

# Senate Bill 97

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## 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**.

Requires reinstatement of home and community-based services for child of military service member upon child's return to state after temporary absence due to parent's military obligation.

## A BILL FOR AN ACT

1  
2 Relating to services provided to a military service member's child who has a disability.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Agency administering the services" means the Department of Human Services, the**  
6 **Oregon Health Authority or an entity that contracts with the department or the authority**  
7 **to determine eligibility for home and community-based services.**

8 (b) **"Child" means an individual under 18 years of age who is the biological child, adopted**  
9 **child or stepchild of a resident service member.**

10 (c) **"Home and community-based services" or "services" includes:**

11 (A) **Home and community-based services described in section 1915(c), (i) and (k) of the**  
12 **Social Security Act;**

13 (B) **Family support services described in ORS 417.342 and 417.344;**

14 (C) **Developmental disability services described in ORS 430.215; and**

15 (D) **The Medically Involved Home-Care Program created in ORS 417.345.**

16 (d) **"Military service" means service in the Armed Forces of the United States, as defined**  
17 **in ORS 341.496.**

18 (e) **"Resident" means an individual who resides in Oregon or who maintains Oregon as**  
19 **the individual's permanent home while absent due to military obligations outside of the state.**

20 (f) **"Service member" means an individual who is in the military service or who has sep-**  
21 **arated from military service in the previous 18 months through retirement, discharge or**  
22 **other separation.**

23 (2) **A child who was previously found eligible for home and community-based services and**  
24 **who returns to this state after a temporary absence due to the parent's military obligation**  
25 **outside of the state shall, upon request and until an assessment is conducted by the agency**  
26 **administering the services, be provided the home and community-based services that the**  
27 **child was receiving when the child left the state.**

28 (3) **Once the assessment is conducted, the agency administering the services shall de-**  
29 **velop a new individual support plan describing the services and supports that will be provided**  
30 **to the child.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1       **(4) If the eligibility requirements for the home and community-based services that the**  
2 **child was receiving when the child left the state have changed during the child's temporary**  
3 **absence, the child shall remain eligible for the services after the child's return until a new**  
4 **eligibility determination is made.**

5       **(5) To qualify for an immediate reinstatement of home and community-based services**  
6 **under subsection (2) of this section, the agency administering the services may require the**  
7 **child's parent to periodically report the parent's location during the temporary absence.**

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