
16 to, include and describe the Senior Services Division which is charged with carrying out such powers, functions
17 and duties, as the context and provisions of this Act may require.

18 (2) Notwithstanding the transfer of duties, functions and powers by this Act, any lawful authorization,
19 designation, determination, directive, license, order, permit, policy, privilege, rule or other action of the Adult
20 and Family Services Division or the Office of Elderly Affairs whose powers, functions and duties are by this
21 Act assigned and transferred to the Senior Services Division, in effect on the effective date of this Act, shall
22 continue in effect until superseded by, or repealed by the lawful action of the Senior Services Division; but it
23 shall not continue any such action beyond the period authorized by law for its existence or beyond the time
24 when the action would have terminated if this Act had not been passed.

25 SECTION 35. The functions of the Adult and Family Services Division or the Office of Elderly Affairs
26 described in this Act are transferred to and vested in the Senior Services Division.

27 SECTION 36. Nothing in this Act extends estate claims requirements and procedures related to certain
28 Title XIX and Title XX services under current Oregon statutes and federal regulations to other services.

29 SECTION 37. Nothing in this Act requires an area agency or local governmental unit to expend local funds
30 for the purpose of maintaining or expanding services to elderly and handicapped persons.

31 SECTION 38. ORS 184.860, 327.523, 413.025 and 441.081 are repealed.

32 SECTION 39. (1) There are appropriated to the Senior Services Division of the Department of Human
33 Resources, for the biennium ending June 30, 1983, out of the General Fund, the following amounts, which shall
34 be placed in the Senior Services Account in quarterly instalments based upon estimates of expenditure
35 requirements approved by the Executive Department, to be expended for the following purposes:

- 36 (a) Long-term care \$ 1
- 37 (b) Administrative expenses \$ 1

38 (2) Notwithstanding any other law, \$1 is established for the biennium ending June 30, 1983, as the
39 maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous

1 Receipts, excluding federal funds, collected or received by the Department of Human Resources for
2 administrative expense.

3 (3) Notwithstanding any other law, the following amounts are established for the biennium beginning July
4 1, 1981, as the maximum limits for the payment of expenses from federal funds received by the Senior Services
5 Division of the Department of Human Resources. Such amounts shall be credited to the Senior Services
6 Account within the General Fund as they are made available by the United States Government and, subject to
7 the approval of the Executive Department, may be expended for the following purposes:

8	(a) Long-term care	\$	1
9	(b) Administrative expenses	\$	1

10 **SECTION 40.** Sections 7, 9, 10, 13 and 15 of this Act are operative July 1, 1982.

11 **SECTION 41.** This Act being necessary for the immediate preservation of the public peace, health and
12 safety, an emergency is declared to exist, and this Act takes effect October 1, 1981.

HOUSE OF REPRESENTATIVES

61st Legislative Assembly

STAFF MEASURE ANALYSIS

Measure: SB 955-^B
Committee: Aging & Minority Affairs
Hearing Dates: 7/16, 7/21, 7/28, 7/30
Explanation Prepared by: Dick Wilson

Function of Measure:

Senate Bill 955-^B creates the Senior Services Division (SDD) within the Dept. of Human Resources from existing staff and resources. It combines the entire Office of Elderly Affairs with the long term care programs of Adult and Family Services. Included in the transfer to create SSD are 369 positions and budget transfers for the 1981-83 Biennium.

The SSD will be responsible for four different programs which provide services to the elderly and handicapped. They include:

1. The nursing home program now administered by AFS.
2. The community services program (including substitute homes and in-home services) now in AFS.
3. Oregon Project Independence (OPI) now in the Office of Elderly Affairs.
4. The Older American Act programs also in the Office of Elderly Affairs.

SB 955-^B provides for local administration of all programs through the existing Area Agencies on Aging (AAA). The bill provides for two types of Area Agencies: Type A agencies will continue after the bill becomes effective in the same manner as they now operate. Type B agencies accept the responsibility of locally administering all SSD programs, including those programs transferred from AFS.

Transfer of Personnel - The locally-based State employees whose duties involve services assumed by Type B AAAs may be transferred to and supervised by that agency under ORS 236.610 to 236.650 (establishes provisions for protection of public employees transferred between levels of government when services are transferred). They will remain as State employees. The Type B AAAs may choose either (a) to contract with the Division for the services of all those employees, or (b) to have them become employees of the Type B agency (the State continues to pay the costs). A plan must be first prepared

in coordination with local staff for any AFS transfer. AAA, local government and the State must agree on a plan before any AAA becomes Type B. The legislation will require that the plan must establish an appropriate administrative structure and qualifications for key personnel; address staff, equipment, administrative costs and service dollars; and be prepared with the participation of potentially affected clients, staff and other parties at the local level, including the physically handicapped. The plan must be prepared in coordination with the local mental health authority, the necessary inter-agency agreements and transfers negotiated.

The measure provides for a long implementation period. The Division is created October 1, 1981; however, no AAA can become a Type B until at least July 1, 1982. Each AAA which decides to accept Type B status must submit the plan to SSD showing how services will be delivered to the elderly and handicapped, how the programs will be administered, how the programs will inter-face with other local government and services and programs, and how the elderly and handicapped will be involved in the local decision making process.

①

SENATE COMMITTEE REPORT

Date July 30, 1981

Mr. President:

Joint

Your/Committee on Ways and Means

to whom was

referred A-engrossed Senate Bill 955, having had the same under consideration,

respectfully report it back recommending:

(adoption)

passage.

(adoption)

passage with amendments.

(adoption)

passage with amendments to the
 engrossed measure.

that the measure be printed engrossed
and rereferred to committee for further
consideration.

that the measure be returned to the
President's Desk for rereferral. (Letter
of explanation attached.) (SR 9.05(1))

(adoption)

passage with amendments to resolve
conflicts. (SR 9.35)

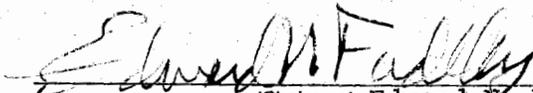
that be substituted
therefor. (SR 9.45)

Other: _____

See attached 1 page amendment

NOT CONCURRING (SR 9.15 (2)) Senator(s) _____

Referred to Committee on Ways and Means
by prior reference.


(Chairman) Edward N. Fadelley

Submit:

2 copies if no amdts.

7 copies if amdts.

Sen. Kitzhaber
will lead floor discussion.

1 PROPOSED AMENDMENTS TO A-ENGROSSED SENATE BILL 955

2 On page 1 of the printed A-engrossed bill, line 3, after
3 "441.630" delete the rest of the line.

4 In line 4, delete "sections 1, 2 and 3, chapter _____, Oregon
5 Laws 1981 (Enrolled Senate Bill 5532)".

6 On page 13, delete lines 32 through 40 and page 14.

7 On page 15, delete lines 1 and 2.

8 In line 3, delete "44" and insert "39".

9 In line 7, delete "\$54,604,349" and insert "\$1".

10 In line 8, delete "\$3,830,634" and insert "\$1".

11 In line 9, delete "\$2,080" and insert "\$1".

12 In line 18, delete "\$77,420,841" and insert "\$1".

13 In line 19, delete "\$8,521,862" and insert "\$1".

14 In line 20, delete "45" and insert "40".

15 In line 21, delete "46" and insert "41".

BUDGET REPORT - Joint Committee on Ways and Means - 61st Legislative Assembly

Agency Department of Human Resources Senior Services Division
 Budget Page -- LFO Analysis Page -- Bill No. SB 955 Biennium 1981-83

Subcommittee No. 4
 Sens: Burdidge, Meeker Ripper
 Reps: Katz, Riebel, Van Vliet
Vera Katz
 Rep. Vera Katz, Chairperson

Prepared by: (Executive Department)
 Wayne J. Wolfe *Wayne J. Wolfe*
 Reviewed by: (Legislative Fiscal Office)
 Arthur L. Wilkinson *Arthur L. Wilkinson*

Date: July 30, 1981

Budget Description	1979-81	1981-83		
	Estimated Expenditures	Governor's Printed Budget Recommendation	Committee Recommendation	Differences from Governor's Rec.
<u>Administrative Expenses</u>				
General Fund	--	--	\$1	\$+1
Other Funds	--	--	1	+1
Federal Funds	--	--	1	+1
Total	--	--	\$3	\$+3
<u>Long-Term Care</u>				
General Fund	--	--	\$1	\$+1
Federal Funds	--	--	1	+1
Total	--	--	\$2	\$+2
<u>Agency Totals</u>				
General Fund	--	--	\$2	\$+2
Other Funds	--	--	1	+1
Federal Funds	--	--	2	+2
Total	--	--	\$5	\$+5

POSITION SUMMARY

POSITIONS	--	--	--	--
Full-time equivalent positions	--	--	--	--

SUMMARY OF SUBCOMMITTEE ACTION

The Subcommittee recommends approval of amended Senate Bill 955 which transfers programs of the Office of Elderly Affairs and the Long-Term Care unit of the Adult and Family Services Division to a newly created Senior Services Division. Appropriations and limitations of \$1 are established to enable the Director of the Department of Human Resources to request funding transfers from the Emergency Board when a transition plan is completed.

A-Engrossed
Senate Bill 955

Ordered by the Senate July 16
(Including Amendments by Senate July 16)

Sponsored by COMMITTEE ON HUMAN RESOURCES/AGING (at the request of Governor's Commission on Aging;
United Seniors)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Creates, operative July 1, 1982, Senior Services Division in Department of Human Resources to provide social services to elderly [*and adult disabled persons*]. Changes name of Governor's Commission on Aging to Governor's Commission on [*Aging and the Disabled*] **Senior Services**. Transfers certain functions from Office of Elderly Affairs and Adult and Family Services Division to the Senior Services Division.

Appropriates [\$_____] **\$58,434,983** to Senior Services Division for biennium. Changes biennial appropriation to Department of Human Resources and Adult and Family Services Division.

Declares emergency, effective October 1, 1981.

A BILL FOR AN ACT

1
2 Relating to social services; creating new provisions; amending ORS 184.750, 184.865, 184.900, 327.525, 411.590
3 and 441.630 and sections 1 and 3, chapter _____, Oregon Laws 1981 (Enrolled House Bill 5036), and
4 sections 1, 2 and 3, chapter _____, Oregon Laws 1981 (Enrolled Senate Bill 5532); repealing ORS
5 184.860, 327.523, 413.025 and 441.081; appropriating money; and declaring an emergency.

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

7 **SECTION 1.** As used in this Act:

8 (1) "Area agency" means:

9 (a) An established or proposed type A or type B Area Agency on Aging within a planning and service area
10 designated under Section 305 of the Older Americans Act; or

11 (b) Any public or nonprofit private agency which is designated as a type A or type B Area Agency on Aging
12 under Section 305 of the Older Americans Act.

13 (2) "Area agency board" means the local policy-making board which directs the actions of the area agency
14 within state and federal laws and regulations.

15 (3) "Division" means the Senior Services Division of the Department of Human Resources.

16 (4) "Elderly" or "elderly persons" means persons who are served by type A area agencies or type B area
17 agencies or by the Senior Services Division.

18 (5) "Handicapped person" means a person with a physical or mental handicap:

19 (a) Who is eligible for Supplemental Security Income or for general assistance from the Adult and Family
20 Services Division; and

21 (b) Who meets one of the following criteria:

22 (A) Is mentally retarded or developmentally disabled and resides in or needs placement in a residential
23 program administered by the Senior Services Division.

NOTE: Matter in **bold face** in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted; complete new sections begin with **SECTION**.

1 (B) Is mentally or emotionally disturbed and resides in or needs placement in a residential program
2 administered by the Senior Services Division.

3 (C) Is an alcohol or drug abuser and resides in or needs placement in a residential program administered by
4 the Senior Services Division.

5 (D) Has a physical or mental handicap other than those described in subparagraphs (A) to (C) of this
6 paragraph.

7 (6) "Local government" means a political subdivision of the state whose authority is general or a
8 combination of units of general purpose local governments.

9 (7) "Preadmission screening" means a professional program within the Senior Services Division or type B
10 area agencies, with staff that includes registered nurses and social workers, that assesses the needs of clients
11 and recommends appropriate placements in residential programs administered by the Senior Services Division
12 or type B area agencies.

13 (8) "Protective services" means a service to be provided by the Senior Services Division directly or
14 through type B area agencies, in response to the need for protection from harm or neglect to elderly persons.

15 (9) "Title XIX" means the programs in Title XIX of the Social Security Act transferred from the long term
16 care unit of the health and social services section of the Adult and Family Services Division to the Senior
17 Services Division but does not include Title XIX programs, other than home health, personal care and nursing
18 home programs, or Title XIX programs in other divisions of the Department of Human Resources.

19 (10) "Title XX" means the programs in Title XX of the Social Security Act transferred from the Adult and
20 Family Services Division to the Senior Services Division, but does not include Title XX programs in other
21 divisions of the Department of Human Resources.

22 (11) "Type A area agency" means an area agency:

23 (a) For which either the local government or the area agency board does not agree to accept local
24 administrative responsibility for Title XIX and Title XX; and

25 (b) That provides a service to persons 60 years of age or older.

26 (12) "Type B area agency" means an area agency:

27 (a) For which the local government agrees to accept local administrative responsibility for Title XIX and
28 Title XX; and

29 (b) That provides a service to persons 60 years of age or older and handicapped persons who require
30 services similar to those required by persons 60 years of age or older, or both.

31 **SECTION 2.** The State of Oregon finds that the needs of the elderly population can be best served and
32 planned for at the local community level; that a longer life expectancy and a growing elderly population
33 demands services be provided in a coordinated manner and a single local agency system for such services be
34 instituted; that local resources and volunteer help will augment state funds and needed manpower; that local
35 flexibility in providing services should be encouraged; and that a single state agency should regulate and
36 provide leadership to insure that the elderly citizens of Oregon will receive the necessary care and services at
37 the least cost and in the least confining situation. The State of Oregon further finds that within budgetary
38 constraints, it is appropriate that savings in nursing home services allocations within a planning and service area
39 be reallocated to alternative care services under Title XIX, Title XX and Oregon Project Independence in that
40 area.

1 **SECTION 3.** (1) The Senior Services Division is created in the Department of Human Resources. The
2 division shall administer laws and programs relating to social, health and protective services to elderly persons.

3 (2) The division shall:

4 (a) Serve as the central state agency with primary responsibility for the planning, coordination,
5 development and evaluation of policy, programs and services for elderly persons in Oregon and the designated
6 state unit on aging, as defined in the Older Americans Act of 1965.

7 (b) With the advice of the Governor's Commission on Senior Services, develop long-range state plans for
8 programs, services and activities for elderly and handicapped persons. State plans should be revised annually
9 and should be based on area agency plans, state-wide priorities and state and federal requirements.

10 (c) Have the authority to transfer state and federal funds, except Title III of the Older Americans Act
11 funds, from one area agency to another area agency or from one program or service to another program or
12 service after consultation with the area agencies involved in the transfer. However, no area agency shall suffer
13 a reduction in state or federal funds due to increased local funds.

14 (d) Receive and disburse all federal and state funds allocated to the division and solicit, accept and
15 administer grants, including federal grants or gifts made to the division or to the state for the benefit of elderly
16 persons in this state.

17 (e) Provide technical, training and program assistance to area agencies and assist them to provide such
18 assistance to public and private agencies and organizations.

19 (f) Assist area agencies to stimulate more effective use of existing resources and services for elderly
20 persons and develop programs, opportunities and services which are not otherwise provided for elderly
21 persons, with the aim of developing a comprehensive and coordinated system for the delivery of social services
22 to elderly persons.

23 (g) Serve within government and in the state at large as an advocate for elderly persons by holding hearings
24 and conducting studies or investigations concerning matters affecting the health, safety and welfare of elderly
25 persons and by assisting elderly person to assure their rights to apply for and receive services and to be given
26 fair hearings when such services are denied.

27 (h) Process fiscal and client data for all area agencies.

28 (i) Conduct regulatory functions with regard to program operation, by adopting rules for providing social
29 services, including protective services, to elderly persons who need services that the division or area agencies
30 are authorized to provide and rules for standard rate setting and quality assurance.

31 (j) Provide information and technical assistance to the Governor's Commission on Senior Services and
32 keep the commission continually informed of the activities of the division.

33 (k) Make recommendations for legislative action to the Governor and to the Legislative Assembly, after
34 consultation with the Governor's Commission on Senior Services.

35 (L) Conduct research and other appropriate activities to determine the needs of elderly persons in this
36 state, including, but not limited to, their needs for social and health services, and to determine what existing
37 services and facilities, private and public, are available to elderly persons to meet those needs.

38 (m) Maintain a clearinghouse for information related to the needs and interests of elderly persons.

39 (n) Provide area agencies with assistance in applying for federal, state and private grants and identifying
40 new funding sources.

1 (3) In addition to the requirements of subsection (2) of this section, the division shall:

2 (a) Determine type A and type B area agencies annual budget levels for Oregon Project Independence and
3 Title III of the Older Americans Act expenditures.

4 (b) For type B area agencies:

5 (A) Determine annual budget levels for planning Title XIX and Title XX reimbursed services. In
6 determining the budget levels, the division shall retain contingency reserves against overruns and transfers in
7 use of Title XIX and Title XX funds.

8 (B) Provide timely management information so the area agency can manage Title XIX and Title XX
9 reimbursements within budgeted levels.

10 (c) Make payments for services within a central processing system for:

11 (A) A type A area agency, at the request of the agency, for Oregon Project Independence or Title III of the
12 Older Americans Act expenditures, or both.

13 (B) A type B area agency, for Title XIX, Title XX and Oregon Project Independence expenditures, and at
14 the request of the agency, for Title III of the Older Americans Act expenditures.

15 (d) Assume program responsibility for Title XIX and Title XX programs in areas served by type A area
16 agencies and in areas where no area agency is designated.

17 **SECTION 4.** (1) It is the policy of the State of Oregon that handicapped persons served by the Senior
18 Services Division shall also receive necessary services, as appropriate for their needs, from other state
19 agencies and divisions.

20 (2) In carrying out the provisions in subsection (1) of this section, the Department of Human Resources
21 shall insure that the Senior Services Division negotiates interagency agreements and coordinates services with
22 the Mental Health Division, Vocational Rehabilitation Division, Employment Division, Children's Services
23 Division and the Department of Education for the provision of appropriate services to handicapped clients of
24 the Senior Services Division.

25 (3) (a) Prior to placement in any residential program administered by the Senior Services Division, all
26 handicapped persons shall be assessed by preadmission screening to insure the appropriateness of such
27 placement.

28 (b) If a handicapped person is diagnosed as, or is suspected of being, mentally retarded or developmentally
29 disabled, preadmission screening shall include assessment by the Diagnosis and Evaluation Service of the
30 Mental Health Division.

31 (4) The Senior Services Division, in coordination with the Mental Health Division, Children's Services
32 Division, Vocational Rehabilitation Division and the Department of Education shall work with nursing homes
33 which have one or more residents under 18 years of age to develop a program appropriate to the needs of such
34 residents.

35 **SECTION 5.** (1) Agreements and coordination described in subsection (2) of section 4 of this Act shall
36 include but not be limited to the following:

37 (a) After creation of the Senior Services Division, the Department of Human Resources shall transfer to
38 the Mental Health Division jurisdiction over specialized foster care homes and residential care facilities
39 exclusively serving persons with mental retardation or developmental disabilities, mental or emotional

1 disturbances, and alcohol or drug abuse or dependence. This transfer shall be completed by July 1, 1982, and
2 shall include associated fiscal and staff resources.

3 (b) The Department of Human Resources shall direct the Senior Services Division and the Mental Health
4 Division to complete, by July 1, 1982, a joint study of persons with mental retardation or developmental
5 disabilities, mental or emotional disturbances, and alcohol or drug abuse or dependence who remain in foster
6 care homes, residential care facilities or nursing homes.

7 (2) The study described in paragraph (b) of subsection (1) of this section shall:

8 (a) Assess the appropriateness of current placement for persons described in paragraph (b) of subsection
9 (1) of this section.

10 (b) Make recommendations for appropriate residential, day programs and support services for those
11 persons not appropriately placed.

12 (c) Plan needed case management for those persons who should remain as clients of the Senior Services
13 Division.

14 (3) Recommendations made pursuant to paragraph (b) of subsection (2) of this section shall be reflected in
15 budget recommendations made by the Mental Health Division to the Sixty-second Legislative Assembly.

16 **SECTION 6.** All programs and functions performed by the Office of Elderly Affairs and the Adult and
17 Family Services Division, Health and Social Services Section, Long-Term Care Unit, are transferred to the
18 Senior Services Division.

19 **SECTION 7.** (1) The Department of Human Resources is the designated single state agency for all federal
20 programs under this Act.

21 (2) Except as provided in paragraph (d) of subsection (3) of section 3 and section 10 of this Act, the
22 administration of services to clients under this Act shall be through area agencies, and shall comply with all
23 applicable federal regulations.

24 **SECTION 8.** On and after the effective date of this Act, a type A area agency shall operate in the same
25 manner as it operated with local administrative responsibility for Title III of the Older Americans Act and
26 Oregon Project Independence before the effective date of this Act. Nothing in this Act requires a type A area
27 agency to become a type B area agency.

28 **SECTION 9.** (1) A local government shall be responsible for all actions of a type B area agency in its
29 jurisdiction, including but not limited to the accountability for funds and compliance with federal and state laws
30 and rules. Such responsibility shall include all geographic areas in which the type B area agency is designated
31 to operate.

32 (2) The respective local government shall appoint a director of the type B area agency in its jurisdiction
33 who must meet minimum qualifications established by the division. The director shall serve with the continuing
34 approval of the Assistant Director for Senior Services. Continuing approval may be withdrawn by the assistant
35 director only when it can be shown that the state or federal rules have not been complied with by the type B
36 area agency, state or federal funds are not being expended for the purposes for which they were intended or the
37 elderly are not receiving appropriate services within available funds. Withdrawal of continuing approval is
38 appealable to the Director of Human Resources and the Governor by the local government.

39 **SECTION 10.** (1) In the event that a local government withdraws the designation of an area agency, or the
40 division withdraws the area agency designation in accordance with the Older Americans Act, the division shall

1 administer the services to clients previously performed by the area agency until a new area agency is
2 designated.

3 (2) The division may withdraw any particular program or service, except Title III of the Older Americans
4 Act programs, from the area agency, and administer such programs and services. Before such action is taken,
5 the division must consult with the director of the area agency and the chief elected official of the affected local
6 government. Such action shall be taken by the division only when it can be shown the federal or state laws or
7 rules have not been complied with, state or federal funds are not being expended for the purposes for which
8 they were intended, or the elderly are not receiving appropriate services within available resources.
9 Withdrawal of any particular program or service is appealable to the Director of Human Resources and the
10 Governor.

11 **SECTION 11.** (1) Each area agency shall have an area agency advisory council, with members appointed
12 by the area agency board.

13 (a) For a type A area agency, membership of the council shall include consumers of services under Senior
14 Services Division programs, including low income, minority and handicapped persons.

15 (b) For a type B area agency, membership of the council shall include persons described in paragraph (a) of
16 this subsection and handicapped persons. Representation of handicapped persons on the council shall be in
17 proportion to the ratio of such persons to all persons in the jurisdiction of the area agency who received Title
18 XIX and Title XX services, or both, during the preceding 12-month period, but shall not be fewer than one.

19 (2) Each area agency advisory council shall:

20 (a) Recommend basic policy guidelines for the administration of the activities of the area agencies on
21 behalf of elderly persons, and advise the area agency on questions of policy.

22 (b) Advise the area agency with respect to development of the area plan and budget, and review and
23 comment on the completed area plan and budget before its transmittal to the Assistant Director for Senior
24 Services.

25 (c) Review and evaluate the effectiveness of the area agency in meeting the needs of elderly persons in the
26 planning and service area.

27 (d) Meet at least quarterly. The meetings are subject to ORS 192.610 to 192.690.

28 **SECTION 12.** Each type A area agency shall:

29 (1) Conduct local planning functions for Title III of the Older Americans Act and Oregon Project
30 Independence.

31 (2) Develop a local plan for service delivery that complies with federal and state requirements and is in
32 accord with locally determined objectives consistent with the state policy on aging. This plan shall be reviewed
33 and approved by the division.

34 (3) Assess the needs of elderly persons within the planning and service delivery area for service for social
35 and health services, and determine what resources are currently available to meet those needs.

36 (4) Assume the responsibility of determining services required to meet the needs of elderly persons, assure
37 that such services are provided within the resources available and determine when such services are no longer
38 needed.

1 (5) Endeavor to coordinate and expand existing resources in order to develop within its planning and
2 service area a comprehensive and coordinated system for the delivery of social and health services to elderly
3 persons.

4 (6) Serve as an advocate within government and within the community at large for the interests of elderly
5 persons within its planning and service area.

6 (7) Make grants to or enter into contracts with any public or private agency for the provision of social or
7 health services not otherwise sufficiently available to elderly persons within the planning and service area.

8 (8) Monitor and evaluate the activities of its service providers to insure that the services being provided
9 comply with the terms of the grant or contract. Where a provider is found to be in breach of the terms of its
10 grant or contract, the area agency shall enforce the terms of the grant or contract.

11 (9) Conduct research, evaluation, demonstration or training activities appropriate to the achievement of the
12 goal of improving the quality of life for elderly persons within its planning and service area.

13 (10) Comply with division requirements that have been developed in consultation with the area agencies for
14 client and fiscal information and provide to the division information necessary for federal and state reporting,
15 program evaluation, program management, fiscal control and research needs.

16 **SECTION 13.** Each type B area agency shall:

17 (1) Comply with the provisions of subsection (1) and subsections (3) to (10) of section 12 of this Act.

18 (2) Conduct local planning functions for Title XIX and Title XX of the Social Security Act.

19 (3) Develop a local plan for service delivery subject to review and approval by the division and the
20 responsible unit of local government that complies with federal and state requirements and in accord with
21 locally determined objectives consistent with the state policy on aging.

22 (4) Provide protective services within available resources.

23 **SECTION 14.** Each area agency may use, with the consent of state and municipal departments and
24 agencies, their services, equipment, facilities and personnel, and pay therefor, within the limits of its resources,
25 as agreed between the agencies and cooperate with other public and private agencies as to the use of services,
26 equipment and facilities.

27 **SECTION 15.** (1) A type B area agency may contract with the division for services of state employees or
28 have such employees transferred to employment by the area agency by transfer agreement.

29 (2) State employees whose services have been contracted to a type B area agency shall be supervised for
30 program purposes by the area agency.

31 (3) If state employees are transferred to a type B area agency, the provisions of ORS 236.610 to 236.650 shall
32 apply.

33 (4) Prior to transfer of any state employee to any other public employer under this Act, at a date to be
34 determined by the Assistant Director for Senior Services, each type B area agency shall prepare a plan in
35 coordination with local staff of the Adult and Family Services Division for implementation of this Act. The
36 plan shall show how statutory responsibilities are to be met and how all staff are to be utilized.

37 **SECTION 16.** (1) Prior to the designation of an area agency as a type B area agency, the area agency, the
38 responsible unit of local government and the division must jointly agree upon a plan under which the area
39 agency will operate.

40 (2) The plan described in subsection (1) of this section shall:

1 (a) Establish an administrative structure and qualification for key personnel that reflect the population to
2 be served.

3 (b) Be developed in coordination with the appropriate local mental health authority.

4 (c) Include any necessary interagency agreements regarding which agency is to have responsibility for each
5 specific group of clients under 60 years of age.

6 (d) Address necessary transfers of staff, available equipment and administrative and service funds.

7 (e) Be prepared with the participation of potentially affected clients, staff and other individuals at the local
8 level, including but not limited to physically handicapped individuals.

9 Section 17. ORS 184.900 is amended to read:

10 184.900. (1) The Governor's Commission on [*Aging*] **Senior Services** is created. The commission shall
11 consist of at least [*19*] **21** members appointed by the Governor for terms of three years.

12 (2) Prior to making appointments, the Governor shall request and consider recommendations from the area
13 agencies on aging and other interested senior organizations. The Governor shall designate a member to serve at
14 [*his*] **the pleasure of the Governor** as chairman for a term of two years with such duties as [*he*] **the Governor**
15 shall prescribe. The membership of the commission shall be composed of [*members*] **persons** broadly
16 representative of major public and private agencies who are experienced in or have demonstrated particular
17 interest in the special needs of [*the*] **elderly persons**, including [*citizens*] **persons** who have been active in [*senior*]
18 organizations and advocates on behalf of [*senior citizens*] **elderly persons**. [*Of the members appointed to the*
19 *commission under this subsection, a majority shall be actual*] **Additionally, membership shall include persons**
20 **who are active in advocacy organizations representing the interests of handicapped persons who are served in**
21 **programs under the Senior Services Division and consumers of services under the [*aging*] Senior Services Division**
22 **programs, including low income, [*and*] minority [*older*] and handicapped persons [*at least in proportion to the***
23 **number of minority and older persons in the state]. At least a majority of members shall be 60 years of age or**
24 **older.**

25 [(2)] (3) In addition to the members of the commission appointed under subsection (1) of this section, the
26 President of the Senate shall appoint one member from the Senate and the Speaker of the House of
27 Representatives shall appoint one member from the House of Representatives. [*The members of the*
28 *commission appointed under this subsection shall be entitled to actual and necessary expenses.*]

29 [(3)] (4) The Governor's Commission on [*Aging*] **Senior Services** shall advise the Governor, [*and*] the
30 Director of the Department of Human Resources **and the Assistant Director for Senior Services** on needs of [*the*]
31 elderly [*and*] **persons**, and recommend actions by the Governor, the Department of Human Resources, **the**
32 **Senior Services Division**, other governmental entities and the private sector, appropriate to meet such needs.

33 [(4)] (5) The commission shall have authority to study programs and budgets of all state agencies which
34 affect [*senior citizens*] **elderly persons**. After such study, the commission shall make recommendations to the
35 Governor and to the agencies involved. Such recommendations shall be designed to provide coordination of
36 programs for [*the*] **elderly persons**, to avoid unnecessary duplication in provision of services, and to point out
37 gaps in provision of services. The commission shall also recommend development of a comprehensive plan for
38 delivery of services to [*the*] **elderly persons**. In carrying out these tasks, the commission shall coordinate its
39 efforts with other advisory groups within the Department of Human Resources to avoid duplication of effort.

1 ~~[(5)]~~ (6) The commission shall promote responsible state-wide advocacy for ~~[senior citizens]~~ **elderly**
2 **persons.**

3 ~~[(6)]~~ (7) Members of the commission, other than legislators, shall be entitled to compensation and expenses
4 as provided in ORS 292.495.

5 **SECTION 18.** On the effective date of this Act, the terms of incumbent members of the Governor's
6 Commission on Aging shall end. In the first year appointments required by ORS 184.900 as amended by section
7 17 of this Act are made, the members will be appointed as follows:

- 8 (1) One-third shall be appointed for one year;
9 (2) One-third shall be appointed for two years; and
10 (3) One-third shall be appointed for three years.

11 Section 19. ORS 184.750 is amended to read:

12 184.750. (1) The Department of Human Resources is created.

13 (2) The Department of Human Resources shall provide programs for the delivery to the public of services
14 relating to public assistance, children and families, health and health-related affairs, mental health, corrections,
15 employment, vocational rehabilitation, ~~[aging,]~~ **elderly persons** and such other services as may be assigned to
16 the Department of Human Resources.

17 (3) The Department of Human Resources shall provide the programs and services enumerated in
18 subsection (2) of this section through the divisions and other organizational units, including but not limited to
19 the following:

- 20 (a) The Adult and Family Services Division;
21 (b) The Children's Services Division;
22 (c) The Mental Health Division;
23 (d) The Corrections Division;
24 (e) The Employment Division;
25 (f) The Vocational Rehabilitation Division;
26 (g) The Health Division; and
27 (h) The ~~[Office of Elderly Affairs]~~ **Senior Services Division.**

28 (4) The Department of Human Resources shall be the recipient of all federal funds paid or to be paid to the
29 state to enable the state to provide the programs and services assigned to the Department of Human Resources.

30 Section 20. ORS 184.865 is amended to read:

31 184.865. (1) The Department of Human Resources is directed to develop and place in effect a program of
32 supportive social services for persons age 60 or older.

33 (2) The Department of Human Resources is authorized to develop and adopt such rules as necessary for
34 the sound, efficient and economical administration of the provisions of this section and ORS 184.900 to
35 184.910, including the implementation of a fee for service schedule based upon ability to pay, and to assure that
36 no eligible person, resident in a skilled nursing home or intermediate care facility, shall be removed and placed
37 in an alternative care program unless such services are determined to be more appropriate for the individual

1 citizen based upon appropriate, individual, service considerations.

2 *[(3) There is hereby created an Office of Elderly Affairs in the Department of Human Resources. The office*
 3 *shall have responsibility for all programs and functions heretofore performed by the State Program on Aging and*
 4 *the Office of Special Assistant for Programs for the Elderly, and for such other functions as shall be assigned to*
 5 *it by the Legislative Assembly, the Governor or the Director of the Department of Human Resources.]*

6 *[(4) In accordance with any applicable provisions of ORS 183.310 to 183.500, the office may make such*
 7 *rules as are necessary to carry out the provisions of ORS 184.750, 184.760, 184.900 and this section.]*

8 *[(5) The office shall be staffed by one administrator and one assistant administrator, both of whom shall be*
 9 *in the unclassified service, and by such other personnel as may be necessary. The Director of the Department of*
 10 *Human Resources shall appoint the administrator and the assistant administrator.]*

11 Section 21. ORS 327.525 is amended to read:

12 327.525. The School Lunch Revolving Account of the General Fund is continuously appropriated for the
 13 purposes of ORS 327.520 [*and 327.523*]. All money received under the provisions of ORS 327.520 [*and 327.523*]
 14 shall be paid by the superintendent to the State Treasurer for credit to the School Lunch Revolving Account.

15 Section 22. ORS 441.630 is amended to read:

16 441.630. As used in ORS 441.630 to 441.680:

17 (1) "Abuse" means:

18 (a) Any physical injury to a patient of a long term care facility which has been caused by other than
 19 accidental means, including any injury which appears to be at variance with the explanation given of the injury.

20 (b) Neglect which leads to physical harm.

21 (c) Failure to provide direct patient care.

22 (2) "Division" means the [*Adult and Family*] Senior Services Division of the Department of Human
 23 Resources.

24 (3) "Law enforcement agency" means:

25 (a) Any city or municipal police department.

26 (b) Any county sheriff's office.

27 (c) The Oregon State Police.

28 (d) Any district attorney.

29 (4) "Public or private official" means:

30 (a) Physician, including any intern or resident.

31 (b) Licensed practical nurse or registered nurse.

32 (c) Employee of the Department of Human Resources, county health department, community mental health
 33 program or a long term care facility or person who contracts to provide services to a long term care facility.

34 (d) Peace officer.

35 (e) Clergyman.

36 (f) Registered social worker.

37 (g) Physical therapist.

38 (h) Legal counsel for a resident or guardian or family member of the resident.

39 Section 23. ORS 411.590 is amended to read:

1 411.590. A person who is employed as a housekeeper, homemaker or otherwise as a domestic servant in
2 the house of a recipient of public assistance or services, whose compensation is paid in whole or in part by the
3 Adult and Family Services Division, **the Senior Services Division** or the Children's Services Division and is not
4 otherwise employed by [*either*] the division, shall not for any purposes be deemed to be an employe of the State
5 of Oregon whether or not the division selects the person for employment or exercises any direction or control
6 over the person's employment. Such person shall be deemed to be a nonsubject [*workman*] **worker** under ORS
7 656.027.

8 **SECTION 24.** (1) On written request of the Senior Services Division, the Executive Department shall draw
9 warrants on amounts appropriated to the Senior Services Division for operating expenses for use by the
10 division as a revolving fund. The revolving fund shall not exceed the aggregate sum of \$50,000 including
11 unreimbursed advances. The revolving fund shall be deposited with the State Treasurer to be held in a special
12 account against which the division may draw checks.

13 (2) The revolving fund may be used by the division to pay for travel expenses for employes of the division
14 and for any consultants or advisers for whom payment of travel expenses is authorized by law, or advances
15 therefor, or for purchases required from time to time or for receipt or disbursement of federal funds available
16 under federal law.

17 (3) All claims for reimbursement of amounts paid from the revolving fund shall be approved by the division
18 and by the Executive Department. When such claims have been approved, a warrant covering them shall be
19 drawn in favor of the division and charged against the appropriate fund or account, and shall be used to
20 reimburse the revolving fund.

21 **SECTION 25.** (1) There is established in the General Fund of the State Treasury an account to be known as
22 the Senior Services Account. All moneys in the Senior Services Account are continuously appropriated for and
23 shall be used by the Senior Services Division for the respective purposes authorized by law. The moneys in the
24 Senior Services Account and all appropriations for the Senior Services Division shall be subject to allotment
25 made by the Executive Department.

26 (2) The Senior Services Division shall keep a record of all moneys credited to and deposited in the Senior
27 Services Account. The record shall indicate by separate cumulative accounts the source from which the
28 moneys are derived and the individual activity or program against which each withdrawal is charged.

29 (3) The unobligated balance in the Senior Services Account on June 30 of each odd-numbered year shall be
30 determined by the Senior Services Division as of September 30 following the close of each biennium and
31 certified to the Executive Department. The amount certified pursuant to this subsection shall revert to the
32 General Fund and become available for general governmental purposes.

33 **SECTION 26.** The assistant director may appoint and employ such personnel as may be necessary for the
34 Senior Services Division and appoint and fix the compensation of all assistants and employes of the division.

35 **SECTION 27.** The Senior Services Division shall make and enforce rules governing the custody, use and
36 preservation of the records, papers, files and communications by any other agency or department of
37 government or person to which the records may be furnished. Use shall be limited to the purposes for which
38 the records are furnished and by the provisions of the law under which they may be furnished.

39 **SECTION 28.** For the protection of applicants for and recipients of services, the Senior Services Division
40 shall not disclose or use the contents of any records, files, papers or communications for purposes other than

1 those directly connected with the administration of the laws of Oregon, and these records, files, papers and
2 communications are considered confidential subject to the rules of the Senior Services Division, except as
3 otherwise provided in ORS 411.325 to 411.335. In any judicial proceedings, except proceedings directly
4 connected with the administration of public assistance laws, their contents are considered privileged
5 communications.

6 **SECTION 29.** Any reference to the Adult and Family Services Division or the Office of Elderly Affairs
7 with respect to such duties, functions and powers transferred by this Act is intended to be and shall be
8 considered a reference to the Senior Services Division of the Department of Human Resources.

9 **SECTION 30.** (1) The Adult and Family Services Division and the Office of Elderly Affairs whose duties,
10 functions and powers are assigned and transferred to the Senior Services Division by this Act shall transfer and
11 deliver to the Senior Services Division all supplies, materials, equipment, facilities, contracts, books, maps,
12 plans, papers, records and property of every description within its jurisdiction or control which relate to the
13 duties, functions and powers so transferred and shall also transfer thereto those employes engaged primarily in
14 the exercise of the duties, functions and powers so transferred. The Assistant Director for Senior Services
15 shall take possession of such property and shall take charge of such employes and, except as provided in
16 subsection (2) of this section, shall employ them in the exercise of their respective duties, functions and powers
17 assigned or transferred by this Act, without reduction of compensation.

18 (2) The Assistant Director for Senior Services may abolish positions and change duties to the extent that
19 the assistant director finds it desirable for the sound, efficient and economical administration and enforcement
20 of the duties, functions and powers transferred by this Act. However, in the case of any transfer of personnel
21 made pursuant to this section, any employe occupying a classified position who is so transferred shall, so far as
22 possible, retain the same salary classification and status.

23 (3) Any controversy relating to the transfers of property and employes made by this section shall be
24 resolved by the Director of the Executive Department.

25 **SECTION 31.** Nothing in this Act shall relieve any person of any obligation with respect to any tax, fee,
26 fine or other charge, interest, penalty, forfeiture or other liability, duty or obligation accruing under, or with
27 respect to, the duties, functions and powers transferred by this Act. After the effective date of this Act the
28 Senior Services Division may undertake the collection or enforcement of such tax, fee, fine, charge, interest,
29 penalty, forfeiture or other liability, duty or obligation; but such liability, duty or obligation shall not be
30 increased or decreased or continued beyond the period authorized by law for its existence or beyond the time
31 when it would have terminated if this Act had not been passed.

32 **SECTION 32.** (1) The Senior Services Division shall be considered and held to constitute a continuation of
33 the Adult and Family Services Division and the Office of Elderly Affairs with respect to powers, functions and
34 duties and obligations of the Adult and Family Services Division or the Office of Elderly Affairs legally
35 incurred under contracts, leases and business transactions executed, entered into or commenced prior to the
36 effective date of this Act. The Senior Services Division shall exercise such rights, powers, duties and
37 obligations with the same force and effect as if they had not been transferred; but such right, power, duty or
38 obligation shall not be continued beyond the period authorized by law for its existence or beyond the time when
39 it would have terminated if this Act had not been passed.

1 (2) The continuation of powers and functions described in this section shall include rulemaking authority
 2 pertaining to functions, duties and obligations transferred by this Act, and rulemaking authority for functions,
 3 duties and obligations established by this Act.

4 **SECTION 33.** Any proceeding, court action, prosecution or other business or matter undertaken or
 5 commenced prior to the effective date of this Act by the Adult and Family Services Division or Office of
 6 Elderly Affairs with respect to the duties, functions or powers which are by this Act assigned and transferred to
 7 the Senior Services Division, and still pending on the effective date of this Act, may be conducted and
 8 completed by the Senior Services Division in the same manner and under the same terms and conditions and
 9 with the same effect as though it were undertaken or commenced and were conducted or completed by the
 10 Adult and Family Services Division or the Office of Elderly Affairs prior to transfer.

11 **SECTION 34.** (1) Whenever in any other law or resolution of the Legislative Assembly, or in any rule,
 12 regulation, document, record or proceeding authorized by the same, any word or phrase is used in reference to
 13 or descriptive of the Adult and Family Services Division or the Office of Elderly Affairs whose duties,
 14 functions or powers are by this Act assigned or transferred, such word, phrase or reference shall, after the
 15 effective date of this Act, unless the context or provisions of this Act require otherwise, be considered to refer
 16 to, include and describe the Senior Services Division which is charged with carrying out such powers, functions
 17 and duties, as the context and provisions of this Act may require.

18 (2) Notwithstanding the transfer of duties, functions and powers by this Act, any lawful authorization,
 19 designation, determination, directive, license, order, permit, policy, privilege, rule or other action of the Adult
 20 and Family Services Division or the Office of Elderly Affairs whose powers, functions and duties are by this
 21 Act assigned and transferred to the Senior Services Division, in effect on the effective date of this Act, shall
 22 continue in effect until superseded by, or repealed by the lawful action of the Senior Services Division; but it
 23 shall not continue any such action beyond the period authorized by law for its existence or beyond the time
 24 when the action would have terminated if this Act had not been passed.

25 **SECTION 35.** The functions of the Adult and Family Services Division or the Office of Elderly Affairs
 26 described in this Act are transferred to and vested in the Senior Services Division.

27 **SECTION 36.** Nothing in this Act extends estate claims requirements and procedures related to certain
 28 Title XIX and Title XX services under current Oregon statutes and federal regulations to other services.

29 **SECTION 37.** Nothing in this Act requires an area agency or local governmental unit to expend local funds
 30 for the purpose of maintaining or expanding services to elderly and handicapped persons.

31 **SECTION 38.** ORS 184.860, 327.523, 413.025 and 441.081 are repealed.

32 Section 39. If House Bill 5036 becomes law, section 1, chapter _____, Oregon Laws 1981 (Enrolled
 33 House Bill 5036), is amended to read:

34 Sec. 1. There is appropriated to the Office of the Director of the Department of Human Resources, for the
 35 biennium beginning July 1, 1981, out of the General Fund, the amount of [~~\$5,160,289~~] **\$642,582**.

36 Section 40. If House Bill 5036 becomes law, section 3, chapter _____, Oregon Laws 1981 (Enrolled
 37 House Bill 5036), is amended to read:

38 Sec. 3. Notwithstanding any other law, the amount of [~~\$60,765,223~~] **\$45,296,089** is established for the
 39 biennium beginning July 1, 1981, as the maximum limit for the payment of expenses from federal funds
 40 collected or received by the Office of the Director of the Department of Human Resources.

1 Section 41. If Senate Bill 5532 becomes law, section 1, chapter _____, Oregon Laws 1981 (Enrolled
2 Senate Bill 5532), is amended to read:

3 Sec. 1. There are appropriated to the Adult and Family Services Division of the Department of Human
4 Resources, for the biennium beginning July 1, 1981, out of the General Fund, the following amounts, which
5 shall be placed in the Public Welfare Account in quarterly instalments based upon estimates of expenditure
6 requirements approved by the Executive Department, to be expended for the following purposes:

7	(1)	Assistance payments and related expenses	\$ 130,896,269	
8	(2)	Long-term care	[\$ 87,904,492]	\$ 41,230,180
9	(3)	Medical assistance for the		
10		categorically needy and		
11		general assistance		
12		medical payments.....	\$ 109,205,970	
13	(4)	Special projects	\$ 154,165	
14	(5)	Administrative expenses.....	[\$ 70,909,628]	\$ 67,524,298

15 Section 42. If Senate Bill 5532 becomes law, section 2, chapter _____, Oregon Laws 1981 (Enrolled
16 Senate Bill 5532), is amended to read:

17 Sec. 2. Notwithstanding any other law, the following amounts are established for the biennium beginning
18 July 1, 1981, as the maximum limits for payment of expenses from fees, moneys or other revenues, including
19 Miscellaneous Receipts, excluding federal funds, collected or received by the Adult and Family Services
20 Division of the Department of Human Resources:

21	(1)	Assistance payments and related		
22		expenses	\$ 26,242,967	
23	(2)	Medical assistance for the		
24		categorically needy and		
25		general assistance payments	\$ 5,004,677	
26	(3)	Administrative expenses.....	[\$ 2,639,843]	\$ 2,637,763

27 Section 43. If Senate Bill 5532 becomes law, section 3, chapter _____, Oregon Laws 1981 (Enrolled
28 Senate Bill 5532), is amended to read:

29 Sec. 3. Notwithstanding any other law, the following amounts are established for the biennium beginning
30 July 1, 1981, as the maximum limits for the payment of expenses from federal funds received by the Adult and
31 Family Services Division of the Department of Human Resources. Such amounts shall be credited to the Public
32 Welfare Account within the General Fund as they are made available by the United States Government and
33 subject to the approval of the Executive Department, may be expended for the following purposes:

34	(1)	Assistance payments and related		
35		expenses	\$ 138,413,098	
36	(2)	Long-term care.....	[\$ 101,609,727]	\$ 47,492,280
37	(3)	Medical assistance for the		
38		categorically needy and		
39		general assistance medical		
40		payments.....	\$ 94,497,655	

1	(4)	Special projects	\$	68,989,424
2	(5)	Administrative expenses.....	[\$ 100,130,368]	\$ 92,296,108

3 **SECTION 44.** (1) There are appropriated to the Senior Services Division of the Department of Human
4 Resources, for the biennium ending June 30, 1983, out of the General Fund, the following amounts, which shall
5 be placed in the Senior Services Account in quarterly instalments based upon estimates of expenditure
6 requirements approved by the Executive Department, to be expended for the following purposes:

7	(a)	Long-term care	\$	54,604,349
8	(b)	Administrative expenses.....	\$	3,830,634

9 (2) Notwithstanding any other law, \$2,080 is established for the biennium ending June 30, 1983, as the
10 maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous
11 Receipts, excluding federal funds, collected or received by the Department of Human Resources for
12 administrative expense.

13 (3) Notwithstanding any other law, the following amounts are established for the biennium beginning July
14 1, 1981, as the maximum limits for the payment of expenses from federal funds received by the Senior Services
15 Division of the Department of Human Resources. Such amounts shall be credited to the Senior Services
16 Account within the General Fund as they are made available by the United States Government and, subject to
17 the approval of the Executive Department, may be expended for the following purposes:

18	(a)	Long-term care	\$	77,420,841
19	(b)	Administrative expenses.....	\$	8,521,862

20 **SECTION 45.** Sections 7, 9, 10, 13 and 15 of this Act are operative July 1, 1982.

21 **SECTION 46.** This Act being necessary for the immediate preservation of the public peace, health and
22 safety, an emergency is declared to exist, and this Act takes effect October 1, 1981.

See p 13

Ordered by the Senate July 15
(Including Amendment by Senate) July 15

OREGON LEGISLATIVE ASSEMBLY--1981 Regular Session

Senate Bill 955

Sponsored by COMMITTEE ON HUMAN RESOURCES/AGING (at the request of Governor's Commission on Aging; United Seniors)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Creates, operative July 1, 1982, Senior Services Division in the Department of Human Resources to provide social services to elderly and adult disabled persons. Changes name of Governor's Commission on Aging to Governor's Commission on Aging and the Disabled. Transfers certain functions from Office of Elderly Affairs and Adult and Family Services Division to the Senior Services Division.

Appropriates \$_____ to the Senior Services Division for biennium. Changes biennial appropriation to Department of Human Resources and Adult and Family Services Division.

Declares emergency, effective October 1, 1981.

A BILL FOR AN ACT

Relating to social services; creating new provisions; amending ORS 184.750, 184.865, 184.900, 327.525, 411.590 and 441.630 and sections 1, 2 and 3, chapter _____, Oregon Laws 1981 (Enrolled House Bill 5036), and sections 1, 2 and 3, chapter _____, Oregon Laws 1981 (Enrolled Senate Bill 5532); repealing ORS 184.860, 327.523, 413.025 and 441.081; appropriating money; and declaring an emergency.

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

SECTION 1. As used in this Act:

(1) "Area agency" means:

(a) An established or proposed Area Agency on Aging operating or to operate within a planning and service area designated under Section 305 of the Older Americans Act; or

(b) Any public or nonprofit private agency which is designated as an Area Agency on Aging under Section 305 of the Older Americans Act.

(2) "Area agency board" means the local policy-making board which directs the actions of the area agency within state and federal laws and regulations.

(3) "Disabled" means all persons with physical or mental handicaps who are eligible or potentially eligible for services under this Act.

(4) "Division" means the Senior Services Division of the Department of Human Resources.

(5) "Elderly" means persons who are 60 years of age or older.

(6) "Protective services" means a service to be provided by the Senior Services Division through area agencies, in response to the need for protection from harm or neglect to the elderly and the disabled.

(7) "Local government" means a political subdivision of the state whose authority is general and not limited to only one function or combination of related functions, or a combination of units of general purpose local governments as defined in ORS 190.003.

SECTION 2. The State of Oregon finds that the needs of the elderly and the adult disabled population can be best served and planned for at the local community level; that a longer life expectancy and a growing elderly

NOTE: Matter in bold face in an amended section is new; matter [italic and bracketed] is existing law to be omitted; complete new sections begin with SECTION.

Insert
①
See next page

population demands services be provided in a coordinated manner and a single local agency system for such services be instituted; that local resources and volunteer help will augment state funds and needed manpower; that local flexibility in providing services be encouraged; and that a single state agency should regulate and provide leadership to insure that the elderly and the adult disabled citizens of Oregon will receive the necessary care and services at the least cost and in the least confining situation.

SECTION 3. (1) The Senior Services Division is created in the Department of Human Resources. The division shall administer laws and programs relating to social, health and protective services to elderly and adult disabled persons.

(2) The division shall:

(a) Serve as the central state agency with primary responsibility for the planning, coordination, development and evaluation of policy, programs and services for the elderly and the adult disabled persons in Oregon and serve as the designated state unit on aging, as defined in the Older Americans Act of 1965.

(b) With the advice of the Governor's Commission on Aging and the Disabled, develop long-range state plans for programs, services and activities for elderly and adult disabled persons, to be revised and implemented annually. State plans should be based on area agency plans, state-wide priorities and state and federal requirements.

(c) Enter into such contracts and make such grants within the limits of appropriated funds, as are necessary or appropriate to the performance of its duties or the execution of its powers under this Act.

(d) Have the authority to transfer funds from one area agency to another area agency after consultation with the area agencies involved in the transfer. However, no area agency shall suffer a reduction in state or federal funds due to increased local funds.

delete
(e) Have the authority to transfer funds from one program or service to another program or service after consultation with the area agencies. However, no area agency shall suffer a reduction in state or federal funds due to increased local funds.

(f) Receive and disburse all federal and state funds allocated to the division; solicit, accept and administer grants, including Federal Government grants or gifts made to the division or to the state for the benefit of elderly and adult disabled persons in the state.

(g) Hold hearings and conduct studies or investigations concerning all matters affecting health, safety and welfare of elderly and adult disabled persons as are necessary or desirable to carry out the purposes of this Act.

(h) Assure the rights of individuals to apply for and receive services and to be given fair hearings when such services are denied.

(i) Prepare federally required plans and reports.

(j) Process fiscal and client data for all area agencies.

(k) Pay Title III payments for services within a central payment processing system, except at the option of the area agency.

(L) Conduct regulatory functions with regard to program operation, including administrative rules for authorized services, standard rate setting and quality assurance.

(m) Conduct research and other appropriate activities to determine the needs of elderly and adult disabled persons in this state, including, but not limited to, their needs for social and health services; and to determine

6 SECTION 1. As used in this Act:

7 (1) "Area agency" means:

8 (a) An established or proposed type A or type B Area Agency on
9 Aging within a planning and service area designated under Section
10 305 of the Older Americans Act; or

11 (b) Any public or nonprofit private agency which is designated
12 as a type A or type B Area Agency on Aging under Section 305 of the
13 Older Americans Act.

14 (2) "Area agency board" means the local policy-making board
15 which directs the actions of the area agency within state and
16 federal laws and regulations.

17 (3) "Division" means the Senior Services Division of the
18 Department of Human Resources.

19 (4) "Elderly" or "elderly persons" means persons who are served
20 by type A area agencies or type B area agencies or by the Senior
21 Services Division.

22 (5) "Handicapped person" means a person with a physical or
23 mental handicap:

24 (a) Who is eligible for Supplemental Security Income or for
25 general assistance from the Adult and Family Services Division; and

26 (b) Who meets one of the following criteria:

23 Senior Services Division directly or through type B area agencies,
24 in response to the need for protection from harm or neglect to
25 elderly persons.

26 (9) "Title XIX" means the programs in Title XIX of the Social
27 Security Act transferred from the long term care unit of the health
28 and social services section of the Adult and Family Services

1 (A) Is mentally retarded or developmentally disabled and
2 resides in or needs placement in a residential program administered
3 by the Senior Services Division.

4 (B) Is mentally or emotionally disturbed and resides in or
5 needs placement in a residential program administered by the Senior
6 Services Division.

7 (C) Is an alcohol or drug abuser and resides in or needs
8 placement in a residential program administered by the Senior
9 Services Division.

10 (D) Has a physical or mental handicap other than those
11 described in subparagraphs (A) to (C) of ^{this} paragraph ~~(b)~~ of this
12 subsection.

13 (6) "Local government" means a political subdivision of the
14 state whose authority is general or a combination of units of
15 general purpose local governments.

16 (7) "Preadmission screening" means a professional program
17 within the Senior Services Division or type B area agencies, with
18 staff that includes registered nurses and social workers, that
19 assesses the needs of clients and recommends appropriate placements
20 in residential programs administered by the Senior Services Division
21 or type B area agencies.

22 (8) "Protective services" means a service to be provided by the
23 Senior Services Division directly or through type B area agencies,
24 in response to the need for protection from harm or neglect to
25 elderly persons.

26 (9) "Title XIX" means the programs in Title XIX of the Social
27 Security Act transferred from the long term care unit of the health
28 and social services section of the Adult and Family Services

1 Division to the Senior Services Division but does not include Title
2 XIX programs, other than home health, personal care and nursing home
3 programs, or Title XIX programs in other divisions of the Department
4 of Human Resources.

5 (10) "Title XX" means the programs in Title XX of the Social
6 Security Act transferred from the Adult and Family Services Division
7 to the Senior Services Division, but does not include Title XX
8 programs in other divisions of the Department of Human Resources.

9 (11) "Type A area agency" means an area agency:

10 (a) For which either the local government or the area agency
11 board does not agree to accept local administrative responsibility
12 for Title XIX and Title XX; and

13 (b) That provides a service to persons 60 years of age or
14 older.

15 (12) "Type B area agency" means an area agency:

16 (a) For which the local government agrees to accept local
17 administrative responsibility for Title XIX and Title XX; and

18 (b) That provides a service to persons 60 years of age or older
19 and handicapped persons who require services similar to those
20 required by persons 60 years of age or older, or both.

21 SECTION 2. The State of Oregon finds that the needs of the
22 elderly population can be best served and planned for at the local
23 community level; that a longer life expectancy and a growing elderly
24 population demands services be provided in a coordinated manner and
25 a single local agency system for such services be instituted; that
26 local resources and volunteer help will augment state funds and
27 needed manpower; that local flexibility in providing services should
28 be encouraged; and that a single state agency should regulate and

1 provide leadership to insure that the elderly citizens of Oregon
2 will receive the necessary care and services at the least cost and
3 in the least confining situation. The State of Oregon further finds
4 that within budgetary constraints, it is appropriate that savings in
5 nursing home services allocations within a planning and service area
6 be reallocated to alternative care services under Title XIX, Title
7 XX and Oregon Project Independence in that area.

8 SECTION 3. (1) The Senior Services Division is created in the
9 Department of Human Resources. The division shall administer laws
10 and programs relating to social, health and protective services to
11 elderly persons.

12 (2) The division shall:

13 (a) Serve as the central state agency with primary
14 responsibility for the planning, coordination, development and
15 evaluation of policy, programs and services for elderly persons in
16 Oregon and the designated state unit on aging, as defined in the
17 Older Americans Act of 1965.

18 (b) With the advice of the Governor's Commission on Senior
19 Services, develop long-range state plans for programs, services and
20 activities for elderly and handicapped persons. State plans should
21 be revised annually and should be based on area agency plans, state-
22 wide priorities and state and federal requirements.

23 (c) Have the authority to transfer state and federal funds,
24 except Title III of the Older Americans Act funds, from one area
25 agency to another area agency or from one program or service to
26 another program or service after consultation with the area agencies
27 involved in the transfer. However, no area agency shall suffer a
28 reduction in state or federal funds due to increased local funds.

1 (d) Receive and disburse all federal and state funds allocated
2 to the division and solicit, accept and administer grants, including
3 federal grants or gifts made to the division or to the state for the
4 benefit of elderly persons in this state.

5 (e) Provide technical, training and program assistance to area
6 agencies and assist them to provide such assistance to public and
7 private agencies and organizations.

8 (f) Assist area agencies to stimulate more effective use of
9 existing resources and services for elderly persons and develop
10 programs, opportunities and services which are not otherwise
11 provided for elderly persons, with the aim of developing a
12 comprehensive and coordinated system for the delivery of social
13 services to elderly persons.

14 (g) Serve within government and in the state at large as an
15 advocate for elderly persons by holding hearings and conducting
16 studies or investigations concerning matters affecting the health,
17 safety and welfare of elderly persons and by assisting elderly
18 person to assure their rights to apply for and receive services and
19 to be given fair hearings when such services are denied.

20 (h) Process fiscal and client data for all area agencies.

21 (i) Conduct regulatory functions with regard to program
22 operation, by adopting rules for providing social services,
23 including protective services, to elderly persons who need services
24 that the division or area agencies are authorized to provide and
25 rules for standard rate setting and quality assurance.

26 (j) Provide information and technical assistance to the
27 Governor's Commission on Senior Services and keep the commission
28 continually informed of the activities of the division.

1 §(k) Make recommendations for legislative action to the Governor
2 and to the Legislative Assembly, after consultation with the
3 Governor's Commission on Senior Services.

4 §(L) Conduct research and other appropriate activities to
5 determine the needs of elderly persons in this state, including, but
6 not limited to, their needs for social and health services, and to
7 determine what existing services and facilities, private and public,
8 are available to elderly persons to meet those needs.

9 §(m) Maintain a clearinghouse for information related to the
10 needs and interests of elderly persons.

11 §(n) Provide area agencies with assistance in applying for
12 federal, state and private grants and identifying new funding
13 sources.

14 §(3) In addition to the requirements of subsection (2) of this
15 section, the division shall:

16 §(a) Determine type A and type B area agencies annual budget
17 levels for Oregon Project Independence and Title III of the Older
18 Americans Act expenditures.

19 §(b) For type B area agencies:

20 §(A) Determine annual budget levels for planning Title XIX and
21 Title XX reimbursed services. In determining the budget levels, the
22 division shall retain contingency reserves against overruns and
23 transfers in use of Title XIX and Title XX funds.

24 §(B) Provide timely management information so the area agency
25 can manage Title XIX and Title XX reimbursements within budgeted
26 levels.

27 §(c) Make payments for services within a central processing
28 system for:

1 §(A) A type A area agency, at the request of the agency, for
2 Oregon Project Independence or Title III of the Older Americans Act
3 expenditures, or both.

4 §(B) A type B area agency, for Title XIX, Title XX and Oregon
5 Project Independence expenditures, and at the request of the agency,
6 for Title III of the Older Americans Act expenditures.

7 §(d) Assume program responsibility for Title XIX and Title XX
8 programs in areas served by type A area agencies and in areas where
9 no area agency is designated.

10 SECTION 4. (1) It is the policy of the State of Oregon that
11 handicapped persons served by the Senior Services Division shall
12 also receive necessary services, as appropriate for their needs,
13 from other state agencies and divisions.

14 §(2) In carrying out the provisions in subsection (1) of this
15 section, the Department of Human Resources shall insure that the
16 Senior Services Division negotiates interagency agreements and
17 coordinates services with the Mental Health Division, Vocational
18 Rehabilitation Division, Employment Division, Children's Services
19 Division and the Department of Education for the provision of
20 appropriate services to handicapped clients of the Senior Services
21 Division.

22 §(3) (a) Prior to placement in any residential program
23 administered by the Senior Services Division, all handicapped
24 persons shall be assessed by preadmission screening to insure the
25 appropriateness of such placement.

26 §(b) If a handicapped person is diagnosed as, or is suspected of
27 being, mentally retarded or developmentally disabled, preadmission

1 screening shall include assessment by the Diagnosis and Evaluation
2 Service of the Mental Health Division.

3 (4) The Senior Services Division, in coordination with the
4 Mental Health Division, Children's Services Division, Vocational
5 Rehabilitation Division and the Department of Education shall work
6 with nursing homes which have one or more residents under 18 years
7 of age to develop a program appropriate to the needs of such
8 residents.

9 SECTION 5. (1) Agreements and coordination described in
10 subsection (2) of section 4 of this Act shall include but not be
11 limited to the following:

12 (a) After creation of the Senior Services Division, the
13 Department of Human Resources shall transfer to the Mental Health
14 Division jurisdiction over specialized foster care homes and
15 residential care facilities exclusively serving persons with mental
16 retardation or developmental disabilities, mental or emotional
17 disturbances, and alcohol or drug abuse or dependence. This transfer
18 shall be completed by July 1, 1982, and shall include associated
19 fiscal and staff resources.

20 (b) The Department of Human Resources shall direct the Senior
21 Services Division and the Mental Health Division to complete, by
22 July 1, 1982, a joint study of persons with mental retardation or
23 developmental disabilities, mental or emotional disturbances, and
24 alcohol or drug abuse or dependence who remain in foster care homes,
25 residential care facilities or nursing homes.

26 (2) The study described in paragraph (b) of subsection (1) of
27 this section shall:

1 (a) Assess the appropriateness of current placement for persons
2 described in paragraph (b) of subsection (1) of this section.

3 (b) Make recommendations for appropriate residential, day
4 programs and support services for those persons not appropriately
5 placed.

6 (c) Plan needed case management for those persons who should
7 remain as clients of the Senior Services Division.

8 (3) Recommendations made pursuant to paragraph (b) of
9 subsection (2) of this section shall be reflected in budget
10 recommendations made by the Mental Health Division to the Sixty-
11 second Legislative Assembly.

12 SECTION 6. All programs and functions performed by the Office
13 of Elderly Affairs and the Adult and Family Services Division,
14 Health and Social Services Section, Long-Term Care Unit, are
15 transferred to the Senior Services Division.

16 SECTION 7. (1) The Department of Human Resources is the
17 designated single state agency for all federal programs under this
18 Act.

19 (2) Except as provided in paragraph (d) of subsection (3) of
20 section 3 and section 10 of this Act, the administration of services
21 to clients under this Act shall be through area agencies, and shall
22 comply with all applicable federal regulations.

23 SECTION 8. On and after the effective date of this Act, a type
24 A area agency shall operate in the same manner as it operated with
25 local administrative responsibility for Title III of the Older
26 Americans Act and Oregon Project Independence before the effective
27 date of this Act. Nothing in this Act requires a type A area agency
28 to become a type B area agency.

1 SECTION 9. (1) A local government shall be responsible for all
2 actions of a type B area agency in its jurisdiction, including but
3 not limited to the accountability for funds and compliance with
4 federal and state laws and rules. Such responsibility shall include
5 all geographic areas in which the type B area agency is designated
6 to operate.

7 (2) The respective local government shall appoint a director of
8 the type B area agency in its jurisdiction who must meet minimum
9 qualifications established by the division. The director shall serve
10 with the continuing approval of the Assistant Director for Senior
11 Services. Continuing approval may be withdrawn by the assistant
12 director only when it can be shown that the state or federal rules
13 have not been complied with by the type B area agency, state or
14 federal funds are not being expended for the purposes for which they
15 were intended or the elderly are not receiving appropriate services
16 within available funds. Withdrawal of continuing approval is
17 appealable to the Director of Human Resources and the Governor by
18 the local government.

19 SECTION 10. (1) In the event that a local government withdraws
20 the designation of an area agency, or the division withdraws the
21 area agency designation in accordance with the Older Americans Act,
22 the division shall administer the services to clients previously
23 performed by the area agency until a new area agency is designated.

24 (2) The division may withdraw any particular program or
25 service, except Title III of the Older Americans Act programs, from
26 the area agency, and administer such programs and services. Before
27 such action is taken, the division must consult with the director of
28 the area agency and the chief elected official of the affected local

1 government. Such action shall be taken by the division only when it
2 can be shown the federal or state laws or rules have not been
3 complied with, state or federal funds are not being expended for the
4 purposes for which they were intended, or the elderly are not
5 receiving appropriate services within available resources.
6 Withdrawal of any particular program or service is appealable to the
7 Director of Human Resources and the Governor.

8 SECTION 11. (1) Each area agency shall have an area agency
9 advisory council, with members appointed by the area agency board.

10 (a) For a type A area agency, membership of the council shall
11 include consumers of services under Senior Services Division
12 programs, including low income, minority and handicapped persons.

13 (b) For a type B area agency, membership of the council shall
14 include persons described in paragraph (a) of ^{this} subsection ~~(1)~~ of this
15 section and handicapped persons. Representation of handicapped
16 persons on the council shall be in proportion to the ratio of such
17 persons to all persons in the jurisdiction of the area agency who
18 received Title XIX and Title XX services, or both, during the
19 preceding 12-month period, but shall not be fewer than one.

20 (2) Each area agency advisory council shall:

21 (a) Recommend basic policy guidelines for the administration of
22 the activities of the area agencies on behalf of elderly persons,
23 and advise the area agency on questions of policy.

24 (b) Advise the area agency with respect to development of the
25 area plan and budget, and review and comment on the completed area
26 plan and budget before its transmittal to the Assistant Director for
27 Senior Services.

1 (c) Review and evaluate the effectiveness of the area agency in
2 meeting the needs of elderly persons in the planning and service
3 area.

4 (d) Meet at least quarterly. The meetings are subject to ORS
5 192.610 to 192.690.

6 "SECTION 12. Each type A area agency shall:

7 (1) Conduct local planning functions for Title III of the Older
8 Americans Act and Oregon Project Independence.

9 (2) Develop a local plan for service delivery that complies
10 with federal and state requirements and is in accord with locally
11 determined objectives consistent with the state policy on aging.
12 This plan shall be reviewed and approved by the division.

13 (3) Assess the needs of elderly persons within the planning and
14 service delivery area for service for social and health services,
15 and determine what resources are currently available to meet those
16 needs.

17 (4) Assume the responsibility of determining services required
18 to meet the needs of elderly persons, assure that such services are
19 provided within the resources available and determine when such
20 services are no longer needed.

21 (5) Endeavor to coordinate and expand existing resources in
22 order to develop within its planning and service area a
23 comprehensive and coordinated system for the delivery of social and
24 health services to elderly persons.

25 (6) Serve as an advocate within government and within the
26 community at large for the interests of elderly persons within its
27 planning and service area.

1 (7) Make grants to or enter into contracts with any public or
2 private agency for the provision of social or health services not
3 otherwise sufficiently available to elderly persons within the
4 planning and service area.

5 (8) Monitor and evaluate the activities of its service
6 providers to insure that the services being provided comply with the
7 terms of the grant or contract. Where a provider is found to be in
8 breach of the terms of its grant or contract, the area agency shall
9 enforce the terms of the grant or contract.

10 (9) Conduct research, evaluation, demonstration or training
11 activities appropriate to the achievement of the goal of improving
12 the quality of life for elderly persons within its planning and
13 service area.

14 (10) Comply with division requirements that have been developed
15 in consultation with the area agencies for client and fiscal
16 information and provide to the division information necessary for
17 federal and state reporting, program evaluation, program management,
18 fiscal control and research needs.

19 SECTION 13. Each type B area agency shall:

20 (1) Comply with the provisions of subsection (1) and
21 subsections (3) to (10) of section 12 of this Act.

22 (2) Conduct local planning functions for Title XIX and Title XX
23 of the Social Security Act.

24 (3) Develop a local plan for service delivery subject to review
25 and approval by the division and the responsible unit of local
26 government that complies with federal and state requirements and in
27 accord with locally determined objectives consistent with the state
28 policy on aging.

6(4) Provide protective services within available resources.

7 SECTION 14. Each area agency may use, with the consent of state
8 and municipal departments and agencies, their services, equipment,
9 facilities and personnel, and pay therefor, within the limits of its
10 resources, as agreed between the agencies and cooperate with other
11 public and private agencies as to the use of services, equipment and
12 facilities.

13 SECTION 15. (1) A type B area agency may contract with the
14 division for services of state employes or have such employes
15 transferred to employment by the area agency by transfer agreement.

16 (2) State employes whose services have been contracted to a
17 type B area agency shall be supervised for program purposes by the
18 area agency.

19 (3) If state employes are transferred to a type B area agency,
20 the provisions of ORS 236.610 to 236.650 shall apply.

21 (4) Prior to transfer of any state employe to any other public
22 employer under this Act, at a date to be determined by the Assistant
23 Director for Senior Services, each type B area agency shall prepare
24 a plan in coordination with local staff of the Adult and Family
25 Services Division for implementation of this Act. The plan shall
26 show how statutory responsibilities are to be met and how all staff
27 are to be utilized.

28 SECTION 16. (1) Prior to the designation of an area agency as a
29 type B area agency, the area agency, the responsible unit of local
30 government and the division must jointly agree upon a plan under
31 which the area agency will operate.

32 "(2) The plan described in subsection (1) of this section shall:

1 (a) Establish an administrative structure and qualification ^{for} ~~fc~~
2 key personnel that reflect the population to be served.

3 (b) Be developed in coordination with the appropriate local
4 mental health authority.

5 (c) Include any necessary interagency agreements regarding
6 which agency is to have responsibility for each specific group of
7 clients under 60 years of age.

8 (d) Address necessary transfers of staff, available equipment
9 and administrative and service funds.

10 (e) Be prepared with the participation of potentially affected
11 clients, staff and other individuals at the local level, including
12 but not limited to physically handicapped individuals.

13 Section 17. ORS 184.900 is amended to read:

14 184.900. (1) The Governor's Commission on [Aging] Senior
15 Services is created. The commission shall consist of at least [19]
16 21 members appointed by the Governor for terms of three years.

17 (2) Prior to making appointments, the Governor shall request
18 and consider recommendations from the area agencies on aging and
19 other interested senior organizations. The Governor shall designate
20 a member to serve at [his] the pleasure of the Governor as chairman
21 for a term of two years with such duties as [he] the Governor shall
22 prescribe. The membership of the commission shall be composed of
23 [members] persons broadly representative of major public and private
24 agencies who are experienced in or have demonstrated particular
25 interest in the special needs of [the] elderly persons, including
26 [citizens] persons who have been active in [senior] organizations
27 and advocates on behalf of [senior citizens] elderly persons. [Of
28 the members appointed to the commission under this subsection, a

majority shall be actual] Additionally, membership shall include persons who are active in advocacy organizations representing the interests of handicapped persons who are served in programs under the Senior Services Division and consumers of services under the [aging] Senior Services Division programs, including low income, [and] minority [older] and handicapped persons [at least in proportion to the number of minority and older persons in the state]. At least a majority of members shall be 60 years of age or older.

f[(2)] (3) In addition to the members of the commission appointed under subsection (1) of this section, the President of the Senate shall appoint one member from the Senate and the Speaker of the House of Representatives shall appoint one member from the House of Representatives. [The members of the commission appointed under this subsection shall be entitled to actual and necessary expenses.]

6[(3)] (4) The Governor's Commission on [Aging] Senior Services shall advise the Governor, [and] the Director of the Department of Human Resources and the Assistant Director for Senior Services on needs of [the] elderly [and] persons, and recommend actions by the Governor, the Department of Human Resources, the Senior Services Division, other governmental entities and the private sector, appropriate to meet such needs.

6[(4)] (5) The commission shall have authority to study programs and budgets of all state agencies which affect [senior citizens] elderly persons. After such study, the commission shall make recommendations to the Governor and to the agencies involved. Such recommendations shall be designed to provide coordination of programs for [the] elderly persons, to avoid unnecessary duplication

in provision of services, and to point out gaps in provision of services. The commission shall also recommend development of a comprehensive plan for delivery of services to [the] elderly persons. In carrying out these tasks, the commission shall coordinate its efforts with other advisory groups within the Department of Human Resources to avoid duplication of effort.

§[(5)] (6) The commission shall promote responsible state-wide advocacy for [senior citizens] elderly persons.

§[(6)] (7) Members of the commission, other than legislators, shall be entitled to compensation and expenses as provided in ORS 292.495.

§SECTION 18. On the effective date of this Act, the terms of incumbent members of the Governor's Commission on Aging shall end. In the first year appointments required by ORS 184.900 as amended by section 17 of this Act are made, the members will be appointed as follows:

§(1) One-third shall be appointed for one year;

§(2) One-third shall be appointed for two years; and

§(3) One-third shall be appointed for three years.

§Section 19. ORS 184.750 is amended to read:

§184.750. (1) The Department of Human Resources is created.

§(2) The Department of Human Resources shall provide programs for the delivery to the public of services relating to public assistance, children and families, health and health-related affairs, mental health, corrections, employment, vocational rehabilitation, [aging,] elderly persons and such other services as may be assigned to the Department of Human Resources.

1 (3) The Department of Human Resources shall provide the
2 programs and services enumerated in subsection (2) of this section
3 through the divisions and other organizational units, including but
4 not limited to the following:

5 (a) The Adult and Family Services Division;

6 (b) The Children's Services Division;

7 (c) The Mental Health Division;

8 (d) The Corrections Division;

9 (e) The Employment Division;

10 (f) The Vocational Rehabilitation Division;

11 (g) The Health Division; and

12 (h) The [Office of Elderly Affairs] Senior Services Division.

13 (4) The Department of Human Resources shall be the recipient of
14 all federal funds paid or to be paid to the state to enable the
15 state to provide the programs and services assigned to the
16 Department of Human Resources.

17 Section 20. ORS 184.865 is amended to read:

18 184.865. (1) The Department of Human Resources is directed to
19 develop and place in effect a program of supportive social services
20 for persons age 60 or older.

21 (2) The Department of Human Resources is authorized to develop
22 and adopt such rules as necessary for the sound, efficient and
23 economical administration of the provisions of this section and ORS
24 184.900 to 184.910, including the implementation of a fee for
25 service schedule based upon ability to pay, and to assure that no
26 eligible person, resident in a skilled nursing home or intermediate
27 care facility, shall be removed and placed in an alternative care
28 program unless such services are determined to be more appropriate

for the individual citizen based upon appropriate, individual, service considerations.

¶ (3) There is hereby created an Office of Elderly Affairs in the Department of Human Resources. The office shall have responsibility for all programs and functions heretofore performed by the State Program on Aging and the Office of Special Assistant for Programs for the Elderly, and for such other functions as shall be assigned to it by the Legislative Assembly, the Governor or the Director of the Department of Human Resources.]

¶ (4) In accordance with any applicable provisions of ORS 183.310 to 183.500, the office may make such rules as are necessary to carry out the provisions of ORS 184.750, 184.760, 184.900 and this section.]

¶ (5) The office shall be staffed by one administrator and one assistant administrator, both of whom shall be in the unclassified service, and by such other personnel as may be necessary. The Director of the Department of Human Resources shall appoint the administrator and the assistant administrator.]

¶ Section 21. ORS 327.525 is amended to read:

¶ 327.525. The School Lunch Revolving Account of the General Fund is continuously appropriated for the purposes of ORS 327.520 [and 327.523]. All money received under the provisions of ORS 327.520 [and 327.523] shall be paid by the superintendent to the State Treasurer for credit to the School Lunch Revolving Account.

¶ Section 22. ORS 441.630 is amended to read:

¶ 441.630. As used in ORS 441.630 to 441.680:

¶ (1) "Abuse" means:

1 (a) Any physical injury to a patient of a long term care
2 facility which has been caused by other than accidental means,
3 including any injury which appears to be at variance with the
4 explanation given of the injury.

5 (b) Neglect which leads to physical harm.

6 (c) Failure to provide direct patient care.

7 (2) "Division" means the [Adult and Family] Senior Services
8 Division of the Department of Human Resources.

9 (3) "Law enforcement agency" means:

0 (a) Any city or municipal police department.

1 (b) Any county sheriff's office.

2 (c) The Oregon State Police.

3 (d) Any district attorney.

4 (4) "Public or private official" means:

5 (a) Physician, including any intern or resident.

6 (b) Licensed practical nurse or registered nurse.

7 (c) Employee of the Department of Human Resources, county health
8 department, community mental health program or a long term care
9 facility or person who contracts to provide services to a long term
0 care facility.

1 (d) Peace officer.

2 (e) Clergyman.

3 (f) Registered social worker.

4 (g) Physical therapist.

5 (h) Legal counsel for a resident or guardian or family member
6 of the resident.

7 "Section 23. ORS 411.590 is amended to read:

411.590. A person who is employed as a housekeeper, homemaker or otherwise as a domestic servant in the house of a recipient of public assistance or services, whose compensation is paid in whole or in part by the Adult and Family Services Division, the Senior Services Division or the Children's Services Division and is not otherwise employed by [either] the division, shall not for any purposes be deemed to be an employe of the State of Oregon whether or not the division selects the person for employment or exercises any direction or control over the person's employment. Such person shall be deemed to be a nonsubject [workman] worker under ORS 656.027.

SECTION 24. (1) On written request of the Senior Services Division, the Executive Department shall draw warrants on amounts appropriated to the Senior Services Division for operating expenses for use by the division as a revolving fund. The revolving fund shall not exceed the aggregate sum of \$50,000 including unreimbursed advances. The revolving fund shall be deposited with the State Treasurer to be held in a special account against which the division may draw checks.

(2) The revolving fund may be used by the division to pay for travel expenses for employes of the division and for any consultants or advisers for whom payment of travel expenses is authorized by law, or advances therefor, or for purchases required from time to time or for receipt or disbursement of federal funds available under federal law.

(3) All claims for reimbursement of amounts paid from the revolving fund shall be approved by the division and by the Executive Department. When such claims have been approved, a warrant

covering them shall be drawn in favor of the division and charged against the appropriate fund or account, and shall be used to reimburse the revolving fund.

SECTION 25. (1) There is established in the General Fund of the State Treasury an account to be known as the Senior Services Account. All moneys in the Senior Services Account are continuously appropriated for and shall be used by the Senior Services Division for the respective purposes authorized by law. The moneys in the Senior Services Account and all appropriations for the Senior Services Division shall be subject to allotment made by the Executive Department.

(2) The Senior Services Division shall keep a record of all moneys credited to and deposited in the Senior Services Account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity or program against which each withdrawal is charged.

(3) The unobligated balance in the Senior Services Account on June 30 of each odd-numbered year shall be determined by the Senior Services Division as of September 30 following the close of each biennium and certified to the Executive Department. The amount certified pursuant to this subsection shall revert to the General Fund and become available for general governmental purposes.

SECTION 26. The assistant director may appoint and employ such personnel as may be necessary for the Senior Services Division and appoint and fix the compensation of all assistants and employes of the division.

SECTION 27. The Senior Services Division shall make and enforce rules governing the custody, use and preservation of the records,

1 papers, files and communications by any other agency or department
2 of government or person to which the records may be furnished. Use
3 shall be limited to the purposes for which the records are furnished
4 and by the provisions of the law under which they may be furnished.

5 SECTION 28. For the protection of applicants for and recipients
6 of services, the Senior Services Division shall not disclose or use
7 the contents of any records, files, papers or communications for
8 purposes other than those directly connected with the administration
9 of the laws of Oregon, and these records, files, papers and
0 communications are considered confidential subject to the rules of
1 the Senior Services Division, except as otherwise provided in ORS
2 411.325 to 411.335. In any judicial proceedings, except proceedings
3 directly connected with the administration of public assistance
4 laws, their contents are considered privileged communications.

5 SECTION 29. Any reference to the Adult and Family Services
6 Division or the Office of Elderly Affairs with respect to such
7 duties, functions and powers transferred by this Act is intended to
8 be and shall be considered a reference to the Senior Services
9 Division of the Department of Human Resources.

0 SECTION 30. (1) The Adult and Family Services Division and the
1 Office of Elderly Affairs whose duties, functions and powers are
2 assigned and transferred to the Senior Services Division by this Act
3 shall transfer and deliver to the Senior Services Division all
4 supplies, materials, equipment, facilities, contracts, books, maps,
5 plans, papers, records and property of every description within its
6 jurisdiction or control which relate to the duties, functions and
7 powers so transferred and shall also transfer thereto those employes
8 engaged primarily in the exercise of the duties, functions and

powers so transferred. The Assistant Director for Senior Services shall take possession of such property and shall take charge of such employes and, except as provided in subsection (2) of this section, shall employ them in the exercise of their respective duties, functions and powers assigned or transferred by this Act, without reduction of compensation.

§(2) The Assistant Director for Senior Services may abolish positions and change duties to the extent that the assistant director finds it desirable for the sound, efficient and economical administration and enforcement of the duties, functions and powers transferred by this Act. However, in the case of any transfer of personnel made pursuant to this section, any employe occupying a classified position who is so transferred shall, so far as possible, retain the same salary classification and status.

§(3) Any controversy relating to the transfers of property and employes made by this section shall be resolved by the Director of the Executive Department.

§SECTION 31. Nothing in this Act shall relieve any person of any obligation with respect to any tax, fee, fine or other charge, interest, penalty, forfeiture or other liability, duty or obligation accruing under, or with respect to, the duties, functions and powers transferred by this Act. After the effective date of this Act the Senior Services Division may undertake the collection or enforcement of such tax, fee, fine, charge, interest, penalty, forfeiture or other liability, duty or obligation; but such liability, duty or obligation shall not be increased or decreased or continued beyond the period authorized by law for its existence or beyond the time when it would have terminated if this Act had not been passed.

1 SECTION 32. (1) The Senior Services Division shall be
2 considered and held to constitute a continuation of the Adult and
3 Family Services Division and the Office of Elderly Affairs with
4 respect to powers, functions and duties and obligations of the Adult
5 and Family Services Division or the Office of Elderly Affairs
6 legally incurred under contracts, leases and business transactions
7 executed, entered into or commenced prior to the effective date of
8 this Act. The Senior Services Division shall exercise such rights,
9 powers, duties and obligations with the same force and effect as if
0 they had not been transferred; but such right, power, duty or
1 obligation shall not be continued beyond the period authorized by
2 law for its existence or beyond the time when it would have
3 terminated if this Act had not been passed.

4 (2) The continuation of powers and functions described in this
5 section shall include rulemaking authority pertaining to functions,
6 duties and obligations transferred by this Act, and rulemaking
7 authority for functions, duties and obligations established by this
8 Act.

9 SECTION 33. Any proceeding, court action, prosecution or other
0 business or matter undertaken or commenced prior to the effective
1 date of this Act by the Adult and Family Services Division or Office
2 of Elderly Affairs with respect to the duties, functions or powers
3 which are by this Act assigned and transferred to the Senior
4 Services Division, and still pending on the effective date of this
5 Act, may be conducted and completed by the Senior Services Division
6 in the same manner and under the same terms and conditions and with
7 the same effect as though it were undertaken or commenced and were

1 conducted or completed by the Adult and Family Services Division or
2 the Office of Elderly Affairs prior to transfer.

3 SECTION 34. (1) Whenever in any other law or resolution of the
4 Legislative Assembly, or in any rule, regulation, document, record
5 or proceeding authorized by the same, any word or phrase is used in
6 reference to or descriptive of the Adult and Family Services
7 Division or the Office of Elderly Affairs whose duties, functions or
8 powers are by this Act assigned or transferred, such word, phrase or
9 reference shall, after the effective date of this Act, unless the
0 context or provisions of this Act require otherwise, be considered
1 to refer to, include and describe the Senior Services Division which
2 is charged with carrying out such powers, functions and duties, as
3 the context and provisions of this Act may require.

4 (2) Notwithstanding the transfer of duties, functions and
5 powers by this Act, any lawful authorization, designation,
6 determination, directive, license, order, permit, policy, privilege,
7 rule or other action of the Adult and Family Services Division or
8 the Office of Elderly Affairs whose powers, functions and duties are
9 by this Act assigned and transferred to the Senior Services
0 Division, in effect on the effective date of this Act, shall
1 continue in effect until superseded by, or repealed by the lawful
2 action of the Senior Services Division; but it shall not continue
3 any such action beyond the period authorized by law for its
4 existence or beyond the time when the action would have terminated
5 if this Act had not been passed.

6 SECTION 35. The functions of the Adult and Family Services
7 Division or the Office of Elderly Affairs described in this Act are
8 transferred to and vested in the Senior Services Division.

amended to

the amount of

established for the biennium beginning

limit for the payment of expenses from

expended or received by the Office of the Director of

Department of Human Resources.

Insert

Section 41. If Senate Bill 5532 becomes law, section 1, chapter _____, Oregon Laws 1981 (Enrolled Senate Bill 5532), is

amended to read:

Sec. 1. There are appropriated to the Adult and Family Services Division of the Department of Human Resources, for the biennium beginning July 1, 1981, out of the General Fund, the following amounts, which shall be placed in the Public Welfare Account in quarterly instalments based upon estimates of expenditure requirements approved by the Executive Department, to be expended for the following purposes:

- (1) Assistance payments and related expenses \$130,896,269
- (2) Long-term care [\$ 87,904,492] \$41,230,18
- (3) Medical assistance for the categorically needy and general assistance medical payments \$109,205,970
- (4) Special projects \$ 154,165
- (5) Administrative expenses [\$ 70,909,628] \$67,524,298

1 ~~§~~SECTION 36. Nothing in this Act extends estate claims
2 requirements and procedures related to certain Title XIX and Title
3 XX services under current Oregon statutes and federal regulations to
4 other services.

5 ~~§~~SECTION 37. Nothing in this Act requires an area agency or
6 local governmental unit to expend local funds for the purpose of
7 maintaining or expanding services to elderly and handicapped
8 persons.

9 ~~§~~SECTION 38. ORS 184.860, 327.523, 413.025 and 441.081 are
0 repealed.

1 ~~§~~Section 39. If House Bill 5036 becomes law, section 1, chapter
2 _____, Oregon Laws 1981 (Enrolled House Bill 5036), is amended to
3 read:

4 ~~§~~Sec. 1. There is appropriated to the Office of the Director of
5 the Department of Human Resources, for the biennium beginning July
6 1, 1981, out of the General Fund, the amount of [\$5,160,289]
7 \$642,582.

8 ~~§~~Section 40. If House Bill 5036 becomes law, section 3, chapter
9 _____, Oregon Laws 1981 (Enrolled House Bill 5036), is amended to
0 read:

1 ~~§~~Sec. 3. Notwithstanding any other law, the amount of
2 [\$60,765,223] \$45,296,089 is established for the biennium beginning
3 July 1, 1981, as the maximum limit for the payment of expenses from
4 federal funds collected or received by the Office of the Director of
5 the Department of Human Resources. Insert ①

6 ~~①~~Section 42. If Senate Bill 5532 becomes law, section 2, chapter
7 _____, Oregon Laws 1981 (Enrolled Senate Bill 5532), is amended to
8 read:

1 Sec. 2. Notwithstanding any other law, the following amounts
2 are established for the biennium beginning July 1, 1981, as the
3 maximum limits for payment of expenses from fees, moneys or other
4 revenues, including Miscellaneous Receipts, excluding federal funds,
5 collected or received by the Adult and Family Services Division of
6 the Department of Human Resources:

7 (1) Assistance payments and related
8 expenses \$26,242,967

9 (2) Medical assistance for the
10 categorically needy and
11 general assistance payments.. \$ 5,004,677

12 (3) Administrative expenses [\$ 2,639,843] \$ 2,637,763

13 Section 43. If Senate Bill 5532 becomes law, section 3, chapter
14 _____, Oregon Laws 1981 (Enrolled Senate Bill 5532), is amended to
15 read:

16 Sec. 3. Notwithstanding any other law, the following amounts
17 are established for the biennium beginning July 1, 1981, as the
18 maximum limits for the payment of expenses from federal funds
19 received by the Adult and Family Services Division of the Department
20 of Human Resources. Such amounts shall be credited to the Public
21 Welfare Account within the General Fund as they are made available
22 by the United States Government and subject to the approval of the
23 Executive Department, may be expended for the following purposes:

24 (1) Assistance payments and related
25 expenses \$138,413,098

26 (2) Long-term care [\$101,609,727] \$ 47,492,280

27 (3) Medical assistance for the
28 categorically needy and

1 general assistance medical

2 payments \$ 94,497,655

3 (4) Special projects \$ 68,989,424

4 (5) Administrative expenses [\$100,130,368] \$ 92,296,100

5 SECTION 44. (1) There are appropriated to the Senior Services
6 Division of the Department of Human Resources, for the biennium
7 ending June 30, 1983, out of the General Fund, the following
8 amounts, which shall be placed in the Senior Services Account in
9 quarterly instalments based upon estimates of expenditure
0 requirements approved by the Executive Department, to be expended
1 for the following purposes:

2 (a) Long-term care \$54,604,349

3 (b) Administrative expenses \$ 3,830,634

4 (2) Notwithstanding any other law, \$2,080 is established for
5 the biennium ending June 30, 1983, as the maximum limit for payment
6 of expenses from fees, moneys or other revenues, including
7 Miscellaneous Receipts, excluding federal funds, collected or
8 received by the Department of Human Resources for administrative
9 expense.

(3) Notwithstanding any other law, the following amounts are
established for the biennium beginning July 1, 1981, as the maximum
limits for the payment of expenses from federal funds received by
the Senior Services Division of the Department of Human Resources.
Such amounts shall be credited to the Senior Services Account within
the General Fund as they are made available by the United States
Government and, subject to the approval of the Executive Department,
be expended for the following purposes:

(a) Long-term care \$77,420,841

(b) Administrative expenses \$8,521,862

SECTION 45. Sections 7, 9, 10, 13 and 15 of this Act are operative July 1, 1982.

SECTION 46. This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act takes effect October 1, 1981.

(t) Assist the area agencies in providing technical assistance and training to agencies and organizations, both public and private, with respect to programs and services for elderly and adult disabled persons.

(u) Assist area agencies to stimulate more effective use of existing resources and services for elderly and adult disabled persons and develop programs, opportunities and services which are not otherwise provided for elderly persons, with the aim of developing a comprehensive and coordinated system for the delivery of social services to elderly and adult disabled persons.

(v) Serve as an advocate within government and in the state for elderly and adult disabled persons.

SECTION 4. The Senior Services Division shall have responsibility for all programs and functions performed by the Office of Elderly Affairs and the Adult and Family Services Division, Social and Long Term Care Services.

SECTION 5. (1) The Department of Human Resources is the designated single state agency for all federal programs under this Act.

(2) Except as provided in subsections (5) to (7) of this section, the administration of services to clients under this Act shall be through area agencies, and shall comply with all applicable federal regulations.

(3) A local government shall be responsible for all actions of the area agency including but not limited to, the accountability for funds and compliance with federal and state laws and rules. Such responsibility shall include all geographic areas in which the area agency is designated to operate.

(4) Except as specified in subsection (7) of this section, the respective local government shall appoint a director of the area agency in its jurisdiction who must meet minimum qualifications established by the division. The director shall serve with the continuing approval of the Assistant Director for Senior Services. Withdrawal of continuing approval is appealable to the Director of Human Resources and the Governor by the local government.

(5) In the event that a local government withdraws the designation of an area agency, or the division withdraws the area agency designation in accordance with the Older Americans Act, the division shall administer the services to clients previously performed by the area agency until a new area agency is designated.

(6) The division may withdraw any particular program or service, except Title III programs, from the area agency, and administer such programs and services. Before such action is taken, the division must consult with

1 what existing services and facilities, private and public, are available to elderly and adult disabled persons to
2 meet those needs.

3 (n) Maintain a clearinghouse for information related to the needs and interests of elderly and adult disabled
4 persons.

5 (o) Provide information and technical assistance to the Governor's Commission on Aging and the Disabled,
6 and keep the commission continually informed of the activities of the division.

7 (p) Make recommendations for legislative action to the Governor and to the Legislative Assembly, after
8 consultation with the Governor's Commission on Aging and the Disabled.

9 (q) Provide technical and program assistance to area agencies.

10 (r) Provide training assistance to area agencies.

11 (s) Provide area agencies with assistance in applying for federal, state and private grants and identifying
12 new funding sources.

13 (t) Assist the area agencies in providing technical assistance and training to agencies and organizations,
14 both public and private, with respect to programs and services for elderly and adult disabled persons.

15 (u) Assist area agencies to stimulate more effective use of existing resources and services for elderly and
16 adult disabled persons and develop programs, opportunities and services which are not otherwise provided for
17 elderly persons, with the aim of developing a comprehensive and coordinated system for the delivery of social
18 services to elderly and adult disabled persons.

19 (v) Serve as an advocate within government and in the state for elderly and adult disabled persons.

20 SECTION 4. The Senior Services Division shall have responsibility for all programs and functions
21 performed by the Office of Elderly Affairs and the Adult and Family Services Division, Social and Long Term
22 Care Services.

23 SECTION 5. (1) The Department of Human Resources is the designated single state agency for all federal
24 programs under this Act.

25 (2) Except as provided in subsections (5) to (7) of this section, the administration of services to clients
26 under this Act shall be through area agencies, and shall comply with all applicable federal regulations.

27 (3) A local government shall be responsible for all actions of the area agency including but not limited to,
28 the accountability for funds and compliance with federal and state laws and rules. Such responsibility shall
29 include all geographic areas in which the area agency is designated to operate.

30 (4) Except as specified in subsection (7) of this section, the respective local government shall appoint a
31 director of the area agency in its jurisdiction who must meet minimum qualifications established by the
32 division. The director shall serve with the continuing approval of the Assistant Director for Senior Services.
33 Withdrawal of continuing approval is appealable to the Director of Human Resources and the Governor by the
34 local government.

35 (5) In the event that a local government withdraws the designation of an area agency, or the division
36 withdraws the area agency designation in accordance with the Older Americans Act, the division shall
37 administer the services to clients previously performed by the area agency until a new area agency is
38 designated.

39 (6) The division may withdraw any particular program or service, except Title III programs, from the area
40 agency, and administer such programs and services. Before such action is taken, the division must consult with

1 the director of the area agency and the chief elected official of the affected local government. Such action shall
 2 be taken by the division only when it can be shown the federal or state laws or rules have not been adhered to,
 3 state or federal funds are not being expended for the purposes for which they were intended, or that the elderly
 4 or the adult disabled are not receiving appropriate services within available resources.

5 (7) If, after negotiation with the division and the designated area agency, the appropriate local elected
 6 official does not assume direct responsibility, or does not delegate by resolution or ordinance program
 7 responsibility to an existing private nonprofit organization which has been duly designated by the state as the
 8 area agency, the division shall assume program responsibility. In such case, the division shall administer Title
 9 III programs through the area agency unless subsection (5) of this section is operative. All other programs shall
 10 be administered by the division. In such case:

11 (a) The area agency board shall appoint the director of the area agency.

12 (b) The director must meet the qualifications set forth in subsection (4) of this section.

13 **SECTION 6.** (1) Each area agency shall have an area agency advisory council, with members appointed by
 14 the local government, including both elderly and adult disabled persons.

15 (2) Each area agency advisory council shall:

16 (a) Recommend basic policy guidelines for the administration of the activities of the area agencies on
 17 behalf of elderly and adult disabled persons, and advise the area agency on questions of policy.

18 (b) Advise the area agency with respect to development of the area plan and budget, and review and
 19 comment on the completed area plan and budget before its transmittal to the Assistant Director for Senior
 20 Services.

21 (c) Review and evaluate the effectiveness of the area agency in meeting the needs of elderly and adult
 22 disabled persons in the planning and service area.

23 (d) Meet at least quarterly. The meetings shall be open to the public and reasonable advance public notice
 24 of meetings shall be given.

25 **SECTION 7.** Each area agency shall:

26 (1) Conduct local planning functions for all funding sources, including Title XIX and XX of the Social
 27 Security Act, Title III of the Older Americans Act and Oregon Project Independence.

28 (2) Develop a local plan for service delivery which complies with federal and state requirements and locally
 29 determined objectives consistent with the state policy on aging. This plan shall be reviewed and approved by
 30 the division.

31 (3) Assess the needs of elderly and adult disabled persons within the planning and service delivery area for
 32 service for social and health services, and determine what resources are currently available to meet those
 33 needs.

34 (4) Assume the responsibility of determining services required to meet the needs of elderly or adult
 35 disabled persons, assure that such services are provided within the resources available and determine when
 36 such services are no longer needed.

37 (5) Provide protective services to elderly and adult disabled persons.

38 (6) Endeavor to coordinate and expand existing resources in order to develop within its planning and
 39 service area a comprehensive and coordinated system for the delivery of social and health services to elderly
 40 and adult disabled persons.

2 (7) Serve as an advocate within government and within the community at large for the interests of elderly
3 and adult disabled persons within its planning and service area.

4 (8) Make grants to or enter into contracts with any public or private agency for the provision of social or
5 health services not otherwise sufficiently available to elderly and adult disabled persons within the planning and
6 service area. Grants and contracts shall require the prior approval of the division, unless otherwise prohibited
7 by federal statutes or regulations.

8 (9) Monitor and evaluate the activities of its service providers to insure that the services being provided
9 comply with the terms of the grant or contract. Where a provider is found to be in breach of the terms of its
10 grant or contract, the area agency shall exercise its full rights under the law to obtain such relief, restitution,
11 improvement in services or discharge from its obligation under the grant or contract as is necessary or
12 appropriate under the circumstances.

13 (10) Conduct research, evaluation, demonstration or training activities appropriate to the achievement of
14 the goal of improving the quality of life for elderly and adult disabled persons within its planning and service
15 area.

16 (11) Comply with division requirements that have been developed in consultation with the area agencies for
17 client and fiscal information and provide to the division information necessary for federal and state reporting,
18 program evaluation or research needs.

19 **SECTION 8.** Each area agency may use, with the consent of state and municipal departments and
20 agencies, their services, equipment, facilities and personnel, and pay therefor, within the limits of its resources,
21 as agreed between the agencies and to cooperate with other public and private agencies as to the use of
22 services, equipment and facilities.

23 **SECTION 9.** (1) Those state employes whose duties involve services assumed by an area agency shall be
24 transferred to and supervised by that area agency under the provisions of ORS 236.610 to 236.650.

25 (2) An area agency may choose to contract with the division for services, or may choose to have the
26 employes become employes of the area agency. Any state employe transferred to an area agency shall not
27 suffer any reduction in salary or loss of employe benefits as a result of the transfer.

28 (3) Prior to the transfer of any state employe to any other public employer under this Act, at a date to be
29 determined by the Assistant Director for Senior Services, each area agency shall prepare a plan in coordination
30 with local staff of the Adult and Family Services Division for implementation of this Act. The plan shall show
31 how statutory responsibilities are to be met and how all staff are to be utilized. The plan must be approved by
32 the division, and the rights of transferred employes under ORS 236.610 to 236.650 given the greatest possible
33 consideration.

34 (4) When an Adult and Family Services Division employe is transferred to an area agency as a result of this
35 Act, and the position of that employe in the area agency is subsequently abolished for reasons other than for
36 unsatisfactory performance of duties, that employe retains the same layoff rights as if the employe had
37 continued to be employed by the state for a period of one year from the date of the transfer.

38 Section 10. ORS 184.900 is amended to read:

39 184.900. (1) The Governor's Commission on Aging and the Disabled is created. The commission shall
40 consist of at least [19] 21 members appointed by the Governor for terms of three years.

(2) Prior to making appointments, the Governor shall request and consider recommendations from the area agencies on aging and other interested senior organizations. The Governor shall designate a member to serve at [his] the pleasure of the Governor as chairman for a term of two years with such duties as [he] the Governor shall prescribe. The membership of the commission shall be composed of [members] persons broadly representative of major public and private agencies who are experienced in or have demonstrated particular interest in the special needs of [the] elderly and adult disabled persons, including [citizens] persons who have been active in [senior] organizations and advocates on behalf of [senior citizens] elderly and adult disabled persons. [Of the members appointed to the commission under this subsection, a majority shall be] Membership shall include actual consumers of services under the [aging] Senior Services Division programs, including low income and minority [older] persons [at least in proportion to the number of minority and older persons in the state]. At least a majority of members shall be 60 years of age or older.

[(2)] (3) In addition to the members of the commission appointed under subsection (1) of this section, the President of the Senate shall appoint one member from the Senate and the Speaker of the House of Representatives shall appoint one member from the House of Representatives. [The members of the commission appointed under this subsection shall be entitled to actual and necessary expenses.]

[(3)] (4) The Governor's Commission on Aging and the Disabled shall advise the Governor, [and] the Director of the Department of Human Resources and the Assistant Director for Senior Services on needs of [the] elderly and adult disabled persons, and recommend actions by the Governor, the Department of Human Resources, the Senior Services Division, other governmental entities and the private sector, appropriate to meet such needs.

[(4)] (5) The commission shall have authority to study programs and budgets of all state agencies which affect [senior citizens] elderly and adult disabled persons. After such study, the commission shall make recommendations to the Governor and to the agencies involved. Such recommendations shall be designed to provide coordination of programs for [the] elderly or disabled persons, to avoid unnecessary duplication in provision of services, and to point out gaps in provision of services. The commission shall also recommend development of a comprehensive plan for delivery of services to [the] elderly and adult disabled persons. In carrying out these tasks, the commission shall coordinate its efforts with other advisory groups within the Department of Human Resources to avoid duplication of effort.

[(5)] (6) The commission shall promote responsible state-wide advocacy for [senior citizens] elderly and adult disabled persons.

[(6)] (7) Members of the commission, other than legislators, shall be entitled to compensation and expenses as provided in ORS 292.495.

SECTION 11. On the effective date of this Act, the terms of incumbent members of the Governor's Commission on Aging shall end. In the first year appointments required by ORS 184.900 as amended by section 10 of this Act are made, the members will be appointed as follows:

- (1) One-third shall be appointed for one year;
- (2) One-third shall be appointed for two years; and
- (3) One-third shall be appointed for three years.

Section 12. ORS 184.750 is amended to read:

184.750. (1) The Department of Human Resources is created.

~~(2) The Department of Human Resources shall provide programs for the delivery to the public of services relating to public assistance, children and families, health and health-related affairs, mental health, corrections, employment, vocational rehabilitation, [aging,] elderly and adult disabled persons and such other services as may be assigned to the Department of Human Resources.~~

~~(3) The Department of Human Resources shall provide the programs and services enumerated in subsection (2) of this section through the divisions and other organizational units, including but not limited to the following:~~

- ~~(a) The Adult and Family Services Division;~~
- ~~(b) The Children's Services Division;~~
- ~~(c) The Mental Health Division;~~
- ~~(d) The Corrections Division;~~
- ~~(e) The Employment Division;~~
- ~~(f) The Vocational Rehabilitation Division;~~
- ~~(g) The Health Division; and~~
- ~~(h) The [Office of Elderly Affairs] Senior Services Division.~~

~~(4) The Department of Human Resources shall be the recipient of all federal funds paid or to be paid to the state to enable the state to provide the programs and services assigned to the Department of Human Resources.~~

~~Section 13. ORS 184.865 is amended to read:~~

~~184.865. (1) The Department of Human Resources is directed to develop and place in effect a program of supportive social services for persons age 60 or older.~~

~~(2) The Department of Human Resources is authorized to develop and adopt such rules as necessary for the sound, efficient and economical administration of the provisions of this section and ORS 184.900 to 184.910, including the implementation of a fee for service schedule based upon ability to pay, and to assure that no eligible person, resident in a skilled nursing home or intermediate care facility, shall be removed and placed in an alternative care program unless such services are determined to be more appropriate for the individual citizen based upon appropriate, individual, service considerations.~~

~~[(3) There is hereby created an Office of Elderly Affairs in the Department of Human Resources. The office shall have responsibility for all programs and functions heretofore performed by the State Program on Aging and the Office of Special Assistant for Programs for the Elderly, and for such other functions as shall be assigned to it by the Legislative Assembly, the Governor or the Director of the Department of Human Resources.]~~

~~[(4) In accordance with any applicable provisions of ORS 183.310 to 183.500, the office may make such rules as are necessary to carry out the provisions of ORS 184.750, 184.760, 184.900 and this section.]~~

~~[(5) The office shall be staffed by one administrator and one assistant administrator, both of whom shall be in the unclassified service, and by such other personnel as may be necessary. The Director of the Department of Human Resources shall appoint the administrator and the assistant administrator.]~~

~~Section 14. ORS 327.525 is amended to read:~~

~~327.525. The School Lunch Revolving Account of the General Fund is continuously appropriated for the purposes of ORS 327.520 [and 327.523]. All money received under the provisions of ORS 327.520 [and 327.523]~~

shall be paid by the superintendent to the State Treasurer for credit to the ~~School Lunch Revolving Account.~~

2 SECTION 15. In addition to its other powers, the Senior Services Division may adopt rules consistent with
3 federal and state law and regulations for the purpose of providing social services, including protection, to
4 elderly and adult disabled persons in need of, or who request, services that the division or area agencies are
5 authorized to provide.

6 Section 16. ORS 441.630 is amended to read:

7 441.630. As used in ORS 441.630 to 441.680:

8 (1) "Abuse" means:

9 (a) Any physical injury to a patient of a long term care facility which has been caused by other than
10 accidental means, including any injury which appears to be at variance with the explanation given of the injury.

11 (b) Neglect which leads to physical harm.

12 (c) Failure to provide direct patient care.

13 (2) "Division" means the ~~[Adult and Family]~~ Senior Services Division of the Department of Human
14 Resources.

15 (3) "Law enforcement agency" means:

16 (a) Any city or municipal police department.

17 (b) Any county sheriff's office.

18 (c) The Oregon State Police.

19 (d) Any district attorney.

20 (4) "Public or private official" means:

21 (a) Physician, including any intern or resident.

22 (b) Licensed practical nurse or registered nurse.

23 (c) Employee of the Department of Human Resources, county health department, community mental health
24 program or a long term care facility or person who contracts to provide services to a long term care facility.

25 (d) Peace officer.

26 (e) Clergyman.

27 (f) Registered social worker.

28 (g) Physical therapist.

29 (h) Legal counsel for a resident or guardian or family member of the resident.

30 Section 17. ORS 411.590 is amended to read:

31 411.590. A person who is employed as a housekeeper, homemaker or otherwise as a domestic servant in
32 the house of a recipient of public assistance or services, whose compensation is paid in whole or in part by the
33 Adult and Family Services Division, the Senior Services Division or the Children's Services Division and is not
34 otherwise employed by ~~[either]~~ the division, shall not for any purposes be deemed to be an employe of the State
35 of Oregon whether or not the division selects the person for employment or exercises any direction or control
36 over the person's employment. Such person shall be deemed to be a nonsubject ~~[workman]~~ worker under ORS
37 656.027.

38 SECTION 18. (1) On written request of the Senior Services Division, the Executive Department shall draw
39 warrants on amounts appropriated to the Senior Services Division for operating expenses for use by the
40 division as a revolving fund. The revolving fund shall not exceed the aggregate sum of \$50,000 including

1 unreimbursed advances. The revolving fund shall be deposited with the State Treasurer to be held in a special
2 account against which the division may draw checks.

3 (2) The revolving fund may be used by the division to pay for travel expenses for employes of the division
4 and for any consultants or advisers for whom payment of travel expenses is authorized by law, or advances
5 therefor, or for purchases required from time to time or for receipt or disbursement of federal funds available
6 under federal law.

7 (3) All claims for reimbursement of amounts paid from the revolving fund shall be approved by the division
8 and by the Executive Department. When such claims have been approved, a warrant covering them shall be
9 drawn in favor of the division and charged against the appropriate fund or account, and shall be used to
10 reimburse the revolving fund.

11 **SECTION 19.** (1) There is established in the General Fund of the State Treasury an account to be known as
12 the Senior Services Account. All moneys in the Senior Services Account are continuously appropriated for and
13 shall be used by the Senior Services Division for the respective purposes authorized by law. The moneys in the
14 Senior Services Account and all appropriations for the Senior Services Division shall be subject to allotment
15 made by the Executive Department.

16 (2) The Senior Services Division shall keep a record of all moneys credited to and deposited in the Senior
17 Services Account. The record shall indicate by separate cumulative accounts the source from which the
18 moneys are derived and the individual activity or program against which each withdrawal is charged.

19 (3) The unobligated balance in the Senior Services Account on June 30 of each odd-numbered year shall be
20 determined by the Senior Services Division as of September 30 following the close of each biennium and
21 certified to the Executive Department. The amount certified pursuant to this subsection shall revert to the
22 General Fund and become available for general governmental purposes.

23 **SECTION 20.** The assistant director may appoint and employ such personnel as may be necessary for the
24 Senior Services Division and appoint and fix the compensation of all assistants and employes of the division.

25 **SECTION 21.** The Senior Services Division shall make and enforce rules governing the custody, use and
26 preservation of the records, papers, files and communications by any other agency or department of
27 government or person to which the records may be furnished. Use shall be limited to the purposes for which
28 the records are furnished and by the provisions of the law under which they may be furnished.

29 **SECTION 22.** For the protection of applicants for and recipients of services, the Senior Services Division
30 shall not disclose or use the contents of any records, files, papers or communications for purposes other than
31 those directly connected with the administration of the laws of Oregon, and these records, files, papers and
32 communications are considered confidential subject to the rules of the Senior Services Division, except as
33 otherwise provided in ORS 411.325 to 411.335 and section 24 of this Act. In any judicial proceedings, except
34 proceedings directly connected with the administration of public assistance laws, their contents are considered
35 privileged communications.

36 **SECTION 23.** Any reference to the Adult and Family Services Division or the Office of Elderly Affairs
37 with respect to such duties, functions and powers transferred by this Act is intended to be and shall be
38 considered a reference to the Senior Services Division of the Department of Human Resources.

39 **SECTION 24.** (1) The Adult and Family Services Division and the Office of Elderly Affairs whose duties,
40 functions and powers are assigned and transferred to the Senior Services Division by this Act shall transfer and

1 deliver to the Senior Services Division all supplies, materials, equipment, facilities, contracts, books, maps,
 2 plans, papers, records and property of every description within its jurisdiction or control which relate to the
 3 duties, functions and powers so transferred and shall also transfer thereto those employes engaged primarily in
 4 the exercise of the duties, functions and powers so transferred. The Assistant Director for Senior Services
 5 shall take possession of such property and shall take charge of such employes and, except as provided in
 6 subsection (2) of this section, shall employ them in the exercise of their respective duties, functions and powers
 7 assigned or transferred by this Act, without reduction of compensation.

8 (2) The Assistant Director for Senior Services may abolish positions and change duties to the extent that
 9 the assistant director finds it desirable for the sound, efficient and economical administration and enforcement
 10 of the duties, functions and powers transferred by this Act. However, in the case of any transfer of personnel
 11 made pursuant to this section, any employe occupying a classified position who is so transferred shall, so far as
 12 possible, retain the same salary classification and status.

13 (3) Any controversy relating to the transfers of property and employes made by this section shall be
 14 resolved by the Director of the Executive Department.

15 SECTION 25. Nothing in this Act shall relieve any person of any obligation with respect to any tax, fee,
 16 fine or other charge, interest, penalty, forfeiture or other liability, duty or obligation accruing under, or with
 17 respect to, the duties, functions and powers transferred by this Act. After the effective date of this Act the
 18 Senior Services Division may undertake the collection or enforcement of such tax, fee, fine, charge, interest,
 19 penalty, forfeiture or other liability, duty or obligation; but such liability, duty or obligation shall not be
 20 increased or decreased or continued beyond the period authorized by law for its existence or beyond the time
 21 when it would have terminated if this Act had not been passed.

22 SECTION 26. (1) The Senior Services Division shall be considered and held to constitute a continuation of
 23 the Adult and Family Services Division and the Office of Elderly Affairs with respect to powers, functions and
 24 duties and obligations of the Adult and Family Services Division or the Office of Elderly Affairs legally
 25 incurred under contracts, leases and business transactions executed, entered into or commenced prior to the
 26 effective date of this Act. The Senior Services Division shall exercise such rights, powers, duties and
 27 obligations with the same force and effect as if they had not been transferred; but such right, power, duty or
 28 obligation shall not be continued beyond the period authorized by law for its existence or beyond the time when
 29 it would have terminated if this Act had not been passed.

30 (2) The continuation of powers and functions described in this section shall include rulemaking authority
 31 pertaining to functions, duties and obligations transferred by this Act, and rulemaking authority for functions,
 32 duties and obligations established by this Act.

33 SECTION 27. Any proceeding, court action, prosecution or other business or matter undertaken or
 34 commenced prior to the effective date of this Act by the Adult and Family Services Division or Office of
 35 Elderly Affairs with respect to the duties, functions or powers which are by this Act assigned and transferred to
 36 the Senior Services Division, and still pending on the effective date of this Act, may be conducted and
 37 completed by the Senior Services Division in the same manner and under the same terms and conditions and
 38 with the same effect as though it were undertaken or commenced and were conducted or completed by the
 39 Adult and Family Services Division or the Office of Elderly Affairs prior to transfer

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SECTION 28. (1) Whenever in any other law or resolution of the Legislative Assembly, or in any rule, regulation, document, record or proceeding authorized by the same, any word or phrase is used in reference to or descriptive of the Adult and Family Services Division or the Office of Elderly Affairs whose duties, functions or powers are by this Act assigned or transferred, such word, phrase or reference shall, after the effective date of this Act, unless the context or provisions of this Act require otherwise, be considered to refer to, include and describe the Senior Services Division which is charged with carrying out such powers, functions and duties, as the context and provisions of this Act may require.

(2) Notwithstanding the transfer of duties, functions and powers by this Act, any lawful authorization, designation, determination, directive, license, order, permit, policy, privilege, rule or other action of the Adult and Family Services Division or the Office of Elderly Affairs whose powers, functions and duties are by this Act assigned and transferred to the Senior Services Division, in effect on the effective date of this Act, shall continue in effect until superseded by, or repealed by the lawful action of the Senior Services Division; but it shall not continue any such action beyond the period authorized by law for its existence or beyond the time when the action would have terminated if this Act had not been passed.

SECTION 29. The functions of the Adult and Family Services Division or the Office of Elderly Affairs described in this Act are transferred to and vested in the Senior Services Division.

SECTION 30. Nothing in this Act requires an area agency or local governmental unit to expend local funds for the purpose of maintaining or expanding services to elderly and adult disabled persons.

SECTION 31. ORS 184.860, 327.523, 413.025 and 441.081 are repealed.

Section 32. If House Bill 5036 becomes law, section 1, chapter _____, Oregon Laws 1981 (Enrolled House Bill 5036), is amended to read:

Sec. 1. There is appropriated to the Office of the Director of the Department of Human Resources, for the biennium beginning July 1, 1981, out of the General Fund, the amount of [~~\$5,160,289~~] \$_____

Section 33. If House Bill 5036 becomes law, section 2, chapter _____, Oregon Laws 1981 (Enrolled House Bill 5036), is amended to read:

Sec. 2. Notwithstanding any other law, the amount of [~~\$12,341,721~~] \$_____ is established for the biennium beginning July 1, 1981, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, excluding federal funds, collected or received by the Office of the Director of the Department of Human Resources.

Section 34. If House Bill 5036 becomes law, section 3, chapter _____, Oregon Laws 1981 (Enrolled House Bill 5036), is amended to read:

Sec. 3. Notwithstanding any other law, the amount of [~~\$60,765,223~~] \$_____ is established for the biennium beginning July 1, 1981, as the maximum limit for the payment of expenses from federal funds collected or received by the Office of the Director of the Department of Human Resources.

Section 35. If Senate Bill 5532 becomes law, section 1, chapter _____, Oregon Laws 1981 (Enrolled Senate Bill 5532), is amended to read:

Sec. 1. There are appropriated to the Adult and Family Services Division of the Department of Human Resources, for the biennium beginning July 1, 1981, out of the General Fund, the following amounts, which shall be placed in the Public Welfare Account in quarterly instalments based upon estimates of expenditure requirements approved by the Executive Department, to be expended for the following purposes:

(1)	Assistance payments and related expenses	\$ 130,896,269	
(2)	Long-term care	[\$ 87,904,492]	\$ _____
(3)	Medical assistance for the categorically needy and general assistance medical payments.....	[\$ 109,205,970]	\$ _____
(4)	Special projects	\$ 154,165	
(5)	Administrative expenses.....	[\$ 70,909,628]	\$ _____

Section 36. If Senate Bill 5532 becomes law, section 2, chapter _____, Oregon Laws 1981 (Enrolled Senate Bill 5532), is amended to read:

Sec. 2. Notwithstanding any other law, the following amounts are established for the biennium beginning July 1, 1981, as the maximum limits for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, excluding federal funds, collected or received by the Adult and Family Services Division of the Department of Human Resources:

(1)	Assistance payments and related expenses	\$ 26,242,967	
(2)	Medical assistance for the categorically needy and general assistance payments	[\$ 5,004,677]	\$ _____
(3)	Administrative expenses.....	[\$ 2,639,843]	\$ _____

Section 37. If Senate Bill 5532 becomes law, section 3, chapter _____, Oregon Laws 1981 (Enrolled Senate Bill 5532), is amended to read:

Sec. 3. Notwithstanding any other law, the following amounts are established for the biennium beginning July 1, 1981, as the maximum limits for the payment of expenses from federal funds received by the Adult and Family Services Division of the Department of Human Resources. Such amounts shall be credited to the Public Welfare Account within the General Fund as they are made available by the United States Government and subject to the approval of the Executive Department, may be expended for the following purposes:

(1)	Assistance payments and related expenses	\$ 138,413,098	
(2)	Long-term care	[\$ 101,609,727]	\$ _____
(3)	Medical assistance for the categorically needy and general assistance medical payments.....	[\$ 94,497,655]	\$ _____
(4)	Special projects	\$ 68,989,424	
(5)	Administrative expenses.....	[\$ 100,130,368]	\$ _____

SECTION 38. (1) There are appropriated to the Senior Services Division of the Department of Human Resources, for the biennium ending June 30, 1983, out of the General Fund, the following amounts, which shall

1 be placed in the Senior Services Account in quarterly instalments based upon estimates of expenditure
2 requirements approved by the Executive Department, to be expended for the following purposes:

- 3 (a) Long-term care \$ _____
- 4 (b) Administrative expenses \$ _____

5 (2) Notwithstanding any other law, the following amounts are established for the biennium ending June 30,
6 1983, as the maximum limits for payment of expenses from fees, moneys or other revenues, including
7 Miscellaneous Receipts, excluding federal funds, collected or received by the Department of Human
8 Resources:

- 9 (a) Long-term care \$ _____
- 10 (b) Administrative expenses \$ _____

11 (3) Notwithstanding any other law, the following amounts are established for the biennium beginning July
12 1, 1981, as the maximum limits for the payment of expenses from federal funds received by the Senior Services
13 Division of the Department of Human Resources. Such amounts shall be credited to the Senior Services
14 Account within the General Fund as they are made available by the United States Government and, subject to
15 the approval of the Executive Department, may be expended for the following purposes:

- 16 (a) Long-term care \$ _____
- 17 (b) Administrative expenses \$ _____

18 **SECTION 39.** (1) This Act becomes effective on October 1, 1981; except that sections 4, 5, 9, 14 to 19 of
19 this Act are operative on July 1, 1982.

20 (2) Notwithstanding subsection (1) of this section specific components of this Act may be implemented at
21 later dates at the discretion of the Assistant Director for Senior Services.

22 (3) Each unit of local government potentially affected by this Act must notify the Senior Services Division
23 of its intent to participate in this Act on or before January 1, 1982.

24 **SECTION 40.** This Act being necessary for the immediate preservation of the public peace, health and
25 safety, an emergency is declared to exist, and this Act takes effect October 1, 1981.

SENATE COMMITTEE REPORT

1

Date July 9, 1981

Mr. President:

Your Committee on Human Resources/Aging to whom was referred Senate Bill 955, having had the same under consideration, respectfully report it back recommending:

- (adoption) passage.
- (adoption) passage with amendments.
- (adoption) passage with amendments to the _____ engrossed measure.
- that the measure be printed engrossed and rereferred to committee for further consideration.
- _____ that the measure be returned to the President's Desk for rereferral. (Letter of explanation attached.) (SR 9.05(1))
- (adoption) passage with amendments to resolve conflicts. (SR 9.35)
- that _____ be substituted therefor. (SR 9.45)

Other: _____

NOT CONCURRING (SR 9.15 (2)) Senator(s) _____

Referred to Committee on Ways and Means by prior reference.

William K. Kellogg

(Chairman)

Submit:
2 copies if no amdts.
7 copies if amdts.

Sen. *Hay*
_____ will lead floor discussion.

1 PROPOSED AMENDMENTS TO SENATE BILL 955

2 On page 1 of the printed bill, line 3, delete ", 2".

3 ~~In line 5, after "money" insert ", prescribing an effective~~
4 ~~date"~~

5 Delete lines 7 through 25 and pages 2 through 13 and insert:

6 SECTION 1. As used in this Act:

7 "(1) 'Area agency' means:

8 "(a) An established or proposed type A or type B Area Agency on
9 Aging within a planning and service area designated under Section
10 305 of the Older Americans Act; or

11 "(b) Any public or nonprofit private agency which is designated
12 as a type A or type B Area Agency on Aging under Section 305 of the
13 Older Americans Act.

14 "(2) 'Area agency board' means the local policy-making board
15 which directs the actions of the area agency within state and
16 federal laws and regulations.

17 "(3) 'Division' means the Senior Services Division of the
18 Department of Human Resources.

19 "(4) 'Elderly' or 'elderly persons' means persons who are served
20 by type A area agencies or type B area agencies or by the Senior
21 Services Division.

22 "(5) 'Handicapped person' means a person with a physical or
23 mental handicap:

24 "(a) Who is eligible for Supplemental Security Income or for
25 general assistance from the Adult and Family Services Division; and

26 "(b) Who meets one of the following criteria:

1 "(A) Is mentally retarded or developmentally disabled and
2 resides in or needs placement in a residential program administered
3 by the Senior Services Division.

4 "(B) Is mentally or emotionally disturbed and resides in or
5 needs placement in a residential program administered by the Senior
6 Services Division.

7 "(C) Is an alcohol or drug abuser and resides in or needs
8 placement in a residential program administered by the Senior
9 Services Division.

10 "(D) Has a physical or mental handicap other than those
11 described in subparagraphs (A) to (C) of ^{this} paragraph ~~(b)~~ of this ~~(c)~~
12 subsection.

13 "(6) 'Local government' means a political subdivision of the
14 state whose authority is general or a combination of units of
15 general purpose local governments.

16 "(7) 'Preadmission screening' means a professional program
17 within the Senior Services Division or type B area agencies, with
18 staff that includes registered nurses and social workers, that
19 assesses the needs of clients and recommends appropriate placements
20 in residential programs administered by the Senior Services Division
21 or type B area agencies.

22 "(8) 'Protective services' means a service to be provided by the
23 Senior Services Division directly or through type B area agencies,
24 in response to the need for protection from harm or neglect to
25 elderly persons.

26 "(9) 'Title XIX' means the programs in Title XIX of the Social
27 Security Act transferred from the long term care unit of the health
28 and social services section of the Adult and Family Services

1 Division to the Senior Services Division but does not include Title
2 XIX programs, other than home health, personal care and nursing home
3 programs, or Title XIX programs in other divisions of the Department
4 of Human Resources.

5 "(10) 'Title XX' means the programs in Title XX of the Social
6 Security Act transferred from the Adult and Family Services Division
7 to the Senior Services Division, but does not include Title XX
8 programs in other divisions of the Department of Human Resources.

9 "(11) 'Type A area agency' means an area agency:

10 "(a) For which either the local government or the area agency
11 board does not agree to accept local administrative responsibility
12 for Title XIX and Title XX; and

13 "(b) That provides a service to persons 60 years of age or
14 older.

15 "(12) 'Type B area agency' means an area agency:

16 "(a) For which the local government agrees to accept local
17 administrative responsibility for Title XIX and Title XX; and

18 "(b) That provides a service to persons 60 years of age or older
19 and handicapped persons who require services similar to those
20 required by persons 60 years of age or older, or both.

21 "SECTION 2. The State of Oregon finds that the needs of the
22 elderly population can be best served and planned for at the local
23 community level; that a longer life expectancy and a growing elderly
24 population demands services be provided in a coordinated manner and
25 a single local agency system for such services be instituted; that
26 local resources and volunteer help will augment state funds and
27 needed manpower; that local flexibility in providing services should
28 be encouraged; and that a single state agency should regulate and

1 provide leadership to insure that the elderly citizens of Oregon
2 will receive the necessary care and services at the least cost and
3 in the least confining situation. The State of Oregon further finds
4 that within budgetary constraints, it is appropriate that savings in
5 nursing home services allocations within a planning and service area
6 be reallocated to alternative care services under Title XIX, Title
7 XX and Oregon Project Independence in that area.

8 "SECTION 3. (1) The Senior Services Division is created in the
9 Department of Human Resources. The division shall administer laws
10 and programs relating to social, health and protective services to
11 elderly persons.

12 "(2) The division shall:

13 "(a) Serve as the central state agency with primary
14 responsibility for the planning, coordination, development and
15 evaluation of policy, programs and services for elderly persons in
16 Oregon and the designated state unit on aging, as defined in the
17 Older Americans Act of 1965.

18 "(b) With the advice of the Governor's Commission on Senior
19 Services, develop long-range state plans for programs, services and
20 activities for elderly and handicapped persons. State plans should
21 be revised annually and should be based on area agency plans, state-
22 wide priorities and state and federal requirements.

23 "(c) Have the authority to transfer state and federal funds,
24 except Title III of the Older Americans Act funds, from one area
25 agency to another area agency or from one program or service to
26 another program or service after consultation with the area agencies
27 involved in the transfer. However, no area agency shall suffer a
28 reduction in state or federal funds due to increased local funds.

1 "(d) Receive and disburse all federal and state funds allocated
2 to the division and solicit, accept and administer grants, including
3 federal grants or gifts made to the division or to the state for the
4 benefit of elderly persons in this state.

5 "(e) Provide technical, training and program assistance to area
6 agencies and assist them to provide such assistance to public and
7 private agencies and organizations.

8 "(f) Assist area agencies to stimulate more effective use of
9 existing resources and services for elderly persons and develop
10 programs, opportunities and services which are not otherwise
11 provided for elderly persons, with the aim of developing a
12 comprehensive and coordinated system for the delivery of social
13 services to elderly persons.

14 "(g) Serve within government and in the state at large as an
15 advocate for elderly persons by holding hearings and conducting
16 studies or investigations concerning matters affecting the health,
17 safety and welfare of elderly persons and by assisting elderly
18 person to assure their rights to apply for and receive services and
19 to be given fair hearings when such services are denied.

20 "(h) Process fiscal and client data for all area agencies.

21 "(i) Conduct regulatory functions with regard to program
22 operation, by adopting rules for providing social services,
23 including protective services, to elderly persons who need services
24 that the division or area agencies are authorized to provide and
25 rules for standard rate setting and quality assurance.

26 "(j) Provide information and technical assistance to the
27 Governor's Commission on Senior Services and keep the commission
28 continually informed of the activities of the division.

1 "(k) Make recommendations for legislative action to the Governor
2 and to the Legislative Assembly, after consultation with the
3 Governor's Commission on Senior Services.

4 "(L) Conduct research and other appropriate activities to
5 determine the needs of elderly persons in this state, including, but
6 not limited to, their needs for social and health services, and to
7 determine what existing services and facilities, private and public,
8 are available to elderly persons to meet those needs.

9 "(m) Maintain a clearinghouse for information related to the
10 needs and interests of elderly persons.

11 "(n) Provide area agencies with assistance in applying for
12 federal, state and private grants and identifying new funding
13 sources.

14 "(3) In addition to the requirements of subsection (2) of this
15 section, the division shall:

16 "(a) Determine type A and type B area agencies annual budget
17 levels for Oregon Project Independence and Title III of the Older
18 Americans Act expenditures.

19 "(b) For type B area agencies:

20 "(A) Determine annual budget levels for planning Title XIX and
21 Title XX reimbursed services. In determining the budget levels, the
22 division shall retain contingency reserves against overruns and
23 transfers in use of Title XIX and Title XX funds.

24 "(B) Provide timely management information so the area agency
25 can manage Title XIX and Title XX reimbursements within budgeted
26 levels.

27 "(c) Make payments for services within a central processing
28 system for:

1 "(A) A type A area agency, at the request of the agency, for
2 Oregon Project Independence or Title III of the Older Americans Act
3 expenditures, or both.

4 "(B) A type B area agency, for Title XIX, Title XX and Oregon
5 Project Independence expenditures, and at the request of the agency,
6 for Title III of the Older Americans Act expenditures.

7 "(d) Assume program responsibility for Title XIX and Title XX
8 programs in areas served by type A area agencies and in areas where
9 no area agency is designated.

10 "SECTION 4. (1) It is the policy of the State of Oregon that
11 handicapped persons served by the Senior Services Division shall
12 also receive necessary services, as appropriate for their needs,
13 from other state agencies and divisions.

14 "(2) In carrying out the provisions in subsection (1) of this
15 section, the Department of Human Resources shall insure that the
16 Senior Services Division negotiates interagency agreements and
17 coordinates services with the Mental Health Division, Vocational
18 Rehabilitation Division, Employment Division, Children's Services
19 Division and the Department of Education for the provision of
20 appropriate services to handicapped clients of the Senior Services
21 Division.

22 "(3) (a) Prior to placement in any residential program
23 administered by the Senior Services Division, all handicapped
24 persons shall be assessed by preadmission screening to insure the
25 appropriateness of such placement.

26 "(b) If a handicapped person is diagnosed as, or is suspected of
27 being, mentally retarded or developmentally disabled, preadmission

1 screening shall include assessment by the Diagnosis and Evaluation
2 Service of the Mental Health Division.

3 "(4) The Senior Services Division, in coordination with the
4 Mental Health Division, Children's Services Division, Vocational
5 Rehabilitation Division and the Department of Education shall work
6 with nursing homes which have one or more residents under 18 years
7 of age to develop a program appropriate to the needs of such
8 residents.

9 "SECTION 5. (1) Agreements and coordination described in
10 subsection (2) of section 4 of this Act shall include but not be
11 limited to the following:

12 "(a) After creation of the Senior Services Division, the
13 Department of Human Resources shall transfer to the Mental Health
14 Division jurisdiction over specialized foster care homes and
15 residential care facilities exclusively serving persons with mental
16 retardation or developmental disabilities, mental or emotional
17 disturbances, and alcohol or drug abuse or dependence. This transfer
18 shall be completed by July 1, 1982, and shall include associated
19 fiscal and staff resources.

20 "(b) The Department of Human Resources shall direct the Senior
21 Services Division and the Mental Health Division to complete, by
22 July 1, 1982, a joint study of persons with mental retardation or
23 developmental disabilities, mental or emotional disturbances, and
24 alcohol or drug abuse or dependence who remain in foster care homes,
25 residential care facilities or nursing homes.

26 "(2) The study described in paragraph (b) of subsection (1) of
27 this section shall:

1 "(a) Assess the appropriateness of current placement for persons
2 described in paragraph (b) of subsection (1) of this section.

3 "(b) Make recommendations for appropriate residential, day
4 programs and support services for those persons not appropriately
5 placed.

6 "(c) Plan needed case management for those persons who should
7 remain as clients of the Senior Services Division.

8 "(3) Recommendations made pursuant to paragraph (b) of
9 subsection (2) of this section shall be reflected in budget
10 recommendations made by the Mental Health Division to the Sixty-
11 second Legislative Assembly.

12 "SECTION 6. All programs and functions performed by the Office
13 of Elderly Affairs and the Adult and Family Services Division,
14 Health and Social Services Section, Long-Term Care Unit, are
15 transferred to the Senior Services Division.

16 "SECTION 7. (1) The Department of Human Resources is the
17 designated single state agency for all federal programs under this
18 Act.

19 "(2) Except as provided in paragraph (d) of subsection (3) of
20 section 3 and section 10 of this Act, the administration of services
21 to clients under this Act shall be through area agencies, and shall
22 comply with all applicable federal regulations.

23 "SECTION 8. On and after the effective date of this Act, a type
24 A area agency shall operate in the same manner as it operated with
25 local administrative responsibility for Title III of the Older
26 Americans Act and Oregon Project Independence before the effective
27 date of this Act. Nothing in this Act requires a type A area agency
28 to become a type B area agency.

1 "SECTION 9. (1) A local government shall be responsible for all
2 actions of a type B area agency in its jurisdiction, including but
3 not limited to the accountability for funds and compliance with
4 federal and state laws and rules. Such responsibility shall include
5 all geographic areas in which the type B area agency is designated
6 to operate.

7 "(2) The respective local government shall appoint a director of
8 the type B area agency in its jurisdiction who must meet minimum
9 qualifications established by the division. The director shall serve
10 with the continuing approval of the Assistant Director for Senior
11 Services. Continuing approval may be withdrawn by the assistant
12 director only when it can be shown that the state or federal rules
13 have not been complied with by the type B area agency, state or
14 federal funds are not being expended for the purposes for which they
15 were intended or the elderly are not receiving appropriate services
16 within available funds. Withdrawal of continuing approval is
17 appealable to the Director of Human Resources and the Governor by
18 the local government.

19 "SECTION 10. (1) In the event that a local government withdraws
20 the designation of an area agency, or the division withdraws the
21 area agency designation in accordance with the Older Americans Act,
22 the division shall administer the services to clients previously
23 performed by the area agency until a new area agency is designated.

24 "(2) The division may withdraw any particular program or
25 service, except Title III of the Older Americans Act programs, from
26 the area agency, and administer such programs and services. Before
27 such action is taken, the division must consult with the director of
28 the area agency and the chief elected official of the affected local

1 government. Such action shall be taken by the division only when it
2 can be shown the federal or state laws or rules have not been
3 complied with, state or federal funds are not being expended for the
4 purposes for which they were intended, or the elderly are not
5 receiving appropriate services within available resources.
6 Withdrawal of any particular program or service is appealable to the
7 Director of Human Resources and the Governor.

8 "SECTION 11. (1) Each area agency shall have an area agency
9 advisory council, with members appointed by the area agency board.

10 "(a) For a type A area agency, membership of the council shall
11 include consumers of services under Senior Services Division
12 programs, including low income, minority and handicapped persons.

13 "(b) For a type B area agency, membership of the council shall
14 include persons described in paragraph (a) of subsection (1) of this
15 section and handicapped persons. Representation of handicapped
16 persons on the council shall be in proportion to the ratio of such
17 persons to all persons in the jurisdiction of the area agency who
18 received Title XIX and Title XX services, or both, during the
19 preceding 12-month period, but shall not be fewer than one.

20 "(2) Each area agency advisory council shall:

21 "(a) Recommend basic policy guidelines for the administration of
22 the activities of the area agencies on behalf of elderly persons,
23 and advise the area agency on questions of policy.

24 "(b) Advise the area agency with respect to development of the
25 area plan and budget, and review and comment on the completed area
26 plan and budget before its transmittal to the Assistant Director for
27 Senior Services.

1 "(c) Review and evaluate the effectiveness of the area agency in
2 meeting the needs of elderly persons in the planning and service
3 area.

4 "(d) Meet at least quarterly. The meetings are subject to ORS
5 192.610 to 192.690.

6 "SECTION 12. Each type A area agency shall:

7 "(1) Conduct local planning functions for Title III of the Older
8 Americans Act and Oregon Project Independence.

9 "(2) Develop a local plan for service delivery that complies
10 with federal and state requirements and is in accord with locally
11 determined objectives consistent with the state policy on aging.
12 This plan shall be reviewed and approved by the division.

13 "(3) Assess the needs of elderly persons within the planning and
14 service delivery area for service for social and health services,
15 and determine what resources are currently available to meet those
16 needs.

17 "(4) Assume the responsibility of determining services required
18 to meet the needs of elderly persons, assure that such services are
19 provided within the resources available and determine when such
20 services are no longer needed.

21 "(5) Endeavor to coordinate and expand existing resources in
22 order to develop within its planning and service area a
23 comprehensive and coordinated system for the delivery of social and
24 health services to elderly persons.

25 "(6) Serve as an advocate within government and within the
26 community at large for the interests of elderly persons within its
27 planning and service area.

1 "(7) Make grants to or enter into contracts with any public or
2 private agency for the provision of social or health services not
3 otherwise sufficiently available to elderly persons within the
4 planning and service area.

5 "(8) Monitor and evaluate the activities of its service
6 providers to insure that the services being provided comply with the
7 terms of the grant or contract. Where a provider is found to be in
8 breach of the terms of its grant or contract, the area agency shall
9 enforce the terms of the grant or contract.

10 "(9) Conduct research, evaluation, demonstration or training
11 activities appropriate to the achievement of the goal of improving
12 the quality of life for elderly persons within its planning and
13 service area.

14 "(10) Comply with division requirements that have been developed
15 in consultation with the area agencies for client and fiscal
16 information and provide to the division information necessary for
17 federal and state reporting, program evaluation, program management,
18 fiscal control and research needs.

19 "SECTION 13. Each type B area agency shall:

20 "(1) Comply with the provisions of subsection (1) and
21 subsections (3) to (10) of section ~~(12)~~ of this Act.

22 "(2) Conduct local planning functions for Title XIX and Title XX
23 of the Social Security Act.

24 "(3) Develop a local plan for service delivery subject to review
25 and approval by the division and the responsible unit of local
26 government that complies with federal and state requirements and in
27 accord with locally determined objectives consistent with the state
28 policy on aging.

1 "(4) Provide protective services within available resources.

2 "SECTION 14. Each area agency may use, with the consent of state
3 and municipal departments and agencies, their services, equipment,
4 facilities and personnel, and pay therefor, within the limits of its
5 resources, as agreed between the agencies and cooperate with other
6 public and private agencies as to the use of services, equipment and
7 facilities.

8 "SECTION 15. (1) A type B area agency may contract with the
9 division for services of state employes or have such employes
10 transferred to employment by the area agency by transfer agreement.

11 "(2) State employes whose services have been contracted to a
12 type B area agency shall be supervised for program purposes by the
13 area agency.

14 "(3) If state employes are transferred to a type B area agency,
15 the provisions of ORS 236.610 to 236.650 shall apply.

16 "(4) Prior to transfer of any state employe to any other public
17 employer under this Act, at a date to be determined by the Assistant
18 Director for Senior Services, each type B area agency shall prepare
19 a plan in coordination with local staff of the Adult and Family
20 Services Division for implementation of this Act. The plan shall
21 show how statutory responsibilities are to be met and how all staff
22 are to be utilized.

23 "SECTION 16. (1) Prior to the designation of an area agency as a
24 type B area agency, the area agency, the responsible unit of local
25 government and the division must jointly agree upon a plan under
26 which the area agency will operate.

27 "(2) The plan described in subsection (1) of this section shall:

1 "(a) Establish an administrative structure and qualification for
2 key personnel that reflect the population to be served.

3 "(b) Be developed in coordination with the appropriate local
4 mental health authority.

5 "(c) Include any necessary interagency agreements regarding
6 which agency is to have responsibility for each specific group of
7 clients under 60 years of age.

8 "(d) Address necessary transfers of staff, available equipment
9 and administrative and service funds.

10 "(e) Be prepared with the participation of potentially affected
11 clients, staff and other individuals at the local level, including
12 but not limited to physically handicapped individuals.

13 "Section 17. ORS 184.900 is amended to read:

14 "184.900. (1) The Governor's Commission on [Aging] Senior
15 Services is created. The commission shall consist of at least [19]
16 21 members appointed by the Governor for terms of three years.

17 "(2) Prior to making appointments, the Governor shall request
18 and consider recommendations from the area agencies on aging and
19 other interested senior organizations. The Governor shall designate
20 a member to serve at [his] the pleasure of the Governor as chairman
21 for a term of two years with such duties as [he] the Governor shall
22 prescribe. The membership of the commission shall be composed of
23 [members] persons broadly representative of major public and private
24 agencies who are experienced in or have demonstrated particular
25 interest in the special needs of [the] elderly persons, including
26 [citizens] persons who have been active in [senior] organizations
27 and advocates on behalf of [senior citizens] elderly persons. [Of
28 the members appointed to the commission under this subsection, a

1 majority shall be actual] Additionally, membership shall include
2 persons who are active in advocacy organizations representing the
3 interests of handicapped persons who are served in programs under
4 the Senior Services Division and consumers of services under the
5 [aging] Senior Services Division programs, including low income,
6 [and] minority [older] and handicapped persons [at least in
7 proportion to the number of minority and older persons in the
8 state]. At least a majority of members shall be 60 years of age or
9 older.

10 "[~~(2)~~] (3) In addition to the members of the commission
11 appointed under subsection (1) of this section, the President of the
12 Senate shall appoint one member from the Senate and the Speaker of
13 the House of Representatives shall appoint one member from the House
14 of Representatives. [The members of the commission appointed under
15 this subsection shall be entitled to actual and necessary expenses.]

16 "[~~(3)~~] (4) The Governor's Commission on [Aging] Senior Services
17 shall advise the Governor, [and] the Director of the Department of
18 Human Resources and the Assistant Director for Senior Services on
19 needs of [the] elderly [and] persons, and recommend actions by the
20 Governor, the Department of Human Resources, the Senior Services
21 Division, other governmental entities and the private sector,
22 appropriate to meet such needs.

23 "[~~(4)~~] (5) The commission shall have authority to study programs
24 and budgets of all state agencies which affect [senior citizens]
25 elderly persons. After such study, the commission shall make
26 recommendations to the Governor and to the agencies involved. Such
27 recommendations shall be designed to provide coordination of
28 programs for [the] elderly persons, to avoid unnecessary duplication

1 in provision of services, and to point out gaps in provision of
2 services. The commission shall also recommend development of a
3 comprehensive plan for delivery of services to [the] elderly
4 persons. In carrying out these tasks, the commission shall
5 coordinate its efforts with other advisory groups within the
6 Department of Human Resources to avoid duplication of effort.

7 "[5] (6) The commission shall promote responsible state-wide
8 advocacy for [senior citizens] elderly persons.

9 "[6] (7) Members of the commission, other than legislators,
10 shall be entitled to compensation and expenses as provided in ORS
11 292.495.

12 "SECTION 18. On the effective date of this Act, the terms of
13 incumbent members of the Governor's Commission on Aging shall end.
14 In the first year appointments required by ORS 184.900 as amended by
15 section 17 of this Act are made, the members will be appointed as
16 follows:

17 "(1) One-third shall be appointed for one year;

18 "(2) One-third shall be appointed for two years; and

(9 "(3) One-third shall be appointed for three years.

20 "Section 19. ORS 184.750 is amended to read:

21 "184.750. (1) The Department of Human Resources is created.

22 "(2) The Department of Human Resources shall provide programs

23 for the delivery to the public of services relating to public

24 assistance, children and families, health and health-related

25 affairs, mental health, corrections, employment, vocational

26 rehabilitation, [aging,] elderly persons and such other services as

27 may be assigned to the Department of Human Resources.

1 "(3) The Department of Human Resources shall provide the
2 programs and services enumerated in subsection (2) of this section
3 through the divisions and other organizational units, including but
4 not limited to the following:

5 "(a) The Adult and Family Services Division;

6 "(b) The Children's Services Division;

7 "(c) The Mental Health Division;

8 "(d) The Corrections Division;

9 "(e) The Employment Division;

10 "(f) The Vocational Rehabilitation Division;

11 "(g) The Health Division; and

12 "(h) The [Office of Elderly Affairs] Senior Services Division.

13 "(4) The Department of Human Resources shall be the recipient of
14 all federal funds paid or to be paid to the state to enable the
15 state to provide the programs and services assigned to the
16 Department of Human Resources.

17 "Section 20. ORS 184.865 is amended to read:

18 "184.865. (1) The Department of Human Resources is directed to
19 develop and place in effect a program of supportive social services
20 for persons age 60 or older.

21 "(2) The Department of Human Resources is authorized to develop
22 and adopt such rules as necessary for the sound, efficient and
23 economical administration of the provisions of this section and ORS
24 184.900 to 184.910, including the implementation of a fee for
25 service schedule based upon ability to pay, and to assure that no
26 eligible person, resident in a skilled nursing home or intermediate
27 care facility, shall be removed and placed in an alternative care
28 program unless such services are determined to be more appropriate

1 for the individual citizen based upon appropriate, individual,
2 service considerations.

3 "[(3) There is hereby created an Office of Elderly Affairs in
4 the Department of Human Resources. The office shall have
5 responsibility for all programs and functions heretofore performed
6 by the State Program on Aging and the Office of Special Assistant
7 for Programs for the Elderly, and for such other functions as shall
8 be assigned to it by the Legislative Assembly, the Governor or the
9 Director of the Department of Human Resources.]

10 "[(4) In accordance with any applicable provisions of ORS
11 183.310 to 183.500, the office may make such rules as are necessary
12 to carry out the provisions of ORS 184.750, 184.760, 184.900 and
13 this section.]

14 "[(5) The office shall be staffed by one administrator and one
15 assistant administrator, both of whom shall be in the unclassified
16 service, and by such other personnel as may be necessary. The
17 Director of the Department of Human Resources shall appoint the
18 administrator and the assistant administrator.]

(9 "Section 21. ORS 327.525 is amended to read:

20 "327.525. The School Lunch Revolving Account of the General Fund
21 is continuously appropriated for the purposes of ORS 327.520 [and
22 327.523]. All money received under the provisions of ORS 327.520
23 [and 327.523] shall be paid by the superintendent to the State
24 Treasurer for credit to the School Lunch Revolving Account.

25 "Section 22. ORS 441.630 is amended to read:

26 "441.630. As used in ORS 441.630 to 441.680:

27 "(1) 'Abuse' means:

1 "(a) Any physical injury to a patient of a long term care
2 facility which has been caused by other than accidental means,
3 including any injury which appears to be at variance with the
4 explanation given of the injury.

5 "(b) Neglect which leads to physical harm.

6 "(c) Failure to provide direct patient care.

7 "(2) 'Division' means the [Adult and Family] Senior Services
8 Division of the Department of Human Resources.

9 "(3) 'Law enforcement agency' means:

10 "(a) Any city or municipal police department.

11 "(b) Any county sheriff's office.

12 "(c) The Oregon State Police.

13 "(d) Any district attorney.

14 "(4) 'Public or private official' means:

15 "(a) Physician, including any intern or resident.

16 "(b) Licensed practical nurse or registered nurse.

17 "(c) Employe of the Department of Human Resources, county health
18 department, community mental health program or a long term care
19 facility or person who contracts to provide services to a long term
20 care facility.

21 "(d) Peace officer.

22 "(e) Clergyman.

23 "(f) Registered social worker.

24 "(g) Physical therapist.

25 "(h) Legal counsel for a resident or guardian or family member
26 of the resident.

27 "Section 23. ORS 411.590 is amended to read:

1 "411.590. A person who is employed as a housekeeper, homemaker
2 or otherwise as a domestic servant in the house of a recipient of
3 public assistance or services, whose compensation is paid in whole
4 or in part by the Adult and Family Services Division, the Senior
5 Services Division or the Children's Services Division and is not
6 otherwise employed by [either] the division, shall not for any
7 purposes be deemed to be an employe of the State of Oregon whether
8 or not the division selects the person for employment or exercises
9 any direction or control over the person's employment. Such person
10 shall be deemed to be a nonsubject [workman] worker under ORS
11 656.027.

12 "SECTION 24. (1) On written request of the Senior Services
13 Division, the Executive Department shall draw warrants on amounts
14 appropriated to the Senior Services Division for operating expenses
15 for use by the division as a revolving fund. The revolving fund
16 shall not exceed the aggregate sum of \$50,000 including unreimbursed
17 advances. The revolving fund shall be deposited with the State
18 Treasurer to be held in a special account against which the division
19 may draw checks.

20 "(2) The revolving fund may be used by the division to pay for
21 travel expenses for employes of the division and for any consultants
22 or advisers for whom payment of travel expenses is authorized by
23 law, or advances therefor, or for purchases required from time to
24 time or for receipt or disbursement of federal funds available under
25 federal law.

26 "(3) All claims for reimbursement of amounts paid from the
27 revolving fund shall be approved by the division and by the
28 Executive Department. When such claims have been approved, a warrant

1 covering them shall be drawn in favor of the division and charged
2 against the appropriate fund or account, and shall be used to
3 reimburse the revolving fund.

4 "SECTION 25. (1) There is established in the General Fund of the
5 State Treasury an account to be known as the Senior Services
6 Account. All moneys in the Senior Services Account are continuously
7 appropriated for and shall be used by the Senior Services Division
8 for the respective purposes authorized by law. The moneys in the
9 Senior Services Account and all appropriations for the Senior
10 Services Division shall be subject to allotment made by the
11 Executive Department.

12 "(2) The Senior Services Division shall keep a record of all
13 moneys credited to and deposited in the Senior Services Account. The
14 record shall indicate by separate cumulative accounts the source
15 from which the moneys are derived and the individual activity or
16 program against which each withdrawal is charged.

17 "(3) The unobligated balance in the Senior Services Account on
18 June 30 of each odd-numbered year shall be determined by the Senior
19 Services Division as of September 30 following the close of each
20 biennium and certified to the Executive Department. The amount
21 certified pursuant to this subsection shall revert to the General
22 Fund and become available for general governmental purposes.

23 "SECTION 26. The assistant director may appoint and employ such
24 personnel as may be necessary for the Senior Services Division and
25 appoint and fix the compensation of all assistants and employes of
26 the division.

27 "SECTION 27. The Senior Services Division shall make and enforce
28 rules governing the custody, use and preservation of the records,

1 papers, files and communications by any other agency or department
2 of government or person to which the records may be furnished. Use
3 shall be limited to the purposes for which the records are furnished
4 and by the provisions of the law under which they may be furnished.

5 "SECTION 28. For the protection of applicants for and recipients
6 of services, the Senior Services Division shall not disclose or use
7 the contents of any records, files, papers or communications for
8 purposes other than those directly connected with the administration
9 of the laws of Oregon, and these records, files, papers and
10 communications are considered confidential subject to the rules of
11 the Senior Services Division, except as otherwise provided in ORS
12 411.325 to 411.335. In any judicial proceedings, except proceedings
13 directly connected with the administration of public assistance
14 laws, their contents are considered privileged communications.

15 "SECTION 29. Any reference to the Adult and Family Services
16 Division or the Office of Elderly Affairs with respect to such
17 duties, functions and powers transferred by this Act is intended to
18 be and shall be considered a reference to the Senior Services
19 Division of the Department of Human Resources.

20 "SECTION 30. (1) The Adult and Family Services Division and the
21 Office of Elderly Affairs whose duties, functions and powers are
22 assigned and transferred to the Senior Services Division by this Act
23 shall transfer and deliver to the Senior Services Division all
24 supplies, materials, equipment, facilities, contracts, books, maps,
25 plans, papers, records and property of every description within its
26 jurisdiction or control which relate to the duties, functions and
27 powers so transferred and shall also transfer thereto those employes
28 engaged primarily in the exercise of the duties, functions and

1 powers so transferred. The Assistant Director for Senior Services
2 shall take possession of such property and shall take charge of such
3 employes and, except as provided in subsection (2) of this section,
4 shall employ them in the exercise of their respective duties,
5 functions and powers assigned or transferred by this Act, without
6 reduction of compensation.

7 "(2) The Assistant Director for Senior Services may abolish
8 positions and change duties to the extent that the assistant
9 director finds it desirable for the sound, efficient and economical
10 administration and enforcement of the duties, functions and powers
11 transferred by this Act. However, in the case of any transfer of
12 personnel made pursuant to this section, any employe occupying a
13 classified position who is so transferred shall, so far as possible,
14 retain the same salary classification and status.

15 "(3) Any controversy relating to the transfers of property and
16 employes made by this section shall be resolved by the Director of
17 the Executive Department.

18 "SECTION 31. Nothing in this Act shall relieve any person of any
19 obligation with respect to any tax, fee, fine or other charge,
20 interest, penalty, forfeiture or other liability, duty or obligation
21 accruing under, or with respect to, the duties, functions and powers
22 transferred by this Act. After the effective date of this Act the
23 Senior Services Division may undertake the collection or enforcement
24 of such tax, fee, fine, charge, interest, penalty, forfeiture or
25 other liability, duty or obligation; but such liability, duty or
26 obligation shall not be increased or decreased or continued beyond
27 the period authorized by law for its existence or beyond the time
28 when it would have terminated if this Act had not been passed.

1 "SECTION 32. (1) The Senior Services Division shall be
2 considered and held to constitute a continuation of the Adult and
3 Family Services Division and the Office of Elderly Affairs with
4 respect to powers, functions and duties and obligations of the Adult
5 and Family Services Division or the Office of Elderly Affairs
6 legally incurred under contracts, leases and business transactions
7 executed, entered into or commenced prior to the effective date of
8 this Act. The Senior Services Division shall exercise such rights,
9 powers, duties and obligations with the same force and effect as if
10 they had not been transferred; but such right, power, duty or
11 obligation shall not be continued beyond the period authorized by
12 law for its existence or beyond the time when it would have
13 terminated if this Act had not been passed.

14 "(2) The continuation of powers and functions described in this
15 section shall include rulemaking authority pertaining to functions,
16 duties and obligations transferred by this Act, and rulemaking
17 authority for functions, duties and obligations established by this
18 Act.

19 "SECTION 33. Any proceeding, court action, prosecution or other
20 business or matter undertaken or commenced prior to the effective
21 date of this Act by the Adult and Family Services Division or Office
22 of Elderly Affairs with respect to the duties, functions or powers
23 which are by this Act assigned and transferred to the Senior
24 Services Division, and still pending on the effective date of this
25 Act, may be conducted and completed by the Senior Services Division
26 in the same manner and under the same terms and conditions and with
27 the same effect as though it were undertaken or commenced and were

1 conducted or completed by the Adult and Family Services Division or
2 the Office of Elderly Affairs prior to transfer.

3 "SECTION 34. (1) Whenever in any other law or resolution of the
4 Legislative Assembly, or in any rule, regulation, document, record
5 or proceeding authorized by the same, any word or phrase is used in
6 reference to or descriptive of the Adult and Family Services
7 Division or the Office of Elderly Affairs whose duties, functions or
8 powers are by this Act assigned or transferred, such word, phrase or
9 reference shall, after the effective date of this Act, unless the
10 context or provisions of this Act require otherwise, be considered
11 to refer to, include and describe the Senior Services Division which
12 is charged with carrying out such powers, functions and duties, as
13 the context and provisions of this Act may require.

14 "(2) Notwithstanding the transfer of duties, functions and
15 powers by this Act, any lawful authorization, designation,
16 determination, directive, license, order, permit, policy, privilege,
17 rule or other action of the Adult and Family Services Division or
18 the Office of Elderly Affairs whose powers, functions and duties are
19 by this Act assigned and transferred to the Senior Services
20 Division, in effect on the effective date of this Act, shall
21 continue in effect until superseded by, or repealed by the lawful
22 action of the Senior Services Division; but it shall not continue
23 any such action beyond the period authorized by law for its
24 existence or beyond the time when the action would have terminated
25 if this Act had not been passed.

26 "SECTION 35. The functions of the Adult and Family Services
27 Division or the Office of Elderly Affairs described in this Act are
28 transferred to and vested in the Senior Services Division.

1 "SECTION 36. Nothing in this Act extends estate claims
2 requirements and procedures related to certain Title XIX and Title
3 XX services under current Oregon statutes and federal regulations to
4 other services.

5 "SECTION 37. Nothing in this Act requires an area agency or
6 local governmental unit to expend local funds for the purpose of
7 maintaining or expanding services to elderly and handicapped
8 persons.

9 "SECTION 38. ORS 184.860, 327.523, 413.025 and 441.081 are
10 repealed.

11 "Section 39. If House Bill 5036 becomes law, section 1, chapter
12 _____, Oregon Laws 1981 (Enrolled House Bill 5036), is amended to
13 read:

14 "Sec. 1. There is appropriated to the Office of the Director of
15 the Department of Human Resources, for the biennium beginning July
16 1, 1981, out of the General Fund, the amount of [\$5,160,289]
17 \$642,582.

18 "Section 40. If House Bill 5036 becomes law, section 3, chapter
19 _____, Oregon Laws 1981 (Enrolled House Bill 5036), is amended to
20 read:

21 "Sec. 3. Notwithstanding any other law, the amount of
22 [\$60,765,223] \$45,296,089 is established for the biennium beginning
23 July 1, 1981, as the maximum limit for the payment of expenses from
24 federal funds collected or received by the Office of the Director of
25 the Department of Human Resources.

6 ^①"Section 42. If Senate Bill 5532 becomes law, section 2, chapter
7 _____, Oregon Laws 1981 (Enrolled Senate Bill 5532), is amended to
8 read:

Insect
①

received by the Office of the
25 the Department of Human Resources.

21 ① "Section 41. If Senate Bill 5532 becomes law, sect
21 chapter _____, Oregon Laws 1981 (Enrolled Senate Bill 5532
21 amended to read:

"Sec. 1. There are appropriated to the Adult and Family
Division of the Department of Human Resources, for the bienn
beginning July 1, 1981, out of the General Fund, the followi
amounts, which shall be placed in the Public Welfare Account
quarterly instalments based upon estimates of expenditure
requirements approved by the Executive Department, to be expen
for the following purposes:

"(1) Assistance payments and related

expenses \$130,896,269

"(2) Long-term care [\$ 87,904,492] \$41

"(3) Medical assistance for the

categorically needy and

general assistance

medical payments \$109,205,970

"(4) Special projects \$ 154,165

"(5) Administrative expenses [\$ 70,909,628] \$67,

1 "Sec. 2. Notwithstanding any other law, the following amounts
2 are established for the biennium beginning July 1, 1981, as the
3 maximum limits for payment of expenses from fees, moneys or other
4 revenues, including Miscellaneous Receipts, excluding federal funds,
5 collected or received by the Adult and Family Services Division of
6 the Department of Human Resources:

7 "(1) Assistance payments and related
8 expenses \$26,242,967

9 "(2) Medical assistance for the
10 categorically needy and
11 general assistance payments.. \$ 5,004,677

12 "(3) Administrative expenses [\$ 2,639,843] \$ 2,637,763

13 "Section 43. If Senate Bill 5532 becomes law, section 3, chapter
14 _____, Oregon Laws 1981 (Enrolled Senate Bill 5532), is amended to
15 read:

16 "Sec. 3. Notwithstanding any other law, the following amounts
17 are established for the biennium beginning July 1, 1981, as the
18 maximum limits for the payment of expenses from federal funds
19 received by the Adult and Family Services Division of the Department
20 of Human Resources. Such amounts shall be credited to the Public
21 Welfare Account within the General Fund as they are made available
22 by the United States Government and subject to the approval of the
23 Executive Department, may be expended for the following purposes:

24 "(1) Assistance payments and related
25 expenses \$138,413,098

26 "(2) Long-term care [\$101,609,727] \$ 47,492,280

27 "(3) Medical assistance for the
28 categorically needy and

1 general assistance medical
2 payments \$ 94,497,655
3 "(4) Special projects \$ 68,989,424
4 "(5) Administrative expenses [\$100,130,368] \$ 92,296,108

5 "SECTION 44. (1) There are appropriated to the Senior Services
6 Division of the Department of Human Resources, for the biennium
7 ending June 30, 1983, out of the General Fund, the following
8 amounts, which shall be placed in the Senior Services Account in
9 quarterly instalments based upon estimates of expenditure
10 requirements approved by the Executive Department, to be expended
11 for the following purposes:

12 "(a) Long-term care \$54,604,349
13 "(b) Administrative expenses \$ 3,830,634
14 "(2) Notwithstanding any other law, \$2,080 is established for
15 the biennium ending June 30, 1983, as the maximum limit for payment
16 of expenses from fees, moneys or other revenues, including
17 Miscellaneous Receipts, excluding federal funds, collected or
18 received by the Department of Human Resources for administrative
19 expense.

20 "(3) Notwithstanding any other law, the following amounts are
21 established for the biennium beginning July 1, 1981, as the maximum
22 limits for the payment of expenses from federal funds received by
23 the Senior Services Division of the Department of Human Resources.
24 Such amounts shall be credited to the Senior Services Account within
25 the General Fund as they are made available by the United States
26 Government and, subject to the approval of the Executive Department,
27 may be expended for the following purposes:

28 "(a) Long-term care \$77,420,841



1 "(b) Administrative expenses \$8,521,862

2 "SECTION 45. Sections 7, 9, 10, 13 and 15 of this Act are
3 operative July 1, 1982.

4 "SECTION 46. This Act being necessary for the immediate
5 preservation of the public peace, health and safety, an emergency is
6 declared to exist, and this Act takes effect October 1, 1981."

OREGON STATE SENATE
61st Legislative Assembly

STAFF MEASURE ANALYSIS

Measure: A-Eng. SB 955
Title: Relating to social services; creating new provisions; amending ORS 184.750 et al; repealing ORS 184.860 et al; appropriating money; prescribing an effective date; and declaring an emergency.
Committee: HUMAN RESOURCES/AGING
Hearing Dates: June 23, June 30, July 9
Explanation Prepared By: N. Fadeley

Problem addressed.

Need for coordination of services to the elderly.
Need to divert monies inappropriately spent on nursing home care to alternative care.

Function and purpose of measure as reported out.

See attached.

Major issues discussed. Does this bill really offer a one-stop service for seniors? Is it fair to the handicapped? What liabilities does it place on local governments? Do the costs of a new division mean that less money will go for services? If the mentally retarded, mentally disabled, alcohol and drug abusers are turned over to Mental Health, will Mental Health be able to care for them? What is the loss of adult service workers from AFS going to mean to non-elderly who need those services? Does this bill provide local control of services to the elderly? What administrative problems does it pose? Will the transfer of state employes to local governments result in litigation? Is this bill as well written as it should be? Does it contain language that would be more appropriate in rules?

Effect of committee amendments.

Amendments made many changes in words and sentence structure, and 3 major policy changes: (1) By providing for type A and type B agencies, the committee gave local governments the ability to decide if they wished their AAAs to deliver the Title XX and Title XIX services transferred to the Senior Services Division by this bill. (2) Concerned that the needs of non-elderly handicapped might be overlooked in a Senior Services Division, the committee adopted amendments aimed at securing appropriate services for the handicapped. (3) In order to lessen the potential for litigation relating to employes' transfers, the committee rewrote the employe transfer section.

FISCAL IMPACT yes

REVENUE IMPACT no

(Attach additional sheets as necessary)

A-Eng. SB 955 creates a new division--the Senior Services Division--in the Department of Human Resources and provides the opportunity for the delivery of some services to elderly and handicapped persons through local area agencies on aging.

Provides for the transfer to the new division of all programs and functions of the Office of Elderly Affairs and of the Long-Term Care Unit of the Health and Social Services Section of Adult and Family Services. Makes no changes in other divisions which deal with elderly or in AFS programs other than Title XX or home health, personal care and nursing home programs under Title XIX.

Local governments--by deciding if the area agencies in their areas will be type A or type B area agencies--will have the ability to determine if their area agencies will become involved in the delivery of Title XIX and Title XX services in their areas.

If a local government does not choose to make its area agency a type B area agency, then the area agency will be a type A agency with duties and responsibilities unchanged from the present system. In those areas, the Title XX and Title XIX services which have in the past been performed by AFS employes will be handled by employes of the new division.

If the local governments choose the type B option, area agencies in their areas will deliver services formerly delivered by AFS as well as the Oregon Project Independence and Title III programs which are handled by all area agencies. The employes who deliver Title XIX and Title XX services in type B agencies will be transferred from the Senior Services Division to the type B area agency unless the agency contracts with the Division for the delivery of services. (The persons who were most instrumental in the drafting of SB 955 believe that area agencies will be more apt to contract with the state than to make these former state employes part of the area agency's own staff.)

Type A agencies will continue to choose their own directors.

In type B area agencies, the local government will designate the director of the agency who must meet minimum qualifications established by the division and who serves with the continuing approval of the Assistant Director for Senior Services.

DHR shall insure that the Senior Services Division negotiates interagency agreements and coordinates services with Mental Health, Voc Rehab, Employment, Children's Services and and the Department of Education for the appropriate services to handicapped clients of the Senior Services Division. Handicapped clients must be assessed by preadmission screening before placement in residential and long-term care programs. Section 5 transfers the administrative responsibility for clients in foster care homes and residential care facilities exclusively serving persons with mental retardation or developmental disabilities, mental or emotional disturbances, and alcohol or drug problems from Senior Services to Mental Health by July 1, 1982.

Amends 1981 appropriation legislation to transfer monies in other DHR budgets to the Senior Services Division.

Senate Bill 955

Sponsored by COMMITTEE ON HUMAN RESOURCES/AGING (at the request of Governor's Commission on Aging; United Seniors)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Creates, operative July 1, 1982, Senior Services Division in the Department of Human Resources to provide social services to elderly and adult disabled persons. Changes name of Governor's Commission on Aging to Governor's Commission on Aging and the Disabled. Transfers certain functions from Office of Elderly Affairs and Adult and Family Services Division to the Senior Services Division.

Appropriates \$_____ to the Senior Services Division for biennium. Changes biennial appropriation to Department of Human Resources and Adult and Family Services Division.

Declares emergency, effective October 1, 1981.

A BILL FOR AN ACT

1
2 Relating to social services; creating new provisions; amending ORS 184.750, 184.865, 184.900, 327.525, 411.590
3 and 441.630 and sections 1, 2 and 3, chapter_____, Oregon Laws 1981 (Enrolled House Bill 5036), and
4 sections 1, 2 and 3, chapter_____, Oregon Laws 1981 (Enrolled Senate Bill 5532); repealing ORS
5 184.860, 327.523, 413.025 and 441.081; appropriating money; and declaring an emergency.

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

7 **SECTION 1.** As used in this Act:

8 (1) "Area agency" means:

9 (a) An established or proposed Area Agency on Aging operating or to operate within a planning and service
10 area designated under Section 305 of the Older Americans Act; or

11 (b) Any public or nonprofit private agency which is designated as an Area Agency on Aging under Section
12 305 of the Older Americans Act.

13 (2) "Area agency board" means the local policy-making board which directs the actions of the area agency
14 within state and federal laws and regulations.

15 (3) "Disabled" means all persons with physical or mental handicaps who are eligible or potentially eligible
16 for services under this Act.

17 (4) "Division" means the Senior Services Division of the Department of Human Resources.

18 (5) "Elderly" means persons who are 60 years of age or older.

19 (6) "Protective services" means a service to be provided by the Senior Services Division through area
20 agencies, in response to the need for protection from harm or neglect to the elderly and the disabled.

21 (7) "Local government" means a political subdivision of the state whose authority is general and not
22 limited to only one function or combination of related functions, or a combination of units of general purpose
23 local governments as defined in ORS 190.003.

24 **SECTION 2.** The State of Oregon finds that the needs of the elderly and the adult disabled population can
25 be best served and planned for at the local community level; that a longer life expectancy and a growing elderly

NOTE: Matter in bold face in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted; complete new sections begin with SECTION.

1 population demands services be provided in a coordinated manner and a single local agency system for such
2 services be instituted; that local resources and volunteer help will augment state funds and needed manpower;
3 that local flexibility in providing services be encouraged; and that a single state agency should regulate and
4 provide leadership to insure that the elderly and the adult disabled citizens of Oregon will receive the necessary
5 care and services at the least cost and in the least confining situation.

6 **SECTION 3.** (1) The Senior Services Division is created in the Department of Human Resources. The
7 division shall administer laws and programs relating to social, health and protective services to elderly and adult
8 disabled persons.

9 (2) The division shall:

10 (a) Serve as the central state agency with primary responsibility for the planning, coordination,
11 development and evaluation of policy, programs and services for the elderly and the adult disabled persons in
12 Oregon and serve as the designated state unit on aging, as defined in the Older Americans Act of 1965.

13 (b) With the advice of the Governor's Commission on Aging and the Disabled, develop long-range state
14 plans for programs, services and activities for elderly and adult disabled persons, to be revised and
15 implemented annually. State plans should be based on area agency plans, state-wide priorities and state and
16 federal requirements.

17 (c) Enter into such contracts and make such grants within the limits of appropriated funds, as are
18 necessary or appropriate to the performance of its duties or the execution of its powers under this Act.

19 (d) Have the authority to transfer funds from one area agency to another area agency after consultation
20 with the area agencies involved in the transfer. However, no area agency shall suffer a reduction in state or
21 federal funds due to increased local funds.

22 (e) Have the authority to transfer funds from one program or service to another program or service after
23 consultation with the area agencies. However, no area agency shall suffer a reduction in state or federal funds
24 due to increased local funds.

25 (f) Receive and disburse all federal and state funds allocated to the division; solicit, accept and administer
26 grants, including Federal Government grants or gifts made to the division or to the state for the benefit of
27 elderly and adult disabled persons in the state.

28 (g) Hold hearings and conduct studies or investigations concerning all matters affecting health, safety and
29 welfare of elderly and adult disabled persons as are necessary or desirable to carry out the purposes of this Act.

30 (h) Assure the rights of individuals to apply for and receive services and to be given fair hearings when
31 such services are denied.

32 (i) Prepare federally required plans and reports.

33 (j) Process fiscal and client data for all area agencies.

34 (k) Pay Title III payments for services within a central payment processing system, except at the option of
35 the area agency.

36 (L) Conduct regulatory functions with regard to program operation, including administrative rules for
37 authorized services, standard rate setting and quality assurance.

38 (m) Conduct research and other appropriate activities to determine the needs of elderly and adult disabled
39 persons in this state, including, but not limited to, their needs for social and health services; and to determine

1 what existing services and facilities, private and public, are available to elderly and adult disabled persons to
2 meet those needs.

3 (n) Maintain a clearinghouse for information related to the needs and interests of elderly and adult disabled
4 persons.

5 (o) Provide information and technical assistance to the Governor's Commission on Aging and the Disabled,
6 and keep the commission continually informed of the activities of the division.

7 (p) Make recommendations for legislative action to the Governor and to the Legislative Assembly, after
8 consultation with the Governor's Commission on Aging and the Disabled.

9 (q) Provide technical and program assistance to area agencies.

10 (r) Provide training assistance to area agencies.

11 (s) Provide area agencies with assistance in applying for federal, state and private grants and identifying
12 new funding sources.

13 (t) Assist the area agencies in providing technical assistance and training to agencies and organizations,
14 both public and private, with respect to programs and services for elderly and adult disabled persons.

15 (u) Assist area agencies to stimulate more effective use of existing resources and services for elderly and
16 adult disabled persons and develop programs, opportunities and services which are not otherwise provided for
17 elderly persons, with the aim of developing a comprehensive and coordinated system for the delivery of social
18 services to elderly and adult disabled persons.

19 (v) Serve as an advocate within government and in the state for elderly and adult disabled persons.

20 **SECTION 4.** The Senior Services Division shall have responsibility for all programs and functions
21 performed by the Office of Elderly Affairs and the Adult and Family Services Division, Social and Long Term
22 Care Services.

23 **SECTION 5. (1)** The Department of Human Resources is the designated single state agency for all federal
24 programs under this Act.

25 (2) Except as provided in subsections (5) to (7) of this section, the administration of services to clients
26 under this Act shall be through area agencies, and shall comply with all applicable federal regulations.

27 (3) A local government shall be responsible for all actions of the area agency including but not limited to,
28 the accountability for funds and compliance with federal and state laws and rules. Such responsibility shall
29 include all geographic areas in which the area agency is designated to operate.

30 (4) Except as specified in subsection (7) of this section, the respective local government shall appoint a
31 director of the area agency in its jurisdiction who must meet minimum qualifications established by the
32 division. The director shall serve with the continuing approval of the Assistant Director for Senior Services.
33 Withdrawal of continuing approval is appealable to the Director of Human Resources and the Governor by the
34 local government.

35 (5) In the event that a local government withdraws the designation of an area agency, or the division
36 withdraws the area agency designation in accordance with the Older Americans Act, the division shall
37 administer the services to clients previously performed by the area agency until a new area agency is
38 designated.

39 (6) The division may withdraw any particular program or service, except Title III programs, from the area
40 agency, and administer such programs and services. Before such action is taken, the division must consult with

1 the director of the area agency and the chief elected official of the affected local government. Such action shall
2 be taken by the division only when it can be shown the federal or state laws or rules have not been adhered to,
3 state or federal funds are not being expended for the purposes for which they were intended, or that the elderly
4 or the adult disabled are not receiving appropriate services within available resources.

5 (7) If, after negotiation with the division and the designated area agency, the appropriate local elected
6 official does not assume direct responsibility, or does not delegate by resolution or ordinance program
7 responsibility to an existing private nonprofit organization which has been duly designated by the state as the
8 area agency, the division shall assume program responsibility. In such case, the division shall administer Title
9 III programs through the area agency unless subsection (5) of this section is operative. All other programs shall
10 be administered by the division. In such case:

11 (a) The area agency board shall appoint the director of the area agency.

12 (b) The director must meet the qualifications set forth in subsection (4) of this section.

13 **SECTION 6.** (1) Each area agency shall have an area agency advisory council, with members appointed by
14 the local government, including both elderly and adult disabled persons.

15 (2) Each area agency advisory council shall:

16 (a) Recommend basic policy guidelines for the administration of the activities of the area agencies on
17 behalf of elderly and adult disabled persons, and advise the area agency on questions of policy.

18 (b) Advise the area agency with respect to development of the area plan and budget, and review and
19 comment on the completed area plan and budget before its transmittal to the Assistant Director for Senior
20 Services.

21 (c) Review and evaluate the effectiveness of the area agency in meeting the needs of elderly and adult
22 disabled persons in the planning and service area.

23 (d) Meet at least quarterly. The meetings shall be open to the public and reasonable advance public notice
24 of meetings shall be given.

25 **SECTION 7.** Each area agency shall:

26 (1) Conduct local planning functions for all funding sources, including Title XIX and XX of the Social
27 Security Act, Title III of the Older Americans Act and Oregon Project Independence.

28 (2) Develop a local plan for service delivery which complies with federal and state requirements and locally
29 determined objectives consistent with the state policy on aging. This plan shall be reviewed and approved by
30 the division.

31 (3) Assess the needs of elderly and adult disabled persons within the planning and service delivery area for
32 service for social and health services, and determine what resources are currently available to meet those
33 needs.

34 (4) Assume the responsibility of determining services required to meet the needs of elderly or adult
35 disabled persons, assure that such services are provided within the resources available and determine when
36 such services are no longer needed.

37 (5) Provide protective services to elderly and adult disabled persons.

38 (6) Endeavor to coordinate and expand existing resources in order to develop within its planning and
39 service area a comprehensive and coordinated system for the delivery of social and health services to elderly
40 and adult disabled persons.

1 (7) Serve as an advocate within government and within the community at large for the interests of elderly
2 and adult disabled persons within its planning and service area.

3 (8) Make grants to or enter into contracts with any public or private agency for the provision of social or
4 health services not otherwise sufficiently available to elderly and adult disabled persons within the planning and
5 service area. Grants and contracts shall require the prior approval of the division, unless otherwise prohibited
6 by federal statutes or regulations.

7 (9) Monitor and evaluate the activities of its service providers to insure that the services being provided
8 comply with the terms of the grant or contract. Where a provider is found to be in breach of the terms of its
9 grant or contract, the area agency shall exercise its full rights under the law to obtain such relief, restitution,
10 improvement in services or discharge from its obligation under the grant or contract as is necessary or
11 appropriate under the circumstances.

12 (10) Conduct research, evaluation, demonstration or training activities appropriate to the achievement of
13 the goal of improving the quality of life for elderly and adult disabled persons within its planning and service
14 area.

15 (11) Comply with division requirements that have been developed in consultation with the area agencies for
16 client and fiscal information and provide to the division information necessary for federal and state reporting,
17 program evaluation or research needs.

18 **SECTION 8.** Each area agency may use, with the consent of state and municipal departments and
19 agencies, their services, equipment, facilities and personnel, and pay therefor, within the limits of its resources,
20 as agreed between the agencies and to cooperate with other public and private agencies as to the use of
21 services, equipment and facilities.

22 **SECTION 9.** (1) Those state employes whose duties involve services assumed by an area agency shall be
23 transferred to and supervised by that area agency under the provisions of ORS 236.610 to 236.650.

24 (2) An area agency may choose to contract with the division for services, or may choose to have the
25 employes become employes of the area agency. Any state employe transferred to an area agency shall not
26 suffer any reduction in salary or loss of employe benefits as a result of the transfer.

27 (3) Prior to the transfer of any state employe to any other public employer under this Act, at a date to be
28 determined by the Assistant Director for Senior Services, each area agency shall prepare a plan in coordination
29 with local staff of the Adult and Family Services Division for implementation of this Act. The plan shall show
30 how statutory responsibilities are to be met and how all staff are to be utilized. The plan must be approved by
31 the division, and the rights of transferred employes under ORS 236.610 to 236.650 given the greatest possible
32 consideration.

33 (4) When an Adult and Family Services Division employe is transferred to an area agency as a result of this
34 Act, and the position of that employe in the area agency is subsequently abolished for reasons other than for
35 unsatisfactory performance of duties, that employe retains the same layoff rights as if the employe had
36 continued to be employed by the state for a period of one year from the date of the transfer.

37 Section 10. ORS 184.900 is amended to read:

38 184.900. (1) The Governor's Commission on Aging and the Disabled is created. The commission shall
39 consist of at least [19] 21 members appointed by the Governor for terms of three years.

1 (2) Prior to making appointments, the Governor shall request and consider recommendations from the area
2 agencies on aging and other interested senior organizations. The Governor shall designate a member to serve at
3 ~~[his]~~ the pleasure of the Governor as chairman for a term of two years with such duties as ~~[he]~~ the Governor
4 shall prescribe. The membership of the commission shall be composed of ~~[members]~~ persons broadly
5 representative of major public and private agencies who are experienced in or have demonstrated particular
6 interest in the special needs of ~~[the]~~ elderly and adult disabled persons, including ~~[citizens]~~ persons who have
7 been active in ~~[senior]~~ organizations and advocates on behalf of ~~[senior citizens]~~ elderly and adult disabled
8 persons. ~~[Of the members appointed to the commission under this subsection, a majority shall be]~~ Membership
9 shall include actual consumers of services under the ~~[aging]~~ Senior Services Division programs, including low
10 income and minority ~~[older]~~ persons ~~[at least in proportion to the number of minority and older persons in the~~
11 ~~state]~~. At least a majority of members shall be 60 years of age or older.

12 ~~[(2)]~~ (3) In addition to the members of the commission appointed under subsection (1) of this section, the
13 President of the Senate shall appoint one member from the Senate and the Speaker of the House of
14 Representatives shall appoint one member from the House of Representatives. ~~[The members of the~~
15 ~~commission appointed under this subsection shall be entitled to actual and necessary expenses.]~~

16 ~~[(3)]~~ (4) The Governor's Commission on Aging and the Disabled shall advise the Governor, ~~[and]~~ the
17 Director of the Department of Human Resources and the Assistant Director for Senior Services on needs of ~~[the]~~
18 elderly and adult disabled persons, and recommend actions by the Governor, the Department of Human
19 Resources, the Senior Services Division, other governmental entities and the private sector, appropriate to meet
20 such needs.

21 ~~[(4)]~~ (5) The commission shall have authority to study programs and budgets of all state agencies which
22 affect ~~[senior citizens]~~ elderly and adult disabled persons. After such study, the commission shall make
23 recommendations to the Governor and to the agencies involved. Such recommendations shall be designed to
24 provide coordination of programs for ~~[the]~~ elderly or disabled persons, to avoid unnecessary duplication in
25 provision of services, and to point out gaps in provision of services. The commission shall also recommend
26 development of a comprehensive plan for delivery of services to ~~[the]~~ elderly and adult disabled persons. In
27 carrying out these tasks, the commission shall coordinate its efforts with other advisory groups within the
28 Department of Human Resources to avoid duplication of effort.

29 ~~[(5)]~~ (6) The commission shall promote responsible state-wide advocacy for ~~[senior citizens]~~ elderly and
30 adult disabled persons.

31 ~~[(6)]~~ (7) Members of the commission, other than legislators, shall be entitled to compensation and expenses
32 as provided in ORS 292.495.

33 SECTION 11. On the effective date of this Act, the terms of incumbent members of the Governor's
34 Commission on Aging shall end. In the first year appointments required by ORS 184.900 as amended by section
35 10 of this Act are made, the members will be appointed as follows:

36 (1) One-third shall be appointed for one year;

37 (2) One-third shall be appointed for two years; and

38 (3) One-third shall be appointed for three years.

39 Section 12. ORS 184.750 is amended to read:

40 184.750. (1) The Department of Human Resources is created.

1 (2) The Department of Human Resources shall provide programs for the delivery to the public of services
 2 relating to public assistance, children and families, health and health-related affairs, mental health, corrections,
 3 employment, vocational rehabilitation, [*aging,*] **elderly and adult disabled persons** and such other services as
 4 may be assigned to the Department of Human Resources.

5 (3) The Department of Human Resources shall provide the programs and services enumerated in
 6 subsection (2) of this section through the divisions and other organizational units, including but not limited to
 7 the following:

8 (a) The Adult and Family Services Division;

9 (b) The Children's Services Division;

10 (c) The Mental Health Division;

11 (d) The Corrections Division;

12 (e) The Employment Division;

13 (f) The Vocational Rehabilitation Division;

14 (g) The Health Division; and

15 (h) The [*Office of Elderly Affairs*] **Senior Services Division**.

16 (4) The Department of Human Resources shall be the recipient of all federal funds paid or to be paid to the
 17 state to enable the state to provide the programs and services assigned to the Department of Human Resources.

18 Section 13. ORS 184.865 is amended to read:

19 184.865. (1) The Department of Human Resources is directed to develop and place in effect a program of
 20 supportive social services for persons age 60 or older.

21 (2) The Department of Human Resources is authorized to develop and adopt such rules as necessary for
 22 the sound, efficient and economical administration of the provisions of this section and ORS 184.900 to
 23 184.910, including the implementation of a fee for service schedule based upon ability to pay, and to assure that
 24 no eligible person, resident in a skilled nursing home or intermediate care facility, shall be removed and placed
 25 in an alternative care program unless such services are determined to be more appropriate for the individual
 26 citizen based upon appropriate, individual, service considerations.

27 *[(3) There is hereby created an Office of Elderly Affairs in the Department of Human Resources. The office*
 28 *shall have responsibility for all programs and functions heretofore performed by the State Program on Aging and*
 29 *the Office of Special Assistant for Programs for the Elderly, and for such other functions as shall be assigned to*
 30 *it by the Legislative Assembly, the Governor or the Director of the Department of Human Resources.]*

31 *[(4) In accordance with any applicable provisions of ORS 183.310 to 183.500, the office may make such*
 32 *rules as are necessary to carry out the provisions of ORS 184.750, 184.760, 184.900 and this section.]*

33 *[(5) The office shall be staffed by one administrator and one assistant administrator, both of whom shall be*
 34 *in the unclassified service, and by such other personnel as may be necessary. The Director of the Department of*
 35 *Human Resources shall appoint the administrator and the assistant administrator.]*

36 Section 14. ORS 327.525 is amended to read:

37 327.525. The School Lunch Revolving Account of the General Fund is continuously appropriated for the
 38 purposes of ORS 327.520 [*and 327.523*]. All money received under the provisions of ORS 327.520 [*and 327.523*]

shall be paid by the superintendent to the State Treasurer for credit to the School Lunch Revolving Account.

SECTION 15. In addition to its other powers, the Senior Services Division may adopt rules consistent with federal and state law and regulations for the purpose of providing social services, including protection, to elderly and adult disabled persons in need of, or who request, services that the division or area agencies are authorized to provide.

Section 16. ORS 441.630 is amended to read:

441.630. As used in ORS 441.630 to 441.680:

(1) "Abuse" means:

(a) Any physical injury to a patient of a long term care facility which has been caused by other than accidental means, including any injury which appears to be at variance with the explanation given of the injury.

(b) Neglect which leads to physical harm.

(c) Failure to provide direct patient care.

(2) "Division" means the *[Adult and Family]* Senior Services Division of the Department of Human Resources.

(3) "Law enforcement agency" means:

(a) Any city or municipal police department.

(b) Any county sheriff's office.

(c) The Oregon State Police.

(d) Any district attorney.

(4) "Public or private official" means:

(a) Physician, including any intern or resident.

(b) Licensed practical nurse or registered nurse.

(c) Employee of the Department of Human Resources, county health department, community mental health program or a long term care facility or person who contracts to provide services to a long term care facility.

(d) Peace officer.

(e) Clergyman.

(f) Registered social worker.

(g) Physical therapist.

(h) Legal counsel for a resident or guardian or family member of the resident.

Section 17. ORS 411.590 is amended to read:

411.590. A person who is employed as a housekeeper, homemaker or otherwise as a domestic servant in the house of a recipient of public assistance or services, whose compensation is paid in whole or in part by the Adult and Family Services Division, the Senior Services Division or the Children's Services Division and is not otherwise employed by *[either]* the division, shall not for any purposes be deemed to be an employe of the State of Oregon whether or not the division selects the person for employment or exercises any direction or control over the person's employment. Such person shall be deemed to be a nonsubject *[workman]* worker under ORS 656.027.

SECTION 18. (1) On written request of the Senior Services Division, the Executive Department shall draw warrants on amounts appropriated to the Senior Services Division for operating expenses for use by the division as a revolving fund. The revolving fund shall not exceed the aggregate sum of \$50,000 including

1 unreimbursed advances. The revolving fund shall be deposited with the State Treasurer to be held in a special
2 account against which the division may draw checks.

3 (2) The revolving fund may be used by the division to pay for travel expenses for employes of the division
4 and for any consultants or advisers for whom payment of travel expenses is authorized by law, or advances
5 therefor, or for purchases required from time to time or for receipt or disbursement of federal funds available
6 under federal law.

7 (3) All claims for reimbursement of amounts paid from the revolving fund shall be approved by the division
8 and by the Executive Department. When such claims have been approved, a warrant covering them shall be
9 drawn in favor of the division and charged against the appropriate fund or account, and shall be used to
10 reimburse the revolving fund.

11 **SECTION 19.** (1) There is established in the General Fund of the State Treasury an account to be known as
12 the Senior Services Account. All moneys in the Senior Services Account are continuously appropriated for and
13 shall be used by the Senior Services Division for the respective purposes authorized by law. The moneys in the
14 Senior Services Account and all appropriations for the Senior Services Division shall be subject to allotment
15 made by the Executive Department.

16 (2) The Senior Services Division shall keep a record of all moneys credited to and deposited in the Senior
17 Services Account. The record shall indicate by separate cumulative accounts the source from which the
18 moneys are derived and the individual activity or program against which each withdrawal is charged.

19 (3) The unobligated balance in the Senior Services Account on June 30 of each odd-numbered year shall be
20 determined by the Senior Services Division as of September 30 following the close of each biennium and
21 certified to the Executive Department. The amount certified pursuant to this subsection shall revert to the
22 General Fund and become available for general governmental purposes.

23 **SECTION 20.** The assistant director may appoint and employ such personnel as may be necessary for the
24 Senior Services Division and appoint and fix the compensation of all assistants and employes of the division.

25 **SECTION 21.** The Senior Services Division shall make and enforce rules governing the custody, use and
26 preservation of the records, papers, files and communications by any other agency or department of
27 government or person to which the records may be furnished. Use shall be limited to the purposes for which
28 the records are furnished and by the provisions of the law under which they may be furnished.

29 **SECTION 22.** For the protection of applicants for and recipients of services, the Senior Services Division
30 shall not disclose or use the contents of any records, files, papers or communications for purposes other than
31 those directly connected with the administration of the laws of Oregon, and these records, files, papers and
32 communications are considered confidential subject to the rules of the Senior Services Division, except as
33 otherwise provided in ORS 411.325 to 411.335 and section 24 of this Act. In any judicial proceedings, except
34 proceedings directly connected with the administration of public assistance laws, their contents are considered
35 privileged communications.

36 **SECTION 23.** Any reference to the Adult and Family Services Division or the Office of Elderly Affairs
37 with respect to such duties, functions and powers transferred by this Act is intended to be and shall be
38 considered a reference to the Senior Services Division of the Department of Human Resources.

39 **SECTION 24.** (1) The Adult and Family Services Division and the Office of Elderly Affairs whose duties,
40 functions and powers are assigned and transferred to the Senior Services Division by this Act shall transfer and

1 deliver to the Senior Services Division all supplies, materials, equipment, facilities, contracts, books, maps,
2 plans, papers, records and property of every description within its jurisdiction or control which relate to the
3 duties, functions and powers so transferred and shall also transfer thereto those employes engaged primarily in
4 the exercise of the duties, functions and powers so transferred. The Assistant Director for Senior Services
5 shall take possession of such property and shall take charge of such employes and, except as provided in
6 subsection (2) of this section, shall employ them in the exercise of their respective duties, functions and powers
7 assigned or transferred by this Act, without reduction of compensation.

8 (2) The Assistant Director for Senior Services may abolish positions and change duties to the extent that
9 the assistant director finds it desirable for the sound, efficient and economical administration and enforcement
10 of the duties, functions and powers transferred by this Act. However, in the case of any transfer of personnel
11 made pursuant to this section, any employe occupying a classified position who is so transferred shall, so far as
12 possible, retain the same salary classification and status.

13 (3) Any controversy relating to the transfers of property and employes made by this section shall be
14 resolved by the Director of the Executive Department.

15 **SECTION 25.** Nothing in this Act shall relieve any person of any obligation with respect to any tax, fee,
16 fine or other charge, interest, penalty, forfeiture or other liability, duty or obligation accruing under, or with
17 respect to, the duties, functions and powers transferred by this Act. After the effective date of this Act the
18 Senior Services Division may undertake the collection or enforcement of such tax, fee, fine, charge, interest,
19 penalty, forfeiture or other liability, duty or obligation; but such liability, duty or obligation shall not be
20 increased or decreased or continued beyond the period authorized by law for its existence or beyond the time
21 when it would have terminated if this Act had not been passed.

22 **SECTION 26.** (1) The Senior Services Division shall be considered and held to constitute a continuation of
23 the Adult and Family Services Division and the Office of Elderly Affairs with respect to powers, functions and
24 duties and obligations of the Adult and Family Services Division or the Office of Elderly Affairs legally
25 incurred under contracts, leases and business transactions executed, entered into or commenced prior to the
26 effective date of this Act. The Senior Services Division shall exercise such rights, powers, duties and
27 obligations with the same force and effect as if they had not been transferred; but such right, power, duty or
28 obligation shall not be continued beyond the period authorized by law for its existence or beyond the time when
29 it would have terminated if this Act had not been passed.

30 (2) The continuation of powers and functions described in this section shall include rulemaking authority
31 pertaining to functions, duties and obligations transferred by this Act, and rulemaking authority for functions,
32 duties and obligations established by this Act.

33 **SECTION 27.** Any proceeding, court action, prosecution or other business or matter undertaken or
34 commenced prior to the effective date of this Act by the Adult and Family Services Division or Office of
35 Elderly Affairs with respect to the duties, functions or powers which are by this Act assigned and transferred to
36 the Senior Services Division, and still pending on the effective date of this Act, may be conducted and
37 completed by the Senior Services Division in the same manner and under the same terms and conditions and
38 with the same effect as though it were undertaken or commenced and were conducted or completed by the
39 Adult and Family Services Division or the Office of Elderly Affairs prior to transfer.

1 SECTION 28. (1) Whenever in any other law or resolution of the Legislative Assembly, or in any rule,
 2 regulation, document, record or proceeding authorized by the same, any word or phrase is used in reference to
 3 or descriptive of the Adult and Family Services Division or the Office of Elderly Affairs whose duties,
 4 functions or powers are by this Act assigned or transferred, such word, phrase or reference shall, after the
 5 effective date of this Act, unless the context or provisions of this Act require otherwise, be considered to refer
 6 to, include and describe the Senior Services Division which is charged with carrying out such powers, functions
 7 and duties, as the context and provisions of this Act may require.

8 (2) Notwithstanding the transfer of duties, functions and powers by this Act, any lawful authorization,
 9 designation, determination, directive, license, order, permit, policy, privilege, rule or other action of the Adult
 10 and Family Services Division or the Office of Elderly Affairs whose powers, functions and duties are by this
 11 Act assigned and transferred to the Senior Services Division, in effect on the effective date of this Act, shall
 12 continue in effect until superseded by, or repealed by the lawful action of the Senior Services Division, but it
 13 shall not continue any such action beyond the period authorized by law for its existence or beyond the time
 14 when the action would have terminated if this Act had not been passed.

15 SECTION 29. The functions of the Adult and Family Services Division or the Office of Elderly Affairs
 16 described in this Act are transferred to and vested in the Senior Services Division.

17 SECTION 30. Nothing in this Act requires an area agency or local governmental unit to expend local funds
 18 for the purpose of maintaining or expanding services to elderly and adult disabled persons.

19 SECTION 31. ORS 184.860, 327.523, 413.025 and 441.081 are repealed.

20 Section 32. If House Bill 5036 becomes law, section 1, chapter , Oregon Laws 1981 (Enrolled
 21 House Bill 5036), is amended to read:

22 Sec. 1. There is appropriated to the Office of the Director of the Department of Human Resources, for the
 23 biennium beginning July 1, 1981, out of the General Fund, the amount of [~~\$5,160,289~~] \$

24 Section 33. If House Bill 5036 becomes law, section 2, chapter , Oregon Laws 1981 (Enrolled
 25 House Bill 5036), is amended to read:

26 Sec. 2. Notwithstanding any other law, the amount of [~~\$12,341,721~~] \$ is established for the
 27 biennium beginning July 1, 1981, as the maximum limit for payment of expenses from fees, moneys or other
 28 revenues, including Miscellaneous Receipts, excluding federal funds, collected or received by the Office of the
 29 Director of the Department of Human Resources.

30 Section 34. If House Bill 5036 becomes law, section 3, chapter , Oregon Laws 1981 (Enrolled
 31 House Bill 5036), is amended to read:

32 Sec. 3. Notwithstanding any other law, the amount of [~~\$60,765,223~~] \$ is established for the
 33 biennium beginning July 1, 1981, as the maximum limit for the payment of expenses from federal funds
 34 collected or received by the Office of the Director of the Department of Human Resources.

35 Section 35. If Senate Bill 5532 becomes law, section 1, chapter , Oregon Laws 1981 (Enrolled
 36 Senate Bill 5532), is amended to read:

37 Sec. 1. There are appropriated to the Adult and Family Services Division of the Department of Human
 38 Resources, for the biennium beginning July 1, 1981, out of the General Fund, the following amounts, which
 39 shall be placed in the Public Welfare Account in quarterly instalments based upon estimates of expenditure
 40 requirements approved by the Executive Department, to be expended for the following purposes:

1	(1) Assistance payments and related		
2	expenses	\$ 130,896,269	
3	(2) Long-term care	[\$ 87,904,492]	\$ _____
4	(3) Medical assistance for the		
5	categorically needy and		
6	general assistance		
7	medical payments.....	[\$ 109,205,970]	\$ _____
8	(4) Special projects	\$ 154,165	
9	(5) Administrative expenses.....	[\$ 70,909,628]	\$ _____

10 Section 36. If Senate Bill 5532 becomes law, section 2, chapter _____, Oregon Laws 1981 (Enrolled
 11 Senate Bill 5532), is amended to read:

12 Sec. 2. Notwithstanding any other law, the following amounts are established for the biennium beginning
 13 July 1, 1981, as the maximum limits for payment of expenses from fees, moneys or other revenues, including
 14 Miscellaneous Receipts, excluding federal funds, collected or received by the Adult and Family Services
 15 Division of the Department of Human Resources:

16	(1) Assistance payments and related		
17	expenses	\$ 26,242,967	
18	(2) Medical assistance for the		
19	categorically needy and		
20	general assistance payments	[\$ 5,004,677]	\$ _____
21	(3) Administrative expenses.....	[\$ 2,639,843]	\$ _____

22 Section 37. If Senate Bill 5532 becomes law, section 3, chapter _____, Oregon Laws 1981 (Enrolled
 23 Senate Bill 5532), is amended to read:

24 Sec. 3. Notwithstanding any other law, the following amounts are established for the biennium beginning
 25 July 1, 1981, as the maximum limits for the payment of expenses from federal funds received by the Adult and
 26 Family Services Division of the Department of Human Resources. Such amounts shall be credited to the Public
 27 Welfare Account within the General Fund as they are made available by the United States Government and
 28 subject to the approval of the Executive Department, may be expended for the following purposes:

29	(1) Assistance payments and related		
30	expenses	\$ 138,413,098	
31	(2) Long-term care	[\$ 101,609,727]	\$ _____
32	(3) Medical assistance for the		
33	categorically needy and		
34	general assistance medical		
35	payments.....	[\$ 94,497,655]	\$ _____
36	(4) Special projects	\$ 68,989,424	
37	(5) Administrative expenses.....	[\$ 100,130,368]	\$ _____

38 SECTION 38. (1) There are appropriated to the Senior Services Division of the Department of Human
 39 Resources, for the biennium ending June 30, 1983, out of the General Fund, the following amounts, which shall

1 be placed in the Senior Services Account in quarterly instalments based upon estimates of expenditure
2 requirements approved by the Executive Department, to be expended for the following purposes:

- 3 (a) Long-term care \$ _____
- 4 (b) Administrative expenses \$ _____

5 (2) Notwithstanding any other law, the following amounts are established for the biennium ending June 30,
6 1983, as the maximum limits for payment of expenses from fees, moneys or other revenues, including
7 Miscellaneous Receipts, excluding federal funds, collected or received by the Department of Human
8 Resources:

- 9 (a) Long-term care \$ _____
- 10 (b) Administrative expenses \$ _____

11 (3) Notwithstanding any other law, the following amounts are established for the biennium beginning July
12 1, 1981, as the maximum limits for the payment of expenses from federal funds received by the Senior Services
13 Division of the Department of Human Resources. Such amounts shall be credited to the Senior Services
14 Account within the General Fund as they are made available by the United States Government and, subject to
15 the approval of the Executive Department, may be expended for the following purposes:

- 16 (a) Long-term care \$ _____
- 17 (b) Administrative expenses \$ _____

18 **SECTION 39.** (1) This Act becomes effective on October 1, 1981; except that sections 4, 5, 9, 14 to 19 of
19 this Act are operative on July 1, 1982.

20 (2) Notwithstanding subsection (1) of this section specific components of this Act may be implemented at
21 later dates at the discretion of the Assistant Director for Senior Services.

22 (3) Each unit of local government potentially affected by this Act must notify the Senior Services Division
23 of its intent to participate in this Act on or before January 1, 1982.

24 **SECTION 40.** This Act being necessary for the immediate preservation of the public peace, health and
25 safety, an emergency is declared to exist, and this Act takes effect October 1, 1981.

C O N F L I C T N O T I C E

Fasten This Notice Inside Original Bill Folder,
so that the above heading is plainly visible

To a HOUSE Committee if a SENATE Bill

To a SENATE Committee if a HOUSE Bill

Senate Bill 955 amends or repeals the same statute section as Senate Bill 450 which has passed both the House and the Senate. There may be a conflict between the bills.

If there is no conflict in purpose or if this conflict has been taken care of, please disregard this notice. If not, when you are ready to report the bill out and you desire our assistance in preparing a corrective conflict amendment, please call Kathleen Beaufait or Mary Wilkerson at ext. 8-8148.

If an unresolved conflict exists and this bill is scheduled for 3rd Reading, notify the Chief Clerk of the House or the Secretary of the Senate at once.

TO: Chairman

Senate Committee on Human Resources/Aging

Room 447C

FROM: Legislative Counsel's Office

DATE: 7/10/81

MEASURE SUMMARY

1
2 Creates, operative July 1, 1982, Senior Services Division in
3 the Department of Human Resources to provide social services to
4 elderly and adult disabled persons. Changes name of Governor's
5 Commission on Aging to Governor's Commission on Aging and the
6 Disabled. Transfers certain functions from Office of Elderly Affairs
7 and Adult and Family Services Division to the Senior Services
8 Division. Appropriates \$_____ to the Senior Services Division for
9 biennium. Changes biennial appropriation to Department of Human
10 Resources and Adult and Family Services Division. Declares
11 emergency, effective October 1, 1981.

A BILL FOR AN ACT

1
2 Relating to social services; creating new provisions; amending ORS
3 184.750, 184.865, 184.900, 327.525, 411.590 and 441.630 and
4 sections 1, 2 and 3, chapter_____, Oregon Laws 1981 (Enrolled
5 House Bill 5036), and sections 1, 2 and 3, chapter_____, Oregon
6 Laws 1981 (Enrolled Senate Bill 5532); repealing ORS 184.860,
7 327.523, 413.025 and 441.081; appropriating money; and declaring
8 an emergency.

9 Be It Enacted by the People of the State of Oregon:

10 SECTION 1. As used in this Act:

11 (1) "Area agency" means:

12 (a) An established or proposed Area Agency on Aging operating or
13 to operate within a planning and service area designated under
14 Section 305 of the Older Americans Act; or

15 (b) Any public or nonprofit private agency which is designated
16 as an Area Agency on Aging under Section 305 of the Older Americans
17 Act.

18 (2) "Area agency board" means the local policy-making board
19 which directs the actions of the area agency within state and
20 federal laws and regulations.

21 (3) "Disabled" means all persons with physical or mental
22 handicaps who are eligible or potentially eligible for services
23 under this Act.

24 (4) "Division" means the Senior Services Division of the
25 Department of Human Resources.

26 (5) "Elderly" means persons who are 60 years of age or older.

27 (6) "Protective services" means a service to be provided by the
28 Senior Services Division through area agencies, in response to the

1 need for protection from harm or neglect to the elderly and the
2 disabled.

3 (7) "Local government" means a political subdivision of the
4 state whose authority is general and not limited to only one
5 function or combination of related functions, or a combination of
6 units of general purpose local governments as defined in ORS
7 190.003.

8 SECTION 2. The State of Oregon finds that the needs of the
9 elderly and the adult disabled population can be best served and
10 planned for at the local community level; that a longer life
11 expectancy and a growing elderly population demands services be
12 provided in a coordinated manner and a single local agency system
13 for such services be instituted; that local resources and volunteer
14 help will augment state funds and needed manpower; that local
15 flexibility in providing services be encouraged; and that a single
16 state agency should regulate and provide leadership to insure that
17 the elderly and the adult disabled citizens of Oregon will receive
18 the necessary care and services at the least cost and in the least
19 confining situation.

20 SECTION 3. (1) The Senior Services Division is created in the
21 Department of Human Resources. The division shall administer laws
22 and programs relating to social, health and protective services to
23 elderly and adult disabled persons.

24 (2) The division shall:

25 (a) Serve as the central state agency with primary
26 ~~responsibility~~ ^{responsibility} for the planning, coordination, development and
27 evaluation of policy, programs and services for the elderly and the
28 adult disabled persons in Oregon and serve as the designated state
29 unit on aging, as defined in the Older Americans Act of 1965.

1 (b) With the advice of the Governor's Commission on Aging and
2 the Disabled, develop long-range state plans for programs, services
3 and activities for elderly and adult disabled persons, to be revised
4 and implemented annually. State plans should be based on area agency
5 plans, state-wide priorities and state and federal requirements.

6 (c) Enter into such contracts and make such grants within the
7 limits of appropriated funds, as are necessary or appropriate to the
8 performance of its duties or the execution of its powers under this
9 Act.

10 (d) Have the authority to transfer funds from one area agency to
11 another area agency after consultation with the area agencies
12 involved in the transfer. However, no area agency shall suffer a
13 reduction in state or federal funds due to increased local funds.

14 (e) Have the authority to transfer funds from one program or
15 service to another program or service after consultation with the
16 area agencies. However, no area agency shall suffer a reduction in
17 state or federal funds due to increased local funds.

18 (f) Receive and disburse all federal and state funds allocated
19 to the division; solicit, accept and administer grants, including
20 Federal Government grants or gifts made to the division or to the
21 state for the benefit of elderly and adult disabled persons in the
22 state.

23 (g) Hold hearings and conduct studies or investigations
24 concerning all matters affecting health, safety and welfare of
25 elderly and adult disabled persons as are necessary or desirable to
26 carry out the purposes of this Act.

27 (h) Assure the rights of individuals to apply for and receive
28 services and to be given fair hearings when such services are
29 denied.

- 1 (i) Prepare federally required plans and reports.
- 2 (j) Process fiscal and client data for all area agencies.
- 3 (k) Pay Title III payments for services within a central payment
4 processing system, except at the option of the area agency.
- 5 (L) Conduct regulatory functions with regard to program
6 operation, including administrative rules for authorized services,
7 standard rate setting and quality assurance.
- 8 (m) Conduct research and other appropriate activities to
9 determine the needs of elderly and adult disabled persons in this
10 state, including, but not limited to, their needs for social and
11 health services; and to determine what existing services and
12 facilities, private and public, are available to elderly and adult
13 disabled persons to meet those needs.
- 14 (n) Maintain a clearinghouse for information related to the
15 needs and interests of elderly and adult disabled persons.
- 16 (o) Provide information and technical assistance to the
17 Governor's Commission on Aging and the Disabled, and keep the
18 commission continually informed of the activities of the division.
- 19 (p) Make recommendations for legislative action to the Governor
20 and to the Legislative Assembly, after consultation with the
21 Governor's Commission on Aging and the Disabled.
- 22 (q) Provide technical and program assistance to area agencies.
- 23 (r) Provide training assistance to area agencies.
- 24 (s) Provide area agencies with assistance in applying for
25 federal, state and private grants and identifying new funding
26 sources.
- 27 (t) Assist the area agencies in providing technical assistance
28 and training to agencies and organizations, both public and private,

1 with respect to programs and services for elderly and adult disabled
2 persons.

3 (u) Assist area agencies to stimulate more effective use of
4 existing resources and services for elderly and adult disabled
5 persons and develop programs, opportunities and services which are
6 not otherwise provided for elderly persons, with the aim of
7 developing a comprehensive and coordinated system for the delivery
8 of social services to elderly and adult disabled persons.

9 (v) Serve as an advocate within government and in the state for
10 elderly and adult disabled persons.

11 SECTION 4. The Senior Services Division shall have
12 responsibility for all programs and functions performed by the
13 Office of Elderly Affairs and the Adult and Family Services
14 Division, Social and Long[#]term Care Services. uv? ?

15 SECTION 5. (1) The Department of Human Resources is the
16 designated single state agency for all federal programs under this
17 Act.

18 (2) Except as provided in subsections (5) to (7) of this ~~act~~, ^{section} the
19 administration of services to clients under this Act shall be X
20 through area agencies, and shall comply with all applicable federal
21 regulations.

22 (3) A local government shall be responsible for all actions of
23 the area agency including but not limited to, the accountability for
24 funds and compliance with federal and state laws and rules. Such
25 responsibility shall include all geographic areas in which the area
26 agency is designated to operate.

27 (4) Except as specified in subsection (7) of this section, the
28 respective local government shall appoint a director of the area
29 agency in its jurisdiction who must meet minimum qualifications

1 established by the division. The director shall serve with the
2 continuing approval of the Assistant Director for Senior Services.
3 Withdrawal of continuing approval is appealable to the Director of
4 Human Resources and the Governor by the local government.

5 (5) In the event that a local government withdraws the
6 designation of an area agency, or the division withdraws the area
7 agency designation in accordance with the Older Americans Act, the
8 division shall administer the services to clients previously
9 performed by the area agency until a new area agency is designated.

10 (6) The division may withdraw any particular program or service,
11 except Title III programs, from the area agency, and administer such
12 programs and services. Before such action is taken, the division
13 must consult with the director of the area agency and the chief
14 elected official of the affected local government. Such action shall
15 be taken by the division only when it can be shown the federal or
16 state laws or rules have not been adhered to, state or federal funds
17 are not being expended for the purposes for which they were
18 intended, or that the elderly or the adult disabled are not
19 receiving appropriate services within available resources.

20 (7) If, after negotiation with the division and the designated
21 area agency, the appropriate local elected official does not assume
22 direct responsibility, or does not delegate by resolution or
23 ordinance program responsibility to an existing private nonprofit
24 organization which has been duly designated by the state as the area
25 agency, the division shall assume program responsibility. In such
26 case, the division shall administer Title III programs through the
27 area agency unless subsection (5) of this section is operative. All
28 other programs shall be administered by the division. In such case:

1 (a) The area agency board shall appoint the director of the area
2 agency.

3 (b) The director must meet the qualifications set forth in
4 subsection (4) of this section.

5 SECTION 6. (1) Each area agency shall have an area agency
6 advisory council, with members appointed by the local government,
7 including both elderly and adult disabled persons.

8 (2) Each area agency advisory council shall:

9 (a) Recommend basic policy guidelines for the administration of
10 the activities of the area agencies on behalf of elderly and adult
11 disabled persons, and advise the area agency on questions of policy.

12 (b) Advise the area agency with respect to development of the
13 area plan and budget, and review and comment on the completed area
14 plan and budget before its transmittal to the ~~administrator of the~~
15 ~~division.~~ *Assistant Director for Senior Services* (B)

16 (c) Review and evaluate the effectiveness of the area agency in
17 meeting the needs of elderly and adult disabled persons in the
18 planning and service area.

19 (d) Meet at least quarterly. The meetings shall be open to the
20 public and reasonable advance public notice of meetings shall be
21 given.

22 SECTION 7. Each area agency shall:

23 (1) Conduct local planning functions for all funding sources,
24 including Title XIX and XX of the Social Security Act, Title III of
25 the Older Americans Act and Oregon Project Independence.

26 (2) Develop a local plan for service delivery which complies
27 with federal and state requirements and locally determined
28 objectives consistent with the state policy on aging. This plan
29 shall be reviewed and approved by the division.

1 (3) Assess the needs of elderly and adult disabled persons
2 within the planning and service delivery area for service for social
3 and health services, and determine what resources are currently
4 available to meet those needs.

5 (4) Assume the responsibility of determining services required
6 to meet the needs of elderly or adult disabled persons, assure that
7 such services are provided within the resources available and
8 determine when such services are no longer needed.

9 (5) Provide protective services to elderly and adult disabled
10 persons.

11 (6) Endeavor to coordinate and expand existing resources in
12 order to develop within its planning and service area a
13 comprehensive and coordinated system for the delivery of social and
14 health services to elderly and adult disabled persons.

15 (7) Serve as an advocate within government and within the
16 community at large for the interests of elderly and adult disabled
17 persons within its planning and service area.

18 (8) Make grants to or enter into contracts with any public or
19 private agency for the provision of social or health services not
20 otherwise sufficiently available to elderly and adult disabled
21 persons within the planning and service area. Grants and contracts
22 shall require the prior approval of the division, unless otherwise
23 prohibited by federal statutes or regulations.

24 (9) Monitor and evaluate the activities of its service providers
25 to insure that the services being provided comply with the terms of
26 the grant or contract. Where a provider is found to be in breach of
27 the terms of its grant or contract, the area agency shall exercise
28 its full rights under the law to obtain such relief, restitution,
29 improvement in services or discharge from its obligation under the

1 grant or contract as is necessary or appropriate under the
2 circumstances.

3 (10) Conduct research, evaluation, demonstration or training
4 activities appropriate to the achievement of the goal of improving
5 the quality of life for elderly and adult disabled persons within
6 its planning and service area.

7 (11) Comply with division requirements that have been developed
8 in consultation with the area agencies for client and fiscal
9 information and provide to the division information necessary for
10 federal and state reporting, program evaluation or research needs.

(11 SECTION 8. Each area agency may use, with the consent of state
12 and municipal departments and agencies, their services, equipment,
13 facilities and personnel, and pay therefor, within the limits of its
14 resources, as agreed between the agencies and to cooperate with
15 other public and private agencies as to the use of services,
16 equipment and facilities.

17 SECTION 9. (1) Those state employes whose duties involve
18 services assumed by an area agency shall be transferred to and
19 supervised by that area agency under the provisions of ORS 236.610
20 to 236.650.

21 (2) An area agency may choose to contract with the division for
22 services, or may choose to have the employes become employes of the
23 area agency. Any state employe transferred to an area agency shall
24 not suffer any reduction in salary or loss of employe benefits as a
25 result of the transfer.

26 (3) Prior to the transfer of any state employe to any other
27 public employer under this Act, at a date to be determined by the
28 Assistant Director for Senior Services, each area agency shall
29 prepare a plan in coordination with local staff of the Adult and

1 Family Services Division for implementation of this Act. The plan
2 shall show how statutory responsibilities are to be met and how all
3 staff are to be utilized. The plan must be approved by the division,
4 and the rights of transferred employees under ORS 236.610 to 236.650
5 given the greatest possible consideration.

6 (4) When an Adult and Family Services Division employe is
7 transferred to an area agency as a result of this Act, and the
8 position of that employe in the area agency is subsequently
9 abolished for reasons other than for unsatisfactory performance of
10 duties, that employe retains the same layoff rights as if the
11 employe had continued to be employed by the state for a period of
12 one year from the date of the transfer.

13 Section 10. ORS 184.900 is amended to read:

14 184.900. (1) The Governor's Commission on Aging and the
15 Disabled is created. The commission shall consist of at least [19]
16 21 members appointed by the Governor for terms of three years.

17 (2) Prior to making appointments, the Governor shall request and
18 consider recommendations from the area agencies on aging and other
19 interested senior organizations. The Governor shall designate a
20 member to serve at [his] the pleasure of the Governor as chairman
21 for a term of two years with such duties as [he] the Governor shall
22 prescribe. The membership of the commission shall be composed of
23 [members] persons broadly representative of major public and private
24 agencies who are experienced in or have demonstrated particular
25 interest in the special needs of [the] elderly and adult disabled
26 persons, including [citizens] persons who have been active in
27 [senior] organizations and advocates on behalf of [senior citizens]
28 elderly and adult disabled persons. [Of the members appointed to the
29 commission under this subsection, a majority shall be] Membership

1 shall include actual consumers of services under the [aging] Senior
2 Services Division programs, including low income and minority
3 [older] persons [at least in proportion to the number of minority
4 and older persons in the state]. At least a majority of members
5 shall be 60 years of age or older.

6 [(2)] (3) In addition to the members of the commission appointed
7 under subsection (1) of this section, the President of the Senate
8 shall appoint one member from the Senate and the Speaker of the
9 House of Representatives shall appoint one member from the House of
10 Representatives. [The members of the commission appointed under this
11 subsection shall be entitled to actual and necessary expenses.]

12 [(3)] (4) The Governor's Commission on Aging and the Disabled
13 shall advise the Governor, [and] the Director of the Department of
14 Human Resources and the Assistant Director for Senior Services on
15 needs of [the] elderly and adult disabled persons, and recommend
16 actions by the Governor, the Department of Human Resources, the
17 Senior Services Division, other governmental entities and the
18 private sector, appropriate to meet such needs.

19 [(4)] (5) The commission shall have authority to study programs
20 and budgets of all state agencies which affect [senior citizens]
21 elderly and adult disabled persons. After such study, the commission
22 shall make recommendations to the Governor and to the agencies
23 involved. Such recommendations shall be designed to provide
24 coordination of programs for [the] elderly or disabled persons, to
25 avoid unnecessary duplication in provision of services, and to point
26 out gaps in provision of services. The commission shall also
27 recommend development of a comprehensive plan for delivery of
28 services to [the] elderly and adult disabled persons. In carrying
29 out these tasks, the commission shall coordinate its efforts with

1 other advisory groups within the Department of Human Resources to
2 avoid duplication of effort.

3 [(5)] (6) The commission shall promote responsible state-wide
4 advocacy for [senior citizens] elderly and adult disabled persons.

5 [(6)] (7) Members of the commission, other than legislators,
6 shall be entitled to compensation and expenses as provided in ORS
7 292.495.

8 SECTION 11. On the effective date of this Act, the terms of
9 incumbent members of the Governor's Commission on Aging shall end.
10 In the first year appointments required by ORS 104.900 as amended by
11 section 10 of this Act are made, the members will be appointed as
12 follows:

- 13 (1) One-third shall be appointed for one year;
- 14 (2) One-third shall be appointed for two years; and
- 15 (3) One-third shall be appointed for three years.

16 Section 12. ORS 184.750 is amended to read:

17 184.750. (1) The Department of Human Resources is created.

18 (2) The Department of Human Resources shall provide programs for
19 the delivery to the public of services relating to public
20 assistance, children and families, health and health-related
21 affairs, mental health, corrections, employment, vocational
22 rehabilitation, [aging,] elderly and adult disabled persons and such
23 other services as may be assigned to the Department of Human
24 Resources.

25 (3) The Department of Human Resources shall provide the programs
26 and services enumerated in subsection (2) of this section through
27 the divisions and other organizational units, including but not
28 limited to the following:

29 (a) The Adult and Family Services Division;

- 1 (b) The Children's Services Division;
- 2 (c) The Mental Health Division;
- 3 (d) The Corrections Division;
- 4 (e) The Employment Division;
- 5 (f) The Vocational Rehabilitation Division;
- 6 (g) The Health Division; and
- 7 (h) The [Office of Elderly Affairs] Senior Services Division.

8 (4) The Department of Human Resources shall be the recipient of
9 all federal funds paid or to be paid to the state to enable the
10 state to provide the programs and services assigned to the
11 Department of Human Resources.

12 Section 13. ORS 184.865 is amended to read:

13 184.865. (1) The Department of Human Resources is directed to
14 develop and place in effect a program of supportive social services
15 for persons age 60 or older.

16 (2) The Department of Human Resources is authorized to develop
17 and adopt such rules as necessary for the sound, efficient and
18 economical administration of the provisions of this section and ORS
19 184.900 to 184.910, including the implementation of a fee for
20 service schedule based upon ability to pay, and to assure that no
21 eligible person, resident in a skilled nursing home or intermediate
22 care facility, shall be removed and placed in an alternative care
23 program unless such services are determined to be more appropriate
24 for the individual citizen based upon appropriate, individual,
25 service considerations.

26 [(3) There is hereby created an Office of Elderly Affairs in the
27 Department of Human Resources. The office shall have responsibility
28 for all programs and functions heretofore performed by the State
29 Program on Aging and the Office of Special Assistant for Programs

1 for the Elderly, and for such other functions as shall be assigned
2 to it by the Legislative Assembly, the Governor or the Director of
3 the Department of Human Resources.]

4 [(4) In accordance with any applicable provisions of ORS 183.310
5 to 183.500, the office may make such rules as are necessary to carry
6 out the provisions of ORS 184.750, 184.760, 184.900 and this
7 section.]

8 [(5) The office shall be staffed by one administrator and one
9 assistant administrator, both of whom shall be in the unclassified
10 service, and by such other personnel as may be necessary. The
11 Director of the Department of Human Resources shall appoint the
12 administrator and the assistant administrator.]

13 Section 14. ORS 327.525 is amended to read:

14 327.525. The School Lunch Revolving Account of the General Fund
15 is continuously appropriated for the purposes of ORS 327.520 [and
16 327.523]. All money received under the provisions of ORS 327.520
17 [and 327.523] shall be paid by the superintendent to the State
18 Treasurer for credit to the School Lunch Revolving Account.

19 SECTION 15. In addition to its other powers, the Senior Services
20 Division may adopt rules consistent with federal and state law and
21 regulations for the purpose of providing social services, including
22 protection, to elderly and adult disabled persons in need of, or who
23 request, services that the division or area agencies are authorized
24 to provide.

25 Section 16. ORS 441.630 is amended to read:

26 441.630. As used in ORS 441.630 to 441.680:

27 (1) "Abuse" means:

28 (a) Any physical injury to a patient of a long term care
29 facility which has been caused by other than accidental means,

1 including any injury which appears to be at variance with the
2 explanation given of the injury.

3 (b) Neglect which leads to physical harm.

4 (c) Failure to provide direct patient care.

5 (2) "Division" means the [Adult and Family] Senior Services
6 Division of the Department of Human Resources.

7 (3) "Law enforcement agency" means:

8 (a) Any city or municipal police department.

9 (b) Any county sheriff's office.

10 (c) The Oregon State Police.

(11 (d) Any district attorney.

12 (4) "Public or private official" means:

13 (a) Physician, including any intern or resident.

14 (b) Licensed practical nurse or registered nurse.

15 (c) Employee of the Department of Human Resources, county health
16 department, community mental health program or a long term care
17 facility or person who contracts to provide services to a long term
18 care facility.

19 (d) Peace officer.

20 (e) Clergyman.

21 (f) Registered social worker.

22 (g) Physical therapist.

23 (h) Legal counsel for a resident or guardian or family member of
24 the resident.

25 Section 17. ORS 411.590 is amended to read:

26 411.590. A person who is employed as a housekeeper, homemaker
27 or otherwise as a domestic servant in the house of a recipient of
28 public assistance or services, whose compensation is paid in whole
29 or in part by the Adult and Family Services Division, the Senior

1 Services Division or the Children's Services Division and is not
2 otherwise employed by [either] the division, shall not for any
3 purposes be deemed to be an employe of the State of Oregon whether
4 or not the division selects the person for employment or exercises
5 any direction or control over the person's employment. Such person
6 shall be deemed to be a nonsubject [workman] worker under ORS
7 656.027.

8 SECTION 18. (1) On written request of the Senior Services
9 Division, the Executive Department shall draw warrants on amounts
10 appropriated to the Senior Services Division for operating expenses
11 for use by the division as a revolving fund. The revolving fund
12 shall not exceed the aggregate sum of \$50,000 including unreimbursed
13 advances. The revolving fund shall be deposited with the State
14 Treasurer to be held in a special account against which the division
15 may draw checks.

16 (2) The revolving fund may be used by the division to pay for
17 travel expenses for employes of the division and for any consultants
18 or advisers for whom payment of travel expenses is authorized by
19 law, or advances therefor, or for purchases required from time to
20 time or for receipt or disbursement of federal funds available under
21 federal law.

22 (3) All claims for reimbursement of amounts paid from the
23 revolving fund shall be approved by the division and by the
24 Executive Department. When such claims have been approved, a warrant
25 covering them shall be drawn in favor of the division and charged
26 against the appropriate fund or account, and shall be used to
27 reimburse the revolving fund.

28 SECTION 19. (1) There is established in the General Fund of the
29 State Treasury an account to be known as the Senior Services

1 Account. All moneys in the Senior Services Account are continuously
2 appropriated for and shall be used by the Senior Services Division
3 for the respective purposes authorized by law. The moneys in the
4 Senior Services Account and all appropriations for the Senior
5 Services Division shall be subject to allotment made by the
6 Executive Department.

7 (2) The Senior Services Division shall keep a record of all
8 moneys credited to and deposited in the Senior Services Account. The
9 record shall indicate by separate cumulative accounts the source
10 from which the moneys are derived and the individual activity or
11 program against which each withdrawal is charged.

12 (3) The unobligated balance in the Senior Services Account on
13 June 30 of each odd-numbered year shall be determined by the Senior
14 Services Division as of September 30 following the close of each
15 biennium and certified to the Executive Department. The amount
16 certified pursuant to this subsection shall revert to the General
17 Fund and become available for general governmental purposes.

18 SECTION 20. The ~~administrator~~ ^{assistant director} may appoint and employ such
19 personnel as may be necessary for the Senior Services Division and
20 appoint and fix the compensation of all assistants and employes of
21 the division.

22 SECTION 21. The Senior Services Division shall make and enforce
23 rules governing the custody, use and preservation of the records,
24 papers, files and communications by any other agency or department
25 of government or person to which the records may be furnished. Use
26 shall be limited to the purposes for which the records are furnished
27 and by the provisions of the law under which they may be furnished.

28 SECTION 22. For the protection of applicants for and recipients
29 of services, the Senior Services Division shall not disclose or use

1 the contents of any records, files, papers or communications for
2 purposes other than those directly connected with the administration
3 of the laws of Oregon, and these records, files, papers and
4 communications are considered confidential subject to the rules of
5 the Senior Services Division, except as otherwise provided in ORS
6 411.325 to 411.335 and section 24 of this Act. In any judicial
7 proceedings, except proceedings directly connected with the
8 administration of public assistance laws, their contents are
9 considered privileged communications.

10 SECTION 23. Any reference to the Adult and Family Services
11 Division or the Office of Elderly Affairs with respect to such
12 duties, functions and powers transferred by this Act is intended to
13 be and shall be considered a reference to the Senior Services
14 Division of the Department of Human Resources.

15 SECTION 24. (1) The Adult and Family Services Division and the
16 Office of Elderly Affairs whose duties, functions and powers are
17 assigned and transferred to the Senior Services Division by this Act
18 shall transfer and deliver to the Senior Services Division all
19 supplies, materials, equipment, facilities, contracts, books, maps,
20 plans, papers, records and property of every description within its
21 jurisdiction or control which relate to the duties, functions and
22 powers so transferred and shall also transfer thereto those employes
23 engaged primarily in the exercise of the duties, functions and
24 powers so transferred. The Assistant Director for Senior Services
25 shall take possession of such property and shall take charge of such
26 employes and, except as provided in subsection (2) of this section,
27 shall employ them in the exercise of their respective duties,
28 functions and powers assigned or transferred by this Act, without
29 reduction of compensation.

1 (2) The Assistant Director for Senior Services may abolish
2 positions and change duties to the extent that the assistant
3 director finds it desirable for the sound, efficient and economical
4 administration and enforcement of the duties, functions and powers
5 transferred by this Act. However, in the case of any transfer of
6 personnel made pursuant to this section, any employe occupying a
7 classified position who is so transferred shall, so far as possible,
8 retain the same salary classification and status.

9 (3) Any controversy relating to the transfers of property and
10 employes made by this section shall be resolved by the Director of
11 the Executive Department.

12 SECTION 25. Nothing in this Act shall relieve any person of any
13 obligation with respect to any tax, fee, fine or other charge,
14 interest, penalty, forfeiture or other liability, duty or obligation
15 accruing under, or with respect to, the duties, functions and powers
16 transferred by this Act. After the effective date of this Act the
17 Senior Services Division may undertake the collection or enforcement
18 of such tax, fee, fine, charge, interest, penalty, forfeiture or
19 other liability, duty or obligation; but such liability, duty or
20 obligation shall not be increased or decreased or continued beyond
21 the period authorized by law for its existence or beyond the time
22 when it would have terminated if this Act had not been passed.

23 SECTION 26. (1) The Senior Services Division shall be considered
24 and held to constitute a continuation of the Adult and Family
25 Services Division and the Office of Elderly Affairs with respect to
26 powers, functions and duties and obligations of the Adult and Family
27 Services Division or the Office of Elderly Affairs legally incurred
28 under contracts, leases and business transactions executed, entered
29 into or commenced prior to the effective date of this Act. The

1 Senior Services Division shall exercise such rights, powers, duties
2 and obligations with the same force and effect as if they had not
3 been transferred; but such right, power, duty or obligation shall
4 not be continued beyond the period authorized by law for its
5 existence or beyond the time when it would have terminated if this
6 Act had not been passed.

7 (2) The continuation of powers and functions described in this
8 section shall include rulemaking authority pertaining to functions,
9 duties and obligations transferred by this Act, and rulemaking
10 authority for functions, duties and obligations established by this
11 Act.

12 SECTION 27. Any proceeding, court action, prosecution or other
13 business or matter undertaken or commenced prior to the effective
14 date of this Act by the Adult and Family Services Division or Office
15 of Elderly Affairs with respect to the duties, functions or powers
16 which are by this Act assigned and transferred to the Senior
17 Services Division, and still pending on the effective date of this
18 Act, may be conducted and completed by the Senior Services Division
19 in the same manner and under the same terms and conditions and with
20 the same effect as though it were undertaken or commenced and were
21 conducted or completed by the Adult and Family Services Division or
22 the Office of Elderly Affairs prior to transfer.

23 SECTION 28. (1) Whenever in any other law or resolution of the
24 Legislative Assembly, or in any rule, regulation, document, record
25 or proceeding authorized by the same, any word or phrase is used in
26 reference to or descriptive of the Adult and Family Services
27 Division or the Office of Elderly Affairs whose duties, functions or
28 powers are by this Act assigned or transferred, such word, phrase or
29 reference shall, after the effective date of this Act, unless the

1 context or provisions of this Act require otherwise, be considered
2 to refer to, include and describe the Senior Services Division which
3 is charged with carrying out such powers, functions and duties, as
4 the context and provisions of this Act may require.

5 (2) Notwithstanding the transfer of duties, functions and powers
6 by this Act, any lawful authorization, designation, determination,
7 directive, license, order, permit, policy, privilege, rule or other
8 action of the Adult and Family Services Division or the Office of
9 Elderly Affairs whose powers, functions and duties are by this Act
10 assigned and transferred to the Senior Services Division, in effect
11 on the effective date of this Act, shall continue in effect until
12 superseded by, or repealed by the lawful action of the Senior
13 Services Division; but it shall not continue any such action beyond
14 the period authorized by law for its existence or beyond the time
15 when the action would have terminated if this Act had not been
16 passed.

17 SECTION 29. The functions of the Adult and Family Services
18 Division or the Office of Elderly Affairs described in this Act are
19 transferred to and vested in the Senior Services Division.

20 SECTION 30. Nothing in this Act requires an area agency or local
21 governmental unit to expend local funds for the purpose of
22 maintaining or expanding services to elderly and adult disabled
23 persons.

24 SECTION 31. ORS 184.860, 327.523, 413.025 and 441.081 are
25 repealed.

26 Section 32. If House Bill 5036 becomes law, section 1, chapter
27 _____, Oregon Laws 1981 (Enrolled House Bill 5036), is amended to
28 read:

1 Sec. 1. There is appropriated to the Office of the Director of
2 the Department of Human Resources, for the biennium beginning July
3 1, 1981, out of the General Fund, the amount of [\$5,160,289]
4 \$_____.

5 Section 33. If House Bill 5036 becomes law, section 2, chapter
6 _____, Oregon Laws 1981 (Enrolled House Bill 5036), is amended to
7 read:

8 Sec. 2. Notwithstanding any other law, the amount of
9 [\$12,341,721] \$_____ is established for the biennium beginning July
10 1, 1981, as the maximum limit for payment of expenses from fees,
11 moneys or other revenues, including Miscellaneous Receipts,
12 excluding federal funds, collected or received by the Office of the
13 Director of the Department of Human Resources.

14 Section 34. If House Bill 5036 becomes law, section 3, chapter
15 _____, Oregon Laws 1981 (Enrolled House Bill 5036), is amended to
16 read:

17 Sec. 3. Notwithstanding any other law, the amount of
18 [\$60,765,223] \$_____ is established for the biennium beginning July
19 1, 1981, as the maximum limit for the payment of expenses from
20 federal funds collected or received by the Office of the Director of
21 the Department of Human Resources.

22 Section 35. If Senate Bill 5532 becomes law, section 1, chapter
23 _____, Oregon Laws 1981 (Enrolled Senate Bill 5532), is amended to
24 read:

25 Sec. 1. There are appropriated to the Adult and Family Services
26 Division of the Department of Human Resources, for the biennium
27 beginning July 1, 1981, out of the General Fund, the following
28 amounts, which shall be placed in the Public Welfare Account in
29 quarterly instalments based upon estimates of expenditure

1 requirements approved by the Executive Department, to be expended
2 for the following purposes:

- 3 (1) Assistance payments and related
4 expenses \$130,896,269
- 5 (2) Long-term care [\$ 87,904,492] \$_____
- 6 (3) Medical assistance for the
7 categorically needy and
8 general assistance
9 medical payments [\$109,205,970] \$_____
- 10 (4) Special projects \$ 154,165
- (11 (5) Administrative expenses [\$ 70,909,628] \$_____

12 Section 36. If Senate Bill 5532 becomes law, section 2, chapter
13 _____, Oregon Laws 1981 (Enrolled Senate Bill 5532), is amended to
14 read:

15 Sec. 2. Notwithstanding any other law, the following amounts are
16 established for the biennium beginning July 1, 1981, as the maximum
17 limits for payment of expenses from fees, moneys or other revenues,
18 including Miscellaneous Receipts, excluding federal funds, collected
19 or received by the Adult and Family Services Division of the
20 Department of Human Resources:

- 21 (1) Assistance payments and related
22 expenses \$ 26,242,967
- 23 (2) Medical assistance for the
24 categorically needy and
25 general assistance payments . [\$ 5,004,677] \$_____
- 26 (3) Administrative expenses [\$ 2,639,843] \$_____

27 Section 37. If Senate Bill 5532 becomes law, section 3, chapter
28 _____, Oregon Laws 1981 (Enrolled Senate Bill 5532), is amended to
29 read:

1 Sec. 3. Notwithstanding any other law, the following amounts are
 2 established for the biennium beginning July 1, 1981, as the maximum
 3 limits for the payment of expenses from federal funds received by
 4 the Adult and Family Services Division of the Department of Human
 5 Resources. Such amounts shall be credited to the Public Welfare
 6 Account within the General Fund as they are made available by the
 7 United States Government and subject to the approval of the
 8 Executive Department, may be expended for the following purposes:

- 9 (1) Assistance payments and related
 10 expenses \$138,413,098
- (11 (2) Long-term care [\$101,609,727] \$_____
- 12 (3) Medical assistance for the
 13 categorically needy and
 14 general assistance medical
 15 payments [\$ 94,497,655] \$_____
- 16 (4) Special projects \$ 68,989,424
- 17 (5) Administrative expenses [\$100,130,368] \$_____

18 SECTION 38. (1) There are appropriated to the Senior Services
 19 Division of the Department of Human Resources, for the biennium
 20 ending June 30, 1983, out of the General Fund, the following
 21 amounts, which shall be placed in the Senior Services Account in
 22 quarterly instalments based upon estimates of expenditure
 23 requirements approved by the Executive Department, to be expended
 24 for the following purposes:

- 25 (a) Long-term care \$_____
- 26 (b) Administrative expenses \$_____

27 (2) Notwithstanding any other law, the following amounts are
 28 established for the biennium ending June 30, 1983, as the maximum
 29 limits for payment of expenses from fees, moneys or other revenues,

1 including miscellaneous receipts, excluding federal funds, collected ~~or~~
2 or received by the Department of Human Resources:

3 (a) Long-term care \$ _____

4 (b) Administrative expenses \$ _____

5 (3) Notwithstanding any other law, the following amounts are
6 established for the biennium beginning July 1, 1981, as the maximum
7 limits for the payment of expenses from federal funds received by
8 the Senior Services Division of the Department of Human Resources.

9 Such amounts shall be credited to the Senior Services Division ~~Account~~ (B)

10 Account within the General Fund as they are made available by the

(11 United States Government and, subject to the approval of the

12 Executive Department, may be expended for the following purposes:

13 (a) Long-term care \$ _____

14 (b) Administrative expenses \$ _____

15 SECTION 39. (1) This Act becomes effective on October 1, 1981;
16 except that sections 4, 5, 9, 14 to 19 ^{of this Act} are operative on July 1,
17 1982. X

18 (2) Notwithstanding subsection (1) of this section specific
19 components of this Act may be implemented at later dates at the
20 discretion of the Assistant Director for Senior Services.

21 (3) Each unit of local government potentially affected by this
22 Act must notify the Senior Services Division of its intent to
23 participate in this Act on or before January 1, 1982.

24 SECTION 40. This Act being necessary for the immediate
25 preservation of the public peace, health and safety, an emergency is
26 declared to exist, and this Act takes effect October 1, 1981.

SENATE BILL BACK

BY RULES COMMITTEE ①

CROSS OUT INAPPLICABLE WORDS

BILL RESOLUTION }
..... MEMORIAL }

NUMBER 955 *Ed Jell*
Chairman

Title: Relating to social services; creating new provisions; amending ORS 184.750, 184.865, 184.900, ~~327.525, 411.590 and 441.630 and sections 1, 2 and 3, chapter Oregon Laws 1981 (Enrolled House Bill 5036), and sections 1, 2 and 3, chapter Oregon Laws 1981 (Enrolled House Bill 5532)~~, and *and others*; repealing ORS 184.860, 327.523, 413.025 and 441.081; appropriating money; and declaring an emergency.

Sponsored by Human Resources/Aging
Committee on:

At the request of:
Governor's Commission on Aging,
and United Seniors

William Jell
All agencies, organizations and persons that have formally requested the measure are named herein in accordance with ORS 171.127.

SPONSORS Senate	SPONSORS House		SPONSORS House	
	Principal	Additional	Principal	Additional
Brown			Anderson	
Bullock			Bauman	
Burbidge			Bellamy	
Day			Bradbury	
Fadeley			Brogioitti	
Gardner			Bugas	
Groener			Burrows	
Hallock			Campbell	
Hanlon			Cease	
Hannon			Cherry	
Hartung			Chrest	
Heard			Cohen	
Isham			Courtney	
Jernstedt			Davis	
Kitzhaber			DeBoer	
Kulongoski			Farmer	
McCoy			Fawbush	
McFarland			Ford	
Meeker			Gilmour	
Monroe			Gold	
Potts			Grannell	
Powell			Hamby	
Ripper			Hanneman	
Roberts			Harper	
Simmons			Hendriksen	
Smith			Hooley	
Thorne			Johnson	
Trow			Jolin	
Wingard			Jones	
Wyers			Kafoury	
			Katz	
			Kennedy	
			Kerans	
			Lindquist	
			Lombard	
			Magruder	
			Markham	
			Mason	
			Meyer	
			Myers	
			Otto	
			Parkinson	
			Priestley	
			Riebel	
			Rijken	
			Roberts, B.	
			Roberts, L.	
			Rutherford	
			Ryles	
			Schoon	
			Simpson	
			Smith	
			Springer	
			Throop	
			Trahern	
			VanLeeuwen	
			Van Vliet	
			Whallon	
			Yih	
			Zajonc	

Staple

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