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# Orientation Manual

## Disability Services Advisory Councils in Oregon

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# Acknowledgments

The Oregon Department of Human Services (DHS) Aging and People with Disabilities (APD) program is pleased to offer this **orientation manual for Disability Services Advisory Councils (DSACs)**. These councils have roles with local APD offices serving people with disabilities and Area Agency on Aging (AAA) Type B offices. The role is to advise, educate and advocate on basic policy guidelines, to review and evaluate the effectiveness of services provided and to advise on other related topics.

The APD staff wishes to acknowledge the many volunteers who serve on the local advisory councils. Without their help, DHS would not benefit from the outreach to and feedback from people with disabilities. Nor would we have the broad base public support needed to fulfill its mission.

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# Preface

This **orientation manual for Disability Services Advisory Councils (DSACs)** outlines helpful suggestions and mandated rules for carrying out the intent of the Legislature. The manual is meant to give you guidance and as a policy manual.

We suggest you first review the manual for an overview of the advisory council process. A thorough understanding of DHS programs and services will be critical to the successful participation of each council member.

Department of Human Services APD program invites comments and suggestions for improving this manual.

Disability Services Advisory Councils (DSACs) attain success through a broad base of community support that provides and improves services for people with disabilities. Those who have the foresight to focus on planning, problem solving and recommending policy strengthen an entire community. Communities who stay informed and provide creative solutions to local and state problems are always in the best position to discover new resources and methods.

As a representative of those people in your community with disabilities, we salute your commitment to advise, educate, and advocate for your local DHS APD office(s) and AAA Type B office on service delivery. We hope your tenure as a council member brings you and your community many rewards.

# Section 1: History

## History of successful advocacy by and for seniors and people with disabilities in Oregon

### Statutory authority

After strong advocacy efforts by seniors, the Oregon Legislature created a Senior Services Division within the Department of Human Services (DHS) in the 1981 Legislative session through passage of Senate Bill (SB) 955. This created, for the first time in the nation, a unified system for seniors including Medicaid and Older Americans Act programs. Also in response to advocates, in 1989 the Legislature passed SB 875 (Appendix B). This expanded the Division's responsibility to cover people with disabilities. The Legislature clearly defined a progressive policy toward people with disabilities (Appendix D). The main portions of SB 875 mandated that the Seniors Services Division would:

1. Take on the services of all people with disabilities over the age of 18 from Adult and Family Services Division;
2. Be renamed "Senior and Disabled Services Division (SDSD)" (now known as Aging and People with Disabilities (APD));
3. Promote the hiring of qualified people with disabilities within SDSD;
4. Give the local Area Agencies on Aging (AAA) the option to serve only those consumers 65 years old or over, or also serve people with disabilities 18-64 years of age;
5. Assume the responsibility for those people with disabilities that they opted not to serve;
6. Consult with the Oregon Disabilities Commission (ODC) on current and long range planning, programs and services for people with disabilities;
7. Budget for service delivery programs; and
8. Create Disability Services Advisory Councils (DSACs) within each service unit.

## Senior and Disabled Services Division in the 1990s

In the early 1990s, SDSD (now known as APD) set up its own service delivery system through offices that separated from DHS Adult and Family Services Division. They partnered with the AAA to design a local plan for serving both seniors and younger adults with disabilities in each service area.

SDSD defined its own unique mission and guiding principles. SDSD set goals to promote independence, dignity, choice and individual well-being among its consumers. Oregon's long-term services and supports system gained national recognition for its innovative, community-based approach.

## Into the 21st Century

In 2001, the Legislature passed House Bill (HB) 2294, which called for a massive reorganization of DHS, eliminating all statutory references to separate DHS Divisions. HB 2294 abolished old divisions, offices, programs and organizational units within DHS. The goal of HB 2294 was to provide human services in a seamless fashion, addressing the full range of consumer and community needs. DHS created Seniors and People with Disabilities (SPD), merging the former SDSD with the program office administering programs for people with developmental disabilities. DHS also attempted a single field system. However, disability and senior advocates again came to the forefront to highlight concerns that the new system was not working. The field offices were back into place that serve seniors and/or people with physical disabilities under SPD (now known as APD) management. Advocates continue to work to improve services to seniors and people with disabilities.

## Oregon Health Authority and Department of Human Services, Aging and People with Disabilities

In 2009, the Legislature passed HB 2009, creating the Oregon Health Authority (OHA) as a separate state agency from DHS. OHA began operating in 2011 and became the agency managing Oregon's Medicaid programs. In 2011, the Legislature passed HB 3650 creating the coordinated care organizations (CCOs) that deliver most of the Medicaid services to Oregonians.

During this time, DHS also reorganized its programs, creating APD created out of SPD's previous structure. The Office of Developmental Disabilities Services became a separate program as well. With the creation of APD, DHS renewed its focus on bringing the consumer's voice to effect program and system change. Thus,

DHS created an advocacy and development unit with new investments in statewide boards and commissions. Aging and People with Disabilities has now turned to revitalizing the DSACs throughout many parts of the state, which do not currently have active councils.

## Department of Human Services Mission

### Department of Human Services Mission:

To help Oregonians in their own communities achieve well-being and independence through opportunities that protect, empower, respect choice and preserve dignity.

### Aging and People with Disabilities Vision:

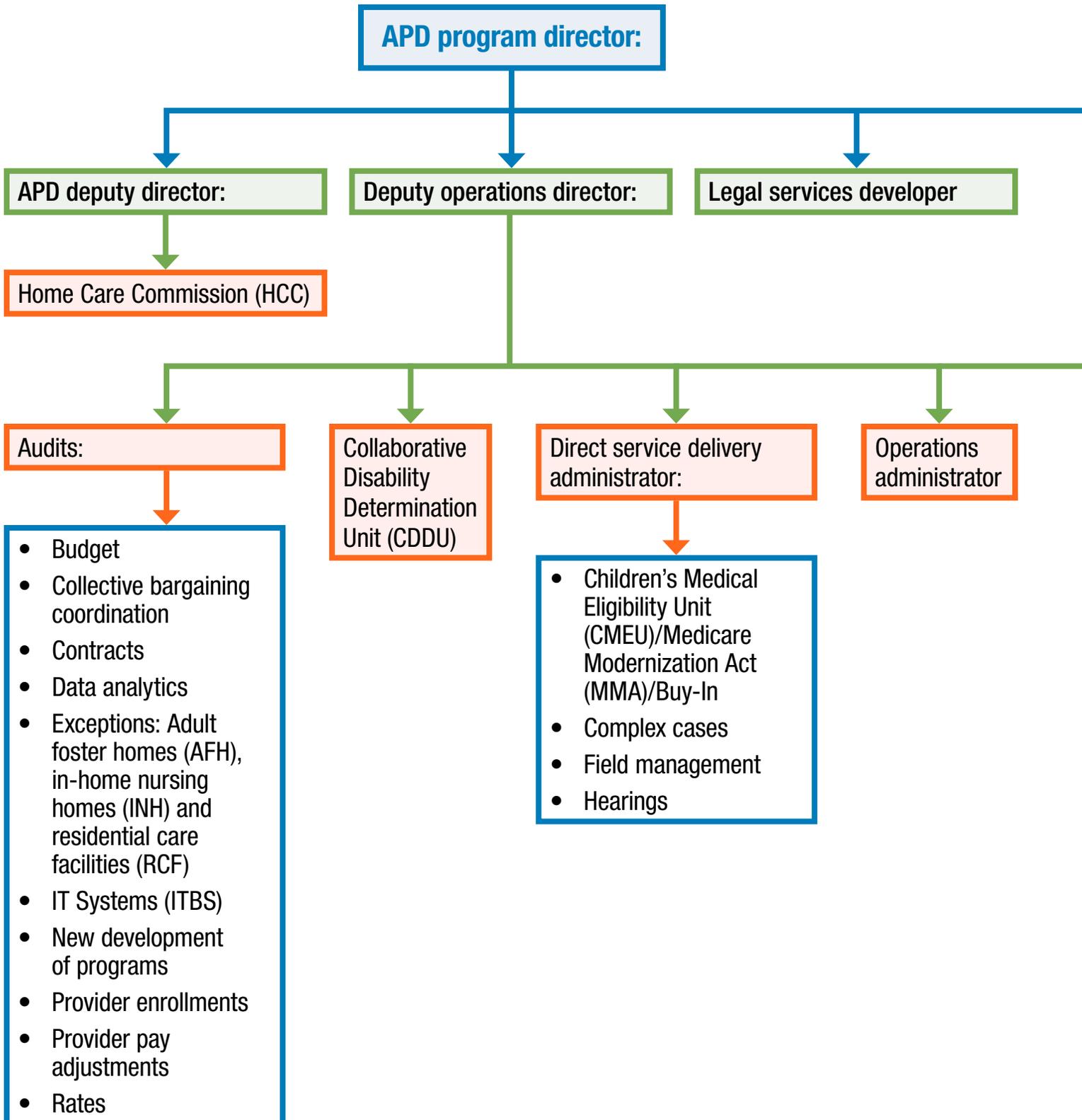
Oregon's older adults, people with physical disabilities and their families have easy access to services, supports and early interventions that help maintain independence, promote well-being, honor choice, respect cultural preferences and uphold dignity.

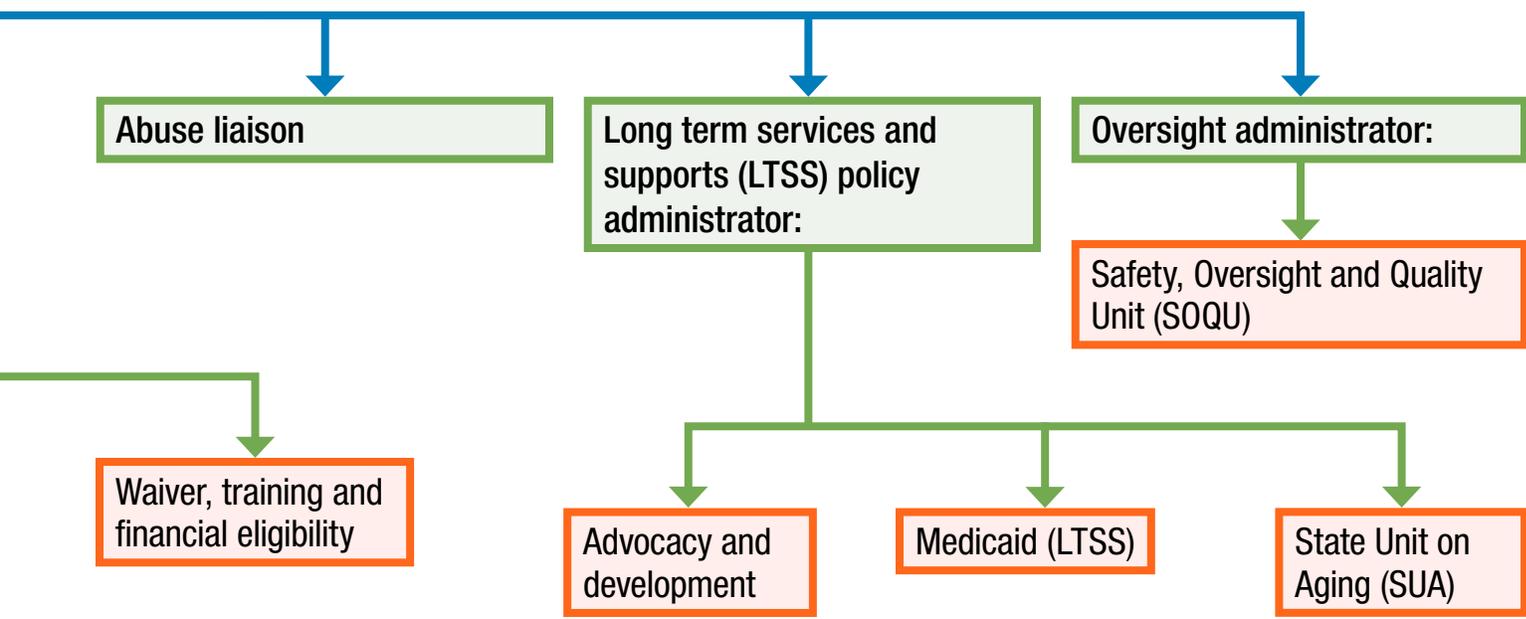
### Aging and People with Disabilities Goals:

- Ensure the safety and protection of the population we serve with a focus on prevention.
- Facilitate broad awareness of, and easy access to, services.
- Invest in preventive services to keep people independent, safe and healthy for longer periods of time.
- Provide person centered services and supports.
- Serve people in an equitable and culturally sensitive manner.
- Promote high quality services by APD, its local partners and providers.
- Increase advocacy efforts to improve outcomes for APD consumers.
- Administer programs with the utmost integrity.

# DHS APD organizational structure

Download a screen-reader compatible version of this organizational chart at <https://apps.state.or.us/forms/served/de9000C.pdf>.





# Oregon's local service delivery models

Created by the Older Americans Act (OAA), AAAs provide community-based services designed and administered at the local level. The law that created DSACs also allowed AAAs the choice to stay non-profit organizations or become governmental entities that could also provide Medicaid services. That decision follows a long history in Oregon of allowing local control and flexibility.

Area Agencies on Aging can choose a variety of service delivery models. Each AAA is a “Type A” or “Type B” designating types of programs and services offered. For Type B AAAs, a “1” or “2” indicates whether they serve seniors only or both seniors and people with disabilities. The terms “contract” or “transfer” refer to who pays the employees of the local office.

## Type A

Area Agencies on Aging provide OAA and Oregon Project Independence (OPI) services to seniors only. Employees are paid by a non-profit organization or government entity, such as a county or Council of Government (COG).

In Type A areas, Medicaid programs, general assistance, and Supplemental Nutrition Assistance Program (SNAP) are provided by APD Multi-Service Offices (MSOs) to both seniors and younger adults with disabilities. All personnel in APD offices are DHS employees.

## Type B

Area Agencies on Aging offer Medicaid programs, general assistance, and SNAP services to clients in addition to OAA and OPI services. Type B AAAs must be governmental entities such as a county or a COG.

## Type B1

Area Agencies on Aging serve seniors only. In these areas, younger adults with disabilities are served by an APD disability service office (DSOs).

## Type B2

Area Agencies on Aging serve both seniors and people with disabilities and there is no APD office.

## Transfer or contract

In a **Transfer** AAA, there was a transfer of staff from state service. Those staff are now employees of the sponsoring government agency. The transfer AAA acts as the agent for DHS in their designated area and assumes all related responsibilities.

At a **Contract** AAA, employees remain state employees. The state contracts with the AAA to provide local supervision.

# Section 2: Medicaid and other DHS programs for people with disabilities

## Medicaid defined

Medicaid (Title XIX of the Social Security Act) is a federal and state funded assistance program. Medicaid supplies medical and long-term services and supports to qualifying people with low incomes. Federal funds are available to match state and/or other funds at approximately a 60:40 ratio to provide specific services to eligible populations.

Aging and People with Disabilities has program and budget authority over long-term services and supports elements. These include licensing and monitoring of long-term care facilities, determining eligibility for benefits, developing care plans for individual consumers and all other aspects of the long-term care system. Aging and People with Disabilities also provides payments to long-term care facilities and other long-term services and supports under the Medicaid program.

Aging and People with Disabilities field offices and AAAs determine eligibility for Medicaid, public assistance and SNAP for consumers over age 65 or younger people with disabilities, including individuals with developmental or intellectual disabilities, and individuals with a mental illness.

## Oregon Health Plan

Oregon's Medicaid programs, on both the health and long-term services and supports side, operate under waivers from federal Medicaid rules and regulations. On the medical portion, Oregon has a waiver that allowed creation of the Oregon Health Plan (OHP), created by the Legislature in 1989. The Oregon Health Plan allows DHS to provide Medicaid services based on a prioritized list of conditions. The original goals were to provide medical coverage to additional low-income people, control Medicaid costs, and change what services offered to consumers rather than change who was eligible for services.

During the 1991 session, the prioritized list of health services expanded to include mental health and chemical dependency services. In 2001, legislation passed that gave greater flexibility in the effort to sustain the OHP.

New “OHP 2” legislation created two separate benefit packages under Medicaid:

1. Historically, the comprehensive benefit package offered under OHP, was called OHP Plus. OHP Plus was for the most vulnerable populations making up “categorically eligible populations” (people that the federal government mandates that the state serve: children under 19, pregnant women, the aged, blind, and disabled receiving Supplemental Security Income (SSI) benefits, and those qualifying for Temporary Assistance for Needy Families (TANF); and
2. A reduced benefit package, called OHP Standard, with higher cost sharing for the non-categorically eligible populations.

Due to budget reductions in the early 2000s, OHP Standard closed to new enrollment and the program eventually closed altogether. However, in 2014, the Affordable Care Act (ACA) took effect and households up to 138% of the federal poverty level (FPL) became eligible for OHP. The majority of Medicaid eligible Oregonians receive Medicaid medical and behavioral services through local CCOs.

## Oregon’s long-term services and supports system

Oregon’s long-term services and supports system operates under a waiver. Federal Medicaid law requires states with Medicaid programs to provide payment for individuals who need nursing facility (NF) level care. Oregon’s waiver allows APD to pay for services in an individual’s home or a community-based setting such as an assisted living facility (ALF), residential care facility (RF), or adult foster home (AFH). Oregon is the state with the highest percentage of Medicaid consumers living in community-based settings. Case managers work with consumers to both determine eligibility (financial and service priority level) and to develop a care plan to meet each consumer’s needs.

### Service priority levels

Aging and People with Disabilities has established a priority-system of services based on the consumer’s activities of daily living (ADL) and instrumental activities of daily living (IADL). Service priority level (SPL) 1 consumers have the most ADL and IADL needs. Service Priority Level (SPL) 18 consumers have the least ADL and IADL needs. A consumer’s ADL and IADL needs are cumulative (i.e., a SPL 10 may have all of the ADL and IADL needs of SPLs 11-18). All people eligible for APD services would need long-term care and be eligible for care in a nursing facility. The priority-system assures that DHS will first serve those consumers who have the most ADL and IADL needs and most likely could not survive

without services. Until 2003, Oregon served people in SPLs 1-18. Due to budget constraints, Oregon now provides services to individuals in SPLs 1-13.

## Choices in long-term services and supports

Oregon's long-term services and supports system has a wide variety of options available that help individuals maintain their independence for as long as possible. Options include:

**Respite care services** gives families and caregivers temporary relief from providing care for consumers. Companionship, light assistance, recreational activities and security can take place in the consumer's home, out of home in a group setting, or overnight in a residential setting. Respite care fosters a healthier quality of life for both the caregiver and care receiver.

**Adult day services** can help people with physical and cognitive ADL and IADL needs remain independent. Services are available in a variety of centers around the state. Day service participants often have difficulty performing familiar daily tasks, having lost initiative, motivation or memory, and/or needing a safe environment and supervision. Adult day programs typically provide socialization, reminiscing, recreational exercise, counseling, support groups, information, nutritious meals and snacks, health monitoring and/or art/music therapy. Some adult day centers also offer nursing, physical therapy and personal care.

**In-home services** is the most popular option for Oregon's seniors and people with disabilities. Any consumer can choose to receive services in their own home. More than 45 percent of Oregon's Medicaid long-term services and supports consumers receive services in their own homes. Homecare workers (HCWs), formerly known as consumer employed providers (CEPs), and personal support workers (PSWs), provide most services. The consumer-employer/designee hires, trains, and supervises the homecare worker or personal support worker. The Department of Human Services, APD determines the level of care the consumer needs and pays the HCW/PSW for the needed services. Those services include assistance with personal and/or health care needs and housekeeping. Aging and People with Disabilities can also arrange for nursing services and home-delivered meals.

**Adult foster homes (AFH)** are private residences licensed to provide care to five or fewer residents. These homes offer room, board, and personal care from a caregiver in the home, 24 hours a day. Planned activities and medication management are available. Some AFHs provide transportation services, private rooms, and/or nursing services.

**Assisted living facilities (ALF)** are homes with six or more private apartments. They are wheelchair accessible and offer full dining room services, housekeeping and call systems for emergency assistance when needed. Registered nurse consultation is available. Physical care and additional health care supervision and assistance can take place in the consumer's own apartment. Organized activities and transportation are available.

**Residential care facilities (RF)** are homes that serve six or more residents. They offer room and board with 24-hour supervision, assistance with physical care needs, medication monitoring, planned activities and/or often transportation services. Some offer private rooms and registered nurse services.

**Nursing facilities (NF)** provide nursing care on a 24-hour basis in a hospital like environment. They provide skilled care, rehabilitation and end of life care. Nursing facilities are required to have licensed nursing staff in the facility 24 hours per day.

**Program for All-inclusive Care for the Elderly (PACE)** offers an alternative to traditional long-term care models. It integrates long-term, primary, acute and preventative care to help people remain healthy and independent. Interdisciplinary teams, including case managers, physicians, social workers, therapists and others work together to exchange information and solve problems as the needs of each consumer changes.

## Employed people with disabilities

### Mission

To help people with disabilities find appropriate jobs and advance in their careers.

### Background

More than 3,100 Oregonians with significant disabilities have enrolled in the Employed People with Disabilities program.

The program, began in 1996, builds on DHS's successes serving people with disabilities. It integrates vocational rehabilitation services with social and mental health services and long-term services and supports. Local networks of advocates and state and local government agencies identify and address the complex barriers that prevent people with disabilities from working.

## Key goals of the program:

1. Increase paid employment among Oregonians with disabilities.
2. Decrease the cost of public support for program participants through employment.
3. Address the federal and state barriers to employment for Oregonians with disabilities.

## Changing employer attitudes

Employers need information and help to employ people with disabilities. Stereotypes of people with disabilities and the kind of work they can do affect employer attitudes. Through conferences and other activities, DHS/APD is helping Oregon's employers overcome attitudinal barriers.

## Leading the way

In February 1999, Oregon became the first state in the nation to allow people with disabilities to work without losing Medicaid coverage. Through Medicaid, the state provides personal attendant services and other medically necessary services.

Employed People with Disabilities specialists increase access for people with disabilities to employment support services. Local service delivery plans target the needs of communities. Through these efforts, Oregon is taking advantage of federal policy changes that will further expand employment opportunities for people with disabilities.

## Independent choices

### Background

A five-year research and demonstration waiver approved by the Center for Medicare and Medicaid Services (CMS) in December 2001. It allows in-home services consumers to plan and direct their own in-home service plans. The demonstration areas were Clackamas, Coos, Curry, Jackson and Josephine Counties.

Independent Choice program recipients receive a cash grant that allows them to control all aspects of an in-home service plan. A needs assessment utilizing the current assessment tool determines the cash grant they receive. The amount of the grant is equal to an amount normally spent on an in-home service plan under the Medicaid waiver in-home services program.

Participants plan and obtain the services that best meet their needs using the cash grant. Participants take on all payroll and legal responsibilities as employers of a domestic worker. All participants receive training on the responsibilities of being an employer. Additionally, they have access to technical assistance through the agencies that provide the initial training. In 2009, this program became a state plan option and expanded statewide.

## Supplemental Nutrition Assistance Program benefits

Children, Adults and Families (CAF) administers the Supplemental Nutrition Assistance Program (SNAP) and provides training and oversight. Children, Adults and Families, APD, and AAA offices across the state provide service and benefits. Benefits through SNAP help supplement food budgets for low-income families and individuals, people on public assistance, seniors and people with disabilities.

The average monthly benefit was about \$160 per household in January 2004. As of November 2016, it is \$224. The federal government pays the cost of benefits, which is about \$76 million a month. It divides the cost of administering the program with the state. In Oregon, the distribution of SNAP benefits are through an Electronic Benefit Transfer (EBT) system. This system allows recipients to access their benefits by using an “Oregon Trail Card” at the grocery store card-scanning devices.

# Section 3: Disability Services Advisory Councils

## Description

### Establishing authority

In 1989, through the passage of SB 875 during the 65th Oregon Legislative Assembly [Appendix B, Oregon Law, Chapter 787, Section 2 (4) and (5)], Disability Services Advisory Councils (DSACs) were created. Portions of the bill also amended ORS 410. You can find additional references to DSACs in ORS 410.

### Purpose

To **advise, educate and advocate** to the APD offices by:

1. Providing feedback on policy guidelines for clients receiving services; and
2. Reviewing and evaluating the effectiveness of the services provided by DHS.

### Suggested activities include:

- Reviewing policy transmittals, action requests and information memorandums that are sent from the central office to determine impact on consumers and providing suggestions and feedback to local and central offices;
- Reviewing consumer complaint forms;
- Evaluating the effectiveness of the services provided such as Medicaid services and SNAP; and
- Determining if the office is accessible.

### Additional potential roles

- Planning and developing community and public relations;
- Collaborating with other organizations and community resources;
- Soliciting public input for decision-making purposes;
- Advocating on other issues, not related to DHS funded programs, which are secondary;

- DSACs **may advocate on legislative related issues** such as bills and budgets including hosting candidate and/or issue forums; and
- DSACs **may not** work on campaigns and/or endorse/oppose ballot measures and candidates for office.

## Qualifications for membership

Individuals who serve on the councils should demonstrate:

- A commitment to improving the lives of individuals with disabilities through appropriate social change;
- An informed and active interest in their community;
- A willingness to regularly attend meetings;
- A willingness to speak out for the public that the council member represents;
- A willingness to work toward developing a continuum of care for adults with disabilities; and
- A sound understanding, or willingness to learn about the political process, the local service delivery system, the needs of people with disabilities, and the local geographic and demographic characteristics.

## Governing rules

### Composition of councils

Senate Bill 875 requires that the majority of the members be people with disabilities. The bill also requires that some of those individuals be consumers. The APD policy unit defines a “consumer” as an individual who is a current or former recipient of services provided by DHS. Other interested individuals or providers may also serve on the council. There must be at least five members of a council and may have up to twenty-one members serving on the council at a time. Members should not be staff of APD or an AAA that serves people with disabilities. Staff from other parts of DHS and AAAs that serve only seniors may serve on DSACs.

## Confidentiality

There may be times that DSACs will be dealing with confidential information (such as consumer case studies). It will be the responsibility of local staff to inform and advise council members of what information they may discuss outside of the meeting. Any violation of disclosure of the confidential information by a council member may result in removal of that member from the council.

## Meetings

It is required that DSACs meet at least quarterly. Subject to public meeting laws, DSACs must openly advertise meetings, keep minutes as described in law and provide accommodations for people with disabilities. Any member of the public must be allowed to attend, but may not participate unless invited to speak, commonly during a public comment time on the agenda. The statute also describes rules about meeting facilities.

(Appendix C has complete public meeting laws, ORS 192.610-192.690).

## Liability of members

While acting in their official capacity, all members of the local DSAC have protection against liability. Members must be acting in good faith and performing official duties. DHS or their AAA office would indemnify the DSAC member(s) in accordance to ORS 30.285. The exact statute is here: <https://www.oregonlaws.org/ors/30.285>

## Permission to represent the council

Permission to represent the DSAC outside of a regular or special meeting of the council must be by motion at a regular or special meeting of the council. The councils may designate members as official liaisons to facilitate communication and collaboration with other boards and commissions, agencies, programs, organizations, or committees. To avoid misunderstandings, individuals appointed to carry out liaison responsibilities should receive notification in writing with a description of their official committee assignments. It is helpful if the council asks these liaisons to provide regular updates (verbal and/or written reports) describing their activities. There should be a periodic review of the need to continue formally designated liaisons.

**No member of the DSAC may represent or imply that he/she is a representative of DHS.**

## Restrictions on political campaigning

Generally, ORS 260.432 states that a public employee may not while on the job during working hours promote or oppose election petitions, candidates or ballot measures. Additionally, no person (including elected officials) may require a public employee (at any time) to do so. **The definition of “public employee” includes members of appointed boards and commissions.**

Public officials, including DSACs and their members, may advise, educate and advocate to officials via impartial written materials, including explaining the possible effects without threatening financial loss to vote a certain way. Disability Services Advisory Councils may hold bipartisan candidate or issue forums as long as all candidates or sides of the issue are invited. DSAC members may express personal opinions. As individuals, they may also work on political campaigns, etc. However, the DSAC **may not endorse, oppose or work** on elections, ballot measures or candidacies.

(Please see Appendix E for complete list of allowable and prohibited activities.)

# Section 4: Tips for an effective Disability Services Advisory Council

## The successful council

An advisory council is a continuous working body. The goal of DSAC meetings is decision-making. However, work must occur before each meeting.

Meetings are the time for evaluating, coordinating and sharing the results of study, thought and ongoing actions. They are also the time for planning the next steps in the council's work.

### A successful council has:

- An acknowledged and agreed upon purpose;
- A clear written statement of goals and a plan of action;
- Carefully selected members;
- An understanding of the duties of membership;
- Members willing to accomplish work between meetings; and
- A commitment to maintaining ongoing communication.

### A productive meeting has:

- An advance public notice of the time, date, day of the week and meeting place/location;
- A statement of purpose set prior to the meeting;
- A prepared agenda sent out to all members well before the meeting;
- An accessible meeting location that will accommodate all people;
- Careful preparation of materials for presentation and discussion at the meeting;
- A systemized procedure for conducting the meeting (i.e.: *Robert's Rules of Order*, or an approved consensus process);

- Time for questions and clarification of issues;
- Presentation of controversial matters in a fair and positive manner;
- Properly timed decision-making based on open discussion and a thorough review of the issues; and
- Careful recording in the minutes of actions taken by the council.

## Tips for using your agenda to plan good meetings

- Send agendas to participants at least one week in advance.
- Include an RSVP phone number as needed. The phone number listed is usually the designated staff support person and/or the chairperson. You may also send return postcards.
- If the location is unfamiliar, send directions.
- Invite all people and groups to your meetings affected by the council's decisions.
- Begin the meeting when your agenda says you will. People will get used to starting on time.
- Enclose background material on action items.
- Contact each person on the agenda before you send it out. Discuss the length of time for presentation and the type of action to take.
- Total the presentation times to arrive at approximate meeting length.
- Put action items as close to the beginning of a meeting as possible. Mark items where members need to vote.
- Order agenda items so that discussion is about the most difficult and urgent items first.
- Board meeting agendas reflect the work of committees. The creation of policy is through action on committee reports.
- Stick to the agenda as closely as possible. However, be flexible enough to allow an exchange of ideas.
- Adjourn when your agenda states you will, unless you get through early.

# Responsibilities of Disability Services Advisory Council members

## A good chairperson will:

- Be responsible and expect council members to act responsibly;
- Clearly understand the purpose of the council;
- Assure proper presentation of materials at council meetings;
- Conduct meetings in an orderly and timely manner;
- Promote fair and open discussions;
- Keep discussions relevant to the subject under consideration;
- Sense when to clarify or summarize discussions for the membership;
- Assure that meetings begin and end according to schedule;
- Make assignments for interim council work and follow-up to assure completion; and
- Promote positive working relationships

## A good member will:

- Clearly understand the purpose of the DSAC;
- Regularly attend meetings;
- Do assigned work between meetings, including preparing for meetings by reading reports and background material;
- Become knowledgeable about DHS/APD and AAA history, goals, consumers and constituency, staff, current situations, and needs;
- Keep discussions relevant to the subject under consideration;
- Judge ideas, not personalities;
- Accept the value of multiple options;
- Suggest solutions to problems and accept responsibility for decisions;
- Be ready with strategies for solutions;

- Participate in the discussions at the meetings;
- Ask probing questions and seek relevant answers before voting;
- Promote positive working relationships;
- Participate in the tasks of the council;
- Act as an advocate for the agency and its consumers;
- Avoid any possible conflicts of interest; and
- Supporting decisions of the council once made (even if you vote against the decision) or resign if you cannot.

## The duties of chairs and members

### Before the meeting

#### **The chairperson will:**

- Arrange for public notification of the meeting;
- Arrange for accessible public meeting location with chairs, tables, blackboard or flip charts, pens and paper, and other useful supplies;
- Order copies of the agenda for all the council members and public;
- Prepare discussion questions to address all aspects of the issues under consideration; and
- Work with staff to ensure all meetings are accessible and provide for reasonable accommodation needs.

#### **The council members will:**

- Inform the chairperson and/or staff of accessibility needs;
- Suggest agenda items to the chairperson
- Follow-up on or complete assignments;
- Review issues and read prepared materials; and
- Arrive on time.

## During the meeting

### **The chairperson will:**

- Convene the meeting on time;
- Outline the purposes of the meeting;
- Introduce each agenda topic;
- Draw each member into discussions;
- Keep the discussions focused on relevant subjects;
- Provide time for comments from the public;
- Summarize the progress of the meeting; and
- Remain neutral.

### **The council members will:**

- Help adjust the agenda;
- Contribute to the discussions;
- Accept other members' contributions to the discussions;
- Not dominate the discussions;
- Help to clarify questions other members may misunderstand;
- Listen carefully and actively;
- Keep the discussions on track;
- Draw others into the discussions; and
- Remember that successful action is the result of teamwork, not the work of a few individuals.

## At the close of the meeting

### **The chairperson will:**

- Conclude the meeting on time, or before members lose interest; and
- Present a final summary of consensus and of differing opinions on agenda items.

### **The council members will:**

- Adjust the chairperson's summary, if necessary;
- Suggest agenda items, topics for discussions and materials for review before the next meeting;
- Volunteer for assignments; and
- Help set a date for the next meeting.

## **Staff responsibilities**

It is the responsibility of the district manager and the DSAC to work out appropriate levels of staff support. At least one staff person shall be the district manager or an appointed designee. In addition to attending regular and special council meetings, staff are responsible to carry out duties in the following areas:

- Meeting preparation;
  - » Assist the chairperson with developing agendas.
  - » Ensure that the reasonable accommodations needs of members and public are met as required by Oregon public meeting laws.
  - » Reserve meeting rooms.
  - » With the council secretary, assist with mailing agendas and minutes within a reasonable time, before the next meeting.
- Maintain mailing lists, files and complete minutes, etc.
- Update the DSAC program analyst at APD Advocacy and Development in Salem on current members and officers of the local DSAC.
- Share DHS/APD information with council members.
  - » Provide council members with timely information about potential policy changes, new programs, and problems affecting people with disabilities.
- Seek input about policies, programs, and services and assist the council to communicate their feedback to DHS/APD.
- Gather information needed for council work and assist in research of issues.
- Provide legislative updates.

- Facilitate the process of decision-making.
- Draft recommendations.
- Assist council members with reimbursements for travel, meals, and lodging when possible and appropriate.

## Minutes

Law requires minutes and they are an indispensable part of effective council work. Careful recording of attendees, actions and plans can serve as a means to evaluate the progress of your DSAC. Verbatim transcripts are not required, but a tape recorder is useful backup. The local office will provide staff to record minutes. Please send minutes monthly, either by mail or email to the DSAC program analyst at APD Advocacy and Development in Salem.

To be of greatest value, minutes need to be to council members within two to three weeks of the meeting date. They remind members of dates and assignments between meetings, inform absent members of what they missed and provide continuity from one meeting to the next.

Minutes record the history of an organization. A periodic review of the council purpose and goals is helpful to maintain focus and set future direction for action.

### Consensus decisions: Everyone wins

Decision by consensus means that all group members accept the decision, even though it may not be exactly what each of them wants. It is a solution all members can live with, without feeling that something important is being lost. A consensus is less formal, but takes more time than a majority vote. There is discussion until the group reaches an agreement. There is elimination of misunderstandings through the open communication of this method. Group members “buy into” the decision, thus making implementation easier and increasing members’ commitment.

## Parliamentary procedures at a glance

According to ORS 192.610, decisions reached at a public meeting often use parliamentary procedures and always require a vote of the public body. There are several formats of these procedures used throughout the United States. The most notable format is *Robert’s Rules of Order* as seen here in this link <http://www.rulesonline.com/> and in the chart below. Other formats of these procedures are the *Standard Code of Parliamentary Procedure* and *Riddick’s Rules of Procedure*. Recently,

some public bodies have stated to utilize both parliamentary procedure and consensus-based models of decision making (see [http://cultivate.coop/coop-wiki/images/e/e/e7/Consensus\\_Decision-Making.pdf](http://cultivate.coop/coop-wiki/images/e/e/e7/Consensus_Decision-Making.pdf)). Trauma-informed best practices (see <http://traumainformedoregon.org/wp-content/uploads/2014/10/Hosting-a-Meeting-Using-Principles-of-Trauma-Informed-Care.pdf>) are also in use.

For a vote to be official, as required in statute, it must follow the “motion, second the motion, discussion on the motion, and vote” process. This is something that every council will have in common, no matter the format.

To do this...	Say this...	Interrupt?	Do you need a second person to vote?	Can you debate the motion?	Required vote
Introduce business (primary motion)	I move that...	No	Yes	Yes	Majority
Amend a motion	I move that we amend the previous motion by...	No	Yes	Yes	Majority
Make a “friendly” amendment (may be used to clarify or change a motion slightly)	I suggest a friendly amendment, so the motion would be...	No	No	No	Consent of the person making the original motion
Have something studied further	I move we refer this matter back (or to) the committee	No	Yes	Yes	Majority
End debate in order to vote	Call for the question	No	Yes	No	Majority or consensus
Suspend further consideration of something	I move that we table the motion	No	Yes	No	Majority or consensus

<b>To do this...</b>	<b>Say this...</b>	<b>Interrupt?</b>	<b>Do you need a second person to vote?</b>	<b>Can you debate the motion?</b>	<b>Required vote</b>
Complain about noise, room temperature, etc.	Point of privilege	Yes	No	No	No
Recess the meeting (many organizations adjourn or recess by consensus or by the call of the chair)	I move that we recess until...	No	Yes	No	Majority
Adjourn the meeting (the chair usually does this)	I move that we adjourn	No	Yes	No	Majority
Object to procedure	Point of order	Yes	No	No	No, chair decides
Request information	Point of information	Yes	No	No	No vote
Ask for a vote by actual count to verify voice vote	I call for a division of the house	No	No	No	No
Ask for a roll call vote to put everyone on record of their position	I call for a roll call vote	No	No	No	No
Object to considering some undiplomatic matter	I object to consideration of this question	Yes	No	No	2/3 majority
Take up a matter previously tabled	I move to take from the table	No	Yes	No	Majority

# Meeting participation skills

## **Organize your contributions**

- Well-organized contributions make meetings better. Rambling, disorganized ideas increase the likelihood that the meeting will get on a sidetrack.

## **Speak when your contribution is relevant**

- LISTEN, before you speak. Is your comment useful and helpful? Irrelevant and redundant contributions easily distract groups. Are you just adding your “two cents” or are you moving the conversation forward?

## **Make one point at a time**

- People are more likely to listen to your ideas. Keep points related and not rambling.

## **Speak clearly and forcefully**

- Do not be aggressive. Unassertive mumbling will get lost in the meeting.

## **Support your ideas with evidence**

- Everyone has an opinion. Provide facts, statistics, and select your examples well.

## **Listen actively to all aspects of the discussion**

- Check your understanding by summarizing and paraphrasing.

## **If you disagree, disagree with the idea not the person.**

## Brainstorming rules and guidelines

- Designate someone as the facilitator and recorder.
- The facilitator or chair clearly announces the focus of the session, i.e., the key question the group will be answering.
- The recorder writes down the key questions.
- All participants toss out as many ideas as possible.
- Accept all ideas, however impractical, crazy, or far out.
- The recorder posts all ideas for everyone to see.

- The facilitator keeps posing the key question(s), without variation, to keep the process on track.
- The facilitator reminds members, as necessary, not to edit, criticize, or evaluate any suggestion. Members are not to do so, either overtly or covertly, until the process is over.
- Members build on others' ideas. This triggers new thoughts, which can snowball the process.
- By focusing this interaction, the group taps the creative energy of each member and fuses it in a chain reaction.
- Basic Rules:
  - » Do not criticize
  - » Judging is forbidden
  - » Be free-wheeling
  - » Use imagination
  - » Take risks
  - » Go for quantity — it's better to have too many ideas than not enough
  - » Go for variety
  - » Combine — expand — hitchhike — build on others' ideas

# Section 5: Supporting organizations

## Governor's Commission on Senior Services

500 Summer Street, NE, E02

Salem, OR 97301-1075

Rebecca Arce (503) 947-5019

[Rebecca.Arce@dhsosha.state.or.us](mailto:Rebecca.Arce@dhsosha.state.or.us)

### Mission

The Governor's Commission on Senior Services (GCSS) is dedicated to enhancing and protecting the quality of life for older Oregonians. Through cooperation with other organizations and advocacy, we work to ensure that seniors have access to services that provide independence, dignity, and choice.

### What is the Governor's Commission on Senior Services?

The Governor's Commission on Senior Services (GCSS) is a group of at least 21 dedicated volunteers who work to ensure the quality of life for Oregon's senior citizens. A law created the commission to advocate for seniors and people with disabilities. In order to accomplish this, the commission studies issues, budgets and programs which affect seniors and people with disabilities.

The commission actively advises and makes recommendations to the Governor, federal and state Legislators, government agencies, and other entities. Their primary goal is to ensure quality of life for Oregon's seniors and people with disabilities.

The commission serves as a focal point in the state, urging Legislators to enhance critical programs that serve seniors and people with disabilities. They also assist other organizations by promoting statewide advocacy for senior citizens and people with disabilities.

Current priority issues include long-term services and supports quality and accessibility; access to quality senior mental health and addiction services; disaster preparedness; retirement security; healthy aging; elder justice; and restoration of what was lost in budget cuts to DHS.

# Oregon Disabilities Commission

500 Summer Street NE

Salem, OR 97301

Jeff Puterbaugh

(503) 947-1189

[Jeffrey.L.Puterbaugh@dhsosha.state.or.us](mailto:Jeffrey.L.Puterbaugh@dhsosha.state.or.us)

<http://www.odc.state.or.us>

## Mission

To secure and maintain economic, social, legal, and political justice for people with disabilities through systems change.

## History

Since its beginning, the Oregon Disabilities Commission (ODC) has worked to implement and establish economic, social, legal and political equity for individuals with disabilities. ODC is a consumer controlled advocacy organization. Unlike many commissions, ODC also administers some programs of state government.

## How ODC accomplishes its mission

1. Identifies and hears the concerns of people with disabilities. Uses this information to prioritize public policy issues;
2. Publicizes the needs and concerns of people with disabilities as they relate to the full achievement of economic, social, legal, and political justice equity;
3. Educates and advises the Department of Human Services (DHS), the Oregon Health Authority (OHA), the Governor, the Legislative Assembly, and appropriate state agency administrators on how public policy can improve to meet the needs of people with disabilities.

# Home Care Commission

676 Church Street, NE  
Salem, OR 97301  
(503) 378-2733  
Executive director: Cheryl Miller  
[Cheryl.M.Miller@dhsosha.state.or.us](mailto:Cheryl.M.Miller@dhsosha.state.or.us)

## Background

In 2000, the citizens of Oregon voted to amend the state constitution to create the Home Care Commission (HCC). The Commission is responsible for ensuring the quality of home care services funded by DHS for seniors and people with disabilities.

### **The commission has four major responsibilities:**

1. To define the qualifications of home care workers (HCWs) and personal support workers (PSWs);
2. To create a statewide registry of HCWs and PSWs;
3. To provide training opportunities for HCWs and PSWs and their consumer-employers; and
4. To serve as the employer of record for purposes of collective bargaining for HCWs and PSWs whose pay comes from public funds.

The Governor appoints nine commissioners for three-year terms. Five are consumers of home care services. The other four represent APD, the GCSS, the ODC, and the Oregon Association of Area Agencies on Aging and Disabilities (O4AD). The commission meets monthly in Salem, and meetings are open to the public.

# Medicaid Long-Term Care Quality and Reimbursement Advisory Council

500 Summer Street, NE

Salem, OR 97301

(503) 945-6993 and (503) 947-5104

Staff: Max Brown and Kelsey Gleeson

[Max.Brown@dhsosha.state.or.us](mailto:Max.Brown@dhsosha.state.or.us) and [Kelsey.Gleeson@dhsosha.state.or.us](mailto:Kelsey.Gleeson@dhsosha.state.or.us)

## Purpose

The Medicaid Long-Term Care Quality and Reimbursement Advisory Council (MLTCQRAC) is a 12-member council created by the Legislature in 1995. The council acts in an advisory capacity to DHS on changes or modifications to the Medicaid reimbursement system. The council also acts in an advisory role on the effects of proposed changes or modifications to the quality of long-term care and community-based care services. When a proposed change or modification has an estimated fiscal impact of greater than \$100,000, DHS submits the proposal (with the council's written recommendation) to the Legislative Assembly or the Emergency Board for approval. At the beginning of each Legislative session, the council reviews the Governor's proposed budget for long-term care facilities.

## Process

The council holds a public meeting on the third Tuesday of each month. There are special meetings held upon written request of the co-chairs, any three council members or DHS. Council operating procedures empower co-chairs to act on council's behalf when immediate action is required.

# Oregon Association of Area Agencies on Aging and Disabilities

PO Box 2777

Salem, OR 97308

(503) 463-8692 (Voice/TTY)

[www.o4ad.org](http://www.o4ad.org)

Director: Nicole Palmateer, [nicole@o4ad.org](mailto:nicole@o4ad.org)

## Vision

The Oregon Association of Area Agencies on Aging and Disabilities is committed to promoting the independence, dignity, choice, quality and safety of Oregon's seniors and people with disabilities.

## What is the Oregon Association of Area Agencies on Aging and Disabilities?

In 1992, the 17 AAAs in Oregon established the Oregon Association of Area Agencies on Aging (O4A) as a nonprofit organization to represent their collective issues at the Capitol. In 1998, to reflect its membership and services better to people with disabilities, the name changed to The Oregon Association of Area Agencies on Aging and Disabilities (O4AD).

## Purpose

O4AD is committed to promoting the well-being, independence, dignity and choice of seniors and people with disabilities by:

1. Providing assistance with professional development to staff and advocates through educational programs, technical assistance and networking opportunities, and information and advocacy trainings;
2. Advocacy, planning, program development and services coordination at the local level;
3. Participation by seniors and people with disabilities, formulate and promote legislation and policy of value to seniors and people with disabilities; and
4. Promotion of effective communication between governmental bodies, agencies, providers and other human services coalitions.

# State Independent Living Council

500 Summer Street, NE, E87

Salem, OR 97301

(503) 945-6204 (Voice/TTY)

[Oregon.SILC@state.or.us](mailto:Oregon.SILC@state.or.us)

Executive director: Tina Treasure

(503) 945-6621, [Tina.M.Treasure@dhsosha.state.or.us](mailto:Tina.M.Treasure@dhsosha.state.or.us)

## Mission

The mission of the SILC is to promote choice, equal access, and full inclusion of people with disabilities, throughout the state of Oregon.

## What is State Independent Living Council?

An executive order from the Governor established the State Independent Living Council (SILC). The council consists of no more than 21 members. Members represent consumers of independent living (IL) services, Centers for Independent Living (CIL), private business, other people with disabilities, and parents, guardians, and advocates for individuals with disabilities. Oregon Commission for the Blind, Oregon Disability Commission, and Oregon Vocational Rehabilitation Division have ex-officio appointments.

### Activities include:

- Advises on independent living issues in Oregon, including policy reviews.
- Identifies independent living service needs in the state of Oregon.
- Monitors and evaluates independent living services provided by CILs.
- Surveys consumer satisfaction with existing services.

The SILC promotes the philosophy that disability is a natural part of the human experience. It in no way diminishes the right of individuals to live independently, enjoy self-determination, make choices, contribute to society, pursue meaningful careers, and enjoy full inclusion and integration in the economic, political, social, cultural and educational mainstream of American society.

## What is a Center for Independent Living?

Centers for Independent Living (CILs) are organizations run by people with disabilities. Centers, often referred to as CILs, provide advocacy, peer support,

counseling services, information and referral and independent living skills development for people with disabilities. CILs provide other services based on individual needs of the community.

## State Rehabilitation Council

c/o Office of Vocational Rehabilitation Services  
500 Summer Street, NE  
Salem, OR 97301  
(503) 945-6256 (Voice/TTY)  
Executive director: Trina Lee  
(503) 990-9039, [Trina.M.Lee@dhsosha.state.or.us](mailto:Trina.M.Lee@dhsosha.state.or.us)

### Purpose

The Rehabilitation Act of 1973 created the Oregon State Rehabilitation Council to provide DHS, Office of Vocational Rehabilitation Services (OVRs) with an external, consumer-oriented perspective. The council provides consumers of rehabilitation services with a formal mechanism to influence the direction of rehabilitation programs in Oregon at the systemic and policy level.

### Functions

The State Rehabilitation Council:

1. Advises OVRs about essential planning and service delivery intended to result in meeting the employment potential of Oregonians with disabilities.
2. Reviews and analyzes program effectiveness; create and analyze consumer satisfaction materials; render concerns and recommendations to OVRs.
3. Advise the Governor and state agencies on the performance of vocational rehabilitation in Oregon regarding eligibility, program effectiveness and effect on individuals with disabilities. This includes an annual report.
4. Coordinate the work of the State Rehabilitation Council with the activities of other disability related councils in the state. This includes establishing and maintaining a positive working relationship with ODC and SILC.

# Oregon Council on Developmental Disabilities

4506 Belmont Street, Suite 101  
Portland, OR 97215  
(503) 945-9941, 1-800-292-4154 (Voice/TTY)  
[ocdd@ocdd.org](mailto:ocdd@ocdd.org)  
Executive director: Jamie Daignault  
[Jamie.Daignault@ocdd.org](mailto:Jamie.Daignault@ocdd.org)

## Mission

To advance social and policy change so that individuals with developmental disabilities, their families and communities may live, work, play and learn together.

## Vision

All communities welcome and value people with disabilities and their families.

## What does the Oregon Council on Developmental Disabilities do?

- Conduct public education and awareness activities.
- Promote quality in services and supports through research, policy analysis, model projects, and initiatives.
- Monitor and evaluate policies and services provided by agencies.
- Represent the concerns of people with developmental disabilities and families to the Governor, the Oregon Legislature, the Oregon Congressional delegation, and state and federal agencies.
- Encourage citizen participation in public policy making.
- Promote innovative programs and projects through grants.

## What is a Developmental Disability?

A developmental disability is a severe and lasting mental and/or physical impairment that occurs prior to the age of 22 and is likely to continue indefinitely. The disability results in significant limitations in three or more of major life activities such as learning, mobility, self-care, speaking or understanding language. Developmental disabilities may include an intellectual disability, autism, cerebral palsy and epilepsy.

# Mental Health Association of Oregon

10373 NE Hancock Street, Suite 132  
Portland, OR 97220  
(503) 922-2377

The Steering Committee is composed primarily of people who are receiving or have received mental health services. The Mental Health Association of Oregon (MHAO) is the official affiliate of the National Mental Health Association.

## Principles

Guidance for the Mental Health Association of Oregon (MHAO) comes from three fundamental principles:

- Belief that people who use mental health services must enjoy the maximum possible control over the kinds of services they receive.
- Belief that the best means to achieve desired change in the systems and processes that compose the existing mental health system is to form and work through broad coalitions of disparate mental health advocates.
- Belief that people who use mental health services must take major leadership roles in such coalitions.

## What the Mental Health Association of Oregon does

MHAO conducts policy analysis, provides public education and training, and advocacy for improved mental health services. MHAO accomplishes these goals in the following ways:

### 1. **Mental health coalition**

Staff and coordinate a network of individuals and organizations that comprise the Coalition.

### 2. **Issues forums**

Variety of programs on mental health issues.

### 3. **Mental Health Action newsletter**

Published quarterly, this newsletter has a circulation of about 2,300.

# Oregon Deaf and Hard of Hearing

500 Summer Street, NE

Salem, OR 97301

Policy analyst: Theresa Powell, [Theresa.A.Powell@dhsosha.state.or.us](mailto:Theresa.A.Powell@dhsosha.state.or.us)

(971) 301-1618

## Background

The Oregon Deaf and Hard of Hearing (ODHH) Services Advisory Committee assists the Oregon Deaf and Hard of Hearing Service Program by providing information and expertise on issues affecting individuals who are deaf or hard of hearing. The ODHH Advisory Committee:

1. Assists members of the public and state agencies in making agency programs available and accessible to individuals who are deaf or hard of hearing;
2. Identifies and publicizes the needs and concerns of individuals and consumers organizations;
3. Acts as a resource to DHS, other state agencies, local governments and the public;
4. Provides referral information to individuals with hearing loss;
5. Coordinates and assists other interest groups in promoting rehabilitation and employment; and
6. Facilitates a continuous program of information and education to employees, employers and the public.

# Oregon Health Authority Ombudsperson Advisory Council

500 Summer Street NE

Salem, OR 97301

1-877-642-0450

(503) 947-2347

[Ellen.Pinney@dhsoha.state.or.us](mailto:Ellen.Pinney@dhsoha.state.or.us)

## Background

The Oregon Health Authority ombudsperson serves as an advocate for those served by the Oregon Health Plan or Medicaid. OHP members contact the ombudsperson when they are having challenges getting the care they need. The ombudsperson reports to the Governor and the Oregon Health Policy Board about services provided, trends identified and makes recommendations for improving access to or quality of care provided to eligible persons. The OHA ombudsperson coordinates a monthly OHA Ombudsperson Advisory Council. Anyone interested in attending can contact the ombudsperson and start receiving notices about the meetings.

# Appendix A: Document examples

The preceding pages have dealt with the laws governing the DSACs. The following are merely suggestions or templates from which to form your own bylaws, processes, and procedures while ensuring compliance with applicable laws. AAA offices may have additional local-county or Council of Government (COG) requirements to fulfill, such as getting Board approval, or recruiting members from specific categories.

## Recruitment, screening and appointment process:

Appointments to DSACs should be as defined in the bylaws. There should be a local review of each new appointment to assure compliance with the state law and local requirements.

### Recruitment

#### 1. When

Recruitments should be constant so that you have a pool of potential candidates when you have an opening.

Start recruiting immediately if a council member resigns or a term expires.

#### 2. Who

A nominating committee can be formed by the council according to its bylaws.

It is the responsibility of the committee to determine DSAC's needs in order to achieve a balance of representation and skills.

Nominating committees may not be necessary for small councils.

#### 3. How

Recruit widely. This can be through:

- News releases to media;
- Letters requesting applications to organizations, agencies, and/or support groups for people with disabilities and/or individuals;

- Word of mouth (extremely effective);
- Keeping applications handy in case you meet someone you want to recruit; and
- Developing a brochure about your DSAC.

## Screening

1. The nominating committee will receive applications.
2. Interviews of potential members are encouraged.

The purpose of these interviews is to explain to potential members the responsibilities of the DSAC. It is also to determine what the applicant has to offer the council.

3. After interviews, the nominating committee makes its recommendations to the full council.

Members should receive a copy of the application to review before the meeting.

4. The full council should vote on acceptance of a new member, without the candidate present.

## Appointment

1. The chair of the council may wish to recognize each new appointment with a letter stating the length of term filled.
2. Notify the DSAC program coordinator at APD Advocacy and Development of all appointments. This way the program coordinator can keep accurate records and maintain a mailing list.

# Sample Membership Application

Please respond on a separate piece of paper. Number your responses to correspond to the application. Your response must be no more than two pages.

## **I. Personal information**

- A. Name, address, county and phone number
- B. Place of employment
- C. List work, education, personal and volunteer experiences working with people with disabilities
- D. Describe how your life experiences, including those above, which have had an impact or influence on your life.
- E. Describe why you want to be a council member.

## **II. Legal requirements**

- A. In order to comply with SB 875, the following information is required of all applicants:
  - 1. List if you have a disability
  - 2. State if you have been a consumer of DHS/APD services

## **III. Miscellaneous**

- A. If not chosen for this council, are you willing to serve in some other capacity
- B. List your accessibility needs
- C. Would you like your name referred to other organizations that need advisory council members?

We cannot choose everyone who may apply. However, we keep all applications on file.

# Sample Interview Questions

1. What experience (employment, volunteer, and/or personal) will help you to be an effective advisory council member?
2. What do you expect to gain from a volunteer experience with the advisory council?
3. What do you see as the purpose of the Disability Services Advisory Council (DSAC)?
4. What skills would you bring to the advisory council?

# Sample Bylaws

## Disability Services Advisory Council Bylaws for district \_\_\_\_\_ representing \_\_\_\_\_ county/counties

### **Title, authority and relationships**

This Council shall be known as the Disability Services Advisory Council (DSAC) for District \_\_\_\_\_ representing \_\_\_\_\_ County/Counties. The council receives its authority from Senate Bill (SB) 875 and ORS 410.210. The council functions within the system of the Department of Human Services, Aging and People with Disabilities (DHS/APD) and is subject to the provisions of ORS 192.610 to 192.690 (public meeting laws).

### **Purpose**

The purpose of the Disability Services Advisory Council (DSAC) is to:

- Advise, educate and advocate for its local APD and/or AAA office(s) and give basic policy guidelines for those consumers receiving services;
- Review and evaluate the effectiveness of the services provided by DHS; and
- Other related topics. SB 875 [Section 2(4)]

### **Responsibilities and methods**

1. Review current and new policy as it is developed. State and local offices provide policy.

2. Advise, educate and advocate for policy improvements and identify gaps in services. Suggestions are to be in writing and sent to district managers and the Oregon Disabilities Commission.
3. Evaluate the effectiveness of the services delivered to people with disabilities.
4. Members are encouraged to meet with consumers and talk them about their perceptions. Ask them if their services are meeting their needs or not. Let them know that the DSAC meetings will be open to the public.

### **Record keeping**

Written minutes are required. Minutes should reflect all members present, all motions, any proposals, including resolutions and measures, and their dispositions. Minutes should also reflect the result of all votes, and the substance of any discussion matter.

### **Membership**

The DSAC shall have a majority membership of people with disabilities. The DSAC shall include consumers of services, either prior or present and other interested people.

### **Absenteeism**

DSAC members who are not able to attend a meeting should notify the chairperson as soon as possible, before the meeting. The council considers it a resignation when a member has three consecutive absences without notice. There will be selection of a replacement.

### **Quorum and voting**

A quorum will consist of 50 percent plus one of the DSAC membership. This minimum attendance must include the chairperson or a designated alternate of the chairperson. Motions carry with consensus of a majority of voters present. The chairperson may not vote on any issue except to break a tie.

### **Officers**

Officers are the chairperson, vice chair, and secretary. (Your council may want additional members such as 1-2 members-at-large, chair of committees, etc.)

## **Term of office**

The first term of the council, members can select a one or two year term. After that, all terms will be for two years. Elections for the chairperson, vice chair, and the secretary will be every other September.

## **The filling of vacancies is as follows:**

1. The chairperson will appoint a nominating committee; and
2. There will be screening and interviewing of applicants.

## **Duties of officers and embers**

**Chairperson:** Chairs all meetings; identify an alternate if unable to be in attendance at a meeting. Prepare agendas, appoint committees as needed and contact/invite/coordinate any guest speakers.

**Vice chair:** Fulfills any and all duties of the chairperson in their absence.

**Secretary:** Assists the designated staff support with recruitment, screening, and the chairs the nominating committee.

**Members:** Prepare for and attend meetings. Inform the chairperson of items needed to be included on the agendas. Serve on committees according to their talents and time.

## **Amendments**

DSAC may amend the bylaws by the following procedure:

Submit proposed amendments in writing to the chairperson. This way it can be included on the agenda of the next meeting. It can also be set as a regular agenda item every other September.

DSAC shall distribute proposed amendments and rationale for changes to each member with the agenda at least one week prior to the meeting. Amendments must comply with requirements of Oregon Statutes.

Adopted Date: \_\_\_\_\_

# Appendix B: Legislation creating Disability Services Advisory Councils

## Senate Bill 875

**ORS 410.210**

**65th OREGON LEGISLATIVE ASSEMBLY-1989 Regular Session**

**Enrolled**

**Senate Bill 875**

Sponsored by Senator KERANS, Representatives CLARNO, DOMINY, FORD, RIJKEN, Representatives CALHOON, CALOURI, DWYER, GERSHON, KEISLING, MARKHAM, McTEAGUE, OAKLEY, PETERSON, REPINE, SOWA, STEIN (at the request of Governor's Task Force on Disability Services)

### CHAPTER 787

#### AN ACT

Relating to Senior and Disabled Services Division; creating new provisions; amending ORS 410.070 and 410.120; and repealing chapter 192, Oregon Laws 1989 (Enrolled Senate Bill 873).

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

#### SECTION 1. ORS 410.070 is amended to read:

##### **410.070.**

- (1) The Senior and Disabled 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 people and disabled people, and shall promote the hiring of otherwise qualified persons who are certifiably disabled for positions within the programs it manages.

(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 and disabled persons in Oregon.
- (b) Function as (and) the designated state unit on aging, as defined in the Older Americans Act of 1965.
- [[b]] (c) With the advice of the Governor's Commission on Senior Services and the Oregon Disabilities Commission, develop long-range state plans for program, services and activities for elderly persons and [handicapped] disabled persons. State plans should be revised annually and should be based on area agency plans, state-wide priorities and state and federal requirements.
- [[c]] (d) Have the authority to transfer state and federal funds, except Title III or 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]] (a) 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 and enter into contracts with private entities for the purpose of providing or contracting for case management services for long-term care insurance for the benefit of elderly persons and disabled persons in this state.
- [[e]] (f) Provide technical, training and program assistance to area agencies and assist them to provide such assistance to public and private agencies and organizations.
- [[f]] (g) 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.
- (h) Assist local division units and area agencies which have assumed responsibility for disabled services to stimulate more effective use of

existing resources and to develop programs, opportunities and services which are not otherwise provided for disabled persons, with the aim of developing a comprehensive and coordinated system for the delivery of social services to disabled persons.

- [(g)] (i) Serve within government and in the state at large as an advocate for elderly persons and disabled persons by holding hearings and conducting studies or investigations concerning matters affecting the health, safety and welfare of elderly persons and disabled persons and by assisting elderly persons and disabled persons to assure their rights to apply for and receive services and to be given fair hearings when such services are denied.
- [(h)] (j) Process fiscal and client data for all area agencies.
- [(i)] (k) Conduct regulatory functions with regard to program operation, by adopting rules for providing social services, including protective services, to elderly persons and disabled persons who need services that the division or area agencies are authorized to provide and rules for standard rate setting and quality assurance.
- [(j)] (l) Provide information and technical assistance to the Governor's Commission on Senior Services and the Oregon Disabilities Commission and keep the (commission) commissions continually informed of the activities of the division.
- [(k)] (m) Make recommendations for legislative action to the Governor and to the Legislative Assembly, after consultation with the Governor's Commission on Senior Services and the Oregon Disabilities Commission.
- [(l)] (n) Conduct research and other appropriate activities to determine the needs of elderly persons and disabled persons in this state, including, but not limited to, their needs for social health services, and to determine what existing services and facilities, private and public, are available to elderly persons and disabled persons to meet those needs.
- [(m)] (o) Maintain a clearinghouse for information related to the needs and interests of elderly persons and disabled persons.
- [(n)] (p) 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] agencies and the division's disability services units can manage Title XIX and Title XX reimbursements within budgeted levels.
    - (C) Determine annual budget levels for planning and administering programs relating to social, health, independent living and protective services for disabled persons for the division's disability services units and type B area agencies which have assumed local responsibility for the programs and clients transferred under subsection (2) of section 2 of this 1989 Act.
  - (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 for 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.
  - (e) Assume planning and program responsibilities for disabled persons in areas served by type A area agencies and in areas where no area agency exists.

- (4) When developing programs affecting elderly persons, the division shall consult with the Governor's Commission on Senior Services.
- (5) When developing programs affecting disabled persons, the division shall consult with the Oregon Disabilities Commission.

## SECTION 2.

- (1) All persons 18 years of age or older who receive the services listed in subsection (2) of this section from the Adult and Family Services Division shall receive the same services from the Senior and Disabled Services Division. Transfer of these cases to the Senior and Disabled Services Division shall be accomplished not later than October 1, 1990. A planning and transition committee shall advise the Senior and Disabled Services Division on the general direction and philosophy of the transfer. A majority of the committee's membership shall be representatives of the disabled. The committee shall consist of disabled representatives and other representatives from the following organizations and groups:
  - (a) Oregon Disabilities Commission;
  - (b) Governor's Commission of Senior Services;
  - (c) Area Agency on Aging Advisory Council Chairperson's Association;
  - (d) Oregon Association of Area Agencies on Aging;
  - (e) The mentally ill; and
  - (f) The mentally retarded and developmentally disabled.
- (2) Clients and programs to be transferred to the Senior and Disabled Services Division from the Adult and Family Services Division shall be as follows:
  - (a) Persons receiving general assistance;
  - (b) Persons in this state receiving federal Supplemental Security Income except those who are members of a household receiving aid to dependent children;
  - (c) Persons receiving aid to the disabled, including medically needy services;
  - (d) Persons receiving aid to the blind including medically needy services;

- (e) Persons 18 years of age or older receiving federal Title XIX benefits based on being aged, blind or disabled and who are not members of a household receiving aid to dependent children;
  - (f) Persons receiving old-age assistance including medically needy services; and
  - (g) Persons receiving non-assistance food stamps who are 60 years of age or older and are the heads of households, or who reside in households where the head is 60 years of age or older.
- (3) Each type B area agency on aging shall be given the option to either accept local responsibility for only the programs and clients listed under paragraphs (f) and (g) of subsection (2) of this section and be known as a type B1 area agency on aging or to assume the local responsibility for all programs and clients listed under subsection (2) of this section and be known as a type B2 area agency on aging.
- (a) In a type B1 area agency on aging district, the division shall manage the programs and clients listed under paragraphs (a) to (e) of subsection (2) of this section directly through local disability services units established in coordination with the local type B1 area agency on aging. The type B1 area agency shall return to the division all local responsibility for Title XIX long term care and general assistance programs which serve the disabled under 65 years of age. All programs and clients returned to the division under this subsection shall be integrated into the local disability services unit and be operated jointly with other disability programs managed by the division.
  - (b) In all type B1 area agency on aging districts, the disability services unit shall be advertised as such by the division so as not to be confused with the local area agency on aging.
- (4) The division shall establish local advisory councils to advise its disability services units on basic policy guidelines for those clients receiving services, on reviewing and evaluating the effectiveness of the services provided by the division and on other related topics.
- (a) The local disability services unit's advisory council membership shall have a majority of its members be disabled and shall include consumers of services and other interested persons.

- (b) The local disability services unit's advisory council shall meet at least quarterly and be subject to the provisions of ORS 192.610 to 192.690.
- (5) Each type B2 area agency on aging's advisory council shall establish a disability issues committee composed of at least five members, a majority of whom shall be disabled. The committee shall advise the area agency on aging on issues relating to the disability services the agency provides.
- (6) The following policy setting functions, resources and support activities relating to the programs and clients transferred under subsection (2) of this section shall be transferred from the Adult and Family Services Division to the Senior and Disabled Services Division:
  - (a) Trust and agency;
  - (b) Estate administration;
  - (c) Training;
  - (d) Accounting, budgeting and data processing;
  - (e) Program monitoring and recoveries; and
  - (f) Miscellaneous medical, including durable medical equipment.

### SECTION 3.

The Assistant Director for Adult and Family Services shall deliver to the Assistant Director for Senior and Disabled Services all records and property within the jurisdiction of the Assistant Director for Adult and Family Services that relate to the duties, functions and powers transferred, and shall transfer those employees engaged primarily in the exercise of the duties, functions and powers transferred. The Assistant Director for Senior and Disabled Services shall take possession of such property, and shall take charge of such employees and employ them in the exercise of their duties, functions and powers assigned or transferred by this Act, without reduction of compensation but subject to change or termination of employment or compensation as provided by law. Any dispute as to transfers of property and employees under this section shall be resolved by the Director of the Department of Human Resources, and the director's decision is final. Nothing in this Act supersedes the provisions of any collective bargaining agreements negotiated between the state or a local government and the employees of the state or of the local government.

## SECTION 4.

Except as otherwise provided in section 9 of this Act, all unexpended moneys appropriated or otherwise available to the Adult and Family Services Division for the purposed of any of its duties, functions or powers transferred by this Act to the Senior and Disabled Services Division are appropriated to the Senior and Disabled Services Division.

## SECTION 5.

Any proceeding, action, prosecution or other business or matter undertaken or commenced before the operative date of section 2 of this Act by the Adult and Family Services Division, with respect to the duties, functions or powers transferred to the Senior and Disabled Services Division by this Act, and still pending on the operative date of section 3 of this Act, may be conducted and completed by the Senior and Disabled Services Division in the same manner, under the same terms and conditions and with the same effect as though undertaken, conducted or completed by the Adult and Family Services Division before the transfer.

## SECTION 6.

Nothing in this Act relieves any person of any obligation with respect to a tax, fee, fine or other charge, interest, penalty, forfeiture or other liability, duty or obligation.

## SECTION 7.

The Senior and Disabled Services Division to which duties, functions and powers are assigned and transferred by this Act is considered to be a continuation of the Adult and Family Services Division with respect to such duties, functions and powers, and not a new authority, for the purpose of succession to all rights and obligations of the Adult and Family Services Division as constituted at the time of such assignment or transfer, except as otherwise provided by this Act, with the same force and effect as if such duties, functions and powers had not been assigned or transferred.

## SECTION 8.

- (1) Whenever, in any law or resolution of the Legislative Assembly or in any rule, document, record or proceeding authorized thereby, reference is made to the Adult and Family Services Division, or employ thereof, whose duties, functions

or powers are assigned or transferred by this Act, except as otherwise provided in this Act such reference is considered to describe the Senior and Disabled Services Division that by this Act is charged with carrying out such duties, functions and powers.

- (2) The lawful rules of the Adult and Family Services Division with respect to duties, functions or powers assigned or transferred by this Act continue in effect until superseded or rescinded by rules lawfully adopted by the Senior and Disabled Services Division to which was transferred the duty, function or power to which the rules apply.

## SECTION 9.

A transfer of duties, functions, powers, rights, records, property, employees or money by this Act does not become operative until the Assistant Director for the Senior and Disabled Services Division to which they are transferred has been appointed and has qualified. Until then the Adult and Family Services Division vested therewith shall continue to exercise and perform such duties, functions, powers and rights and to have charge of such records, property, employees and moneys.

## SECTION 10.

- (1) The amendment of ORS 410.070 by section 1 of this Act is intended to change the name of the Senior Services Division to the Senior and Disabled Services Division.
- (2) For the purpose of harmonizing and clarifying statute sections published in Oregon Revised Statutes, the Legislative Counsel may substitute for words designating the Senior Services Division from which duties, functions or powers are transferred by this Act, wherever they occur in Oregon Revised Statutes, other words designating the Senior and Disabled Services Division to which such duties, functions or powers are transferred.

## SECTION 11. ORS 410.120 is amended to read:

410.120 (1) There is established in the General Fund of the State Treasury an account to be known as the Senior and Disabled Services Account. All moneys in the Senior and disabled Services Account are continuously appropriated for and shall be use by the Senior and Disabled Services Division for the respective purposes authorized by law. The moneys in the Senior and Disabled Services

Account and all appropriations for the Senior and Disabled Services Division shall be subject to allotment made by the Executive Department.

- (2) The Senior and Disabled Services Division shall keep a record of all moneys credited to and deposited in the Senior and Disabled 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 and Disabled Services Account on June 30 of each odd-numbered year shall be determined by the Senior and Disabled 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 12.

- (1) The amendment of ORS 410.120 by section 11 of this Act is intended to change statutes, the Legislative Counsel may substitute for words designating the Senior Services Account from which duties, functions or powers are transferred by this Act, wherever they occur in Oregon Revised Statutes, other words designating the Senior and Disabled Services Account to which such duties, functions or powers are transferred.

## SECTION 13.

Chapter 192, Oregon Laws 1989 (Enrolled Senate Bill 873, is repealed.

### **410.210 Area agency advisory councils; membership; duties.**

- (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 provided primarily to elderly persons under Department of Human Services programs, including low income and minority persons.
  - (b) A type B area agency that serves elderly and disabled persons shall have two advisory councils. One shall include persons described in paragraph (a) of this subsection. The second shall be a disability services advisory council. That council shall have as a majority of its

members disabled persons and shall include consumers of services and other interested persons. Any disability services advisory council in existence at the time the area agency assumes responsibility for providing services to disabled persons shall become the disability services advisory council for the area agency.

(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 or disabled 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 Director of Human Services.
- (c) Review and evaluate the effectiveness of the area agency in meeting the needs of elderly persons or disabled persons in the planning and service area.
- (d) Meet at least quarterly. The meetings are subject to ORS 192.610 to 192.690. [1981 c.784 §11; 1989 c.224 §76; 1991 c.67 §101; 1993 c.116 §1; 2001 c.900 §79]

# Appendix C: Public meeting laws

## ORS 192.610, ORS 192.680, ORS 192.690

### 192.610 Miscellaneous Matters

#### Public Meetings

192.610 Definitions for ORS 192.610 to 192.690. As used in ORS 192.610 to 192.690:

- (1) “Decision” means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present.
- (2) “Executive session” means any meeting or part of a meeting of a governing body which is closed to certain persons for deliberation on certain matters.
- (3) “Governing body” means the members of any public body which consists of two or more members, with the authority to make decisions for or recommendations to a public body on policy or administration.
- (4) “Public body” means the state, any regional council, county, city or district, or any municipal or public corporation, or any board, department, commission, council, bureau, committee or subcommittee or advisory group or any other agency thereof.
- (5) “Meeting” means the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. “Meeting” does not include any on-site inspection of any project or program. “Meeting” also does not include the attendance of members of a governing body at any national, regional or state association to which the public body or the members belong. [1973 c.172 §2; 1979 c.644 §1]

192.620 Policy. The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ORS 192.610 to 192.690 that decisions of governing bodies be arrived at openly. [1973 c.172 §1]

192.630 Meetings of governing body to be open to public; location of meetings; accommodation for person with disability; interpreters. (1) All meetings of the governing body of a public body shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192.610 to 192.690.

- (2) A quorum of a governing body may not meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to 192.690.
- (3) A governing body may not hold a meeting at any place where discrimination on the basis of race, color, creed, sex, sexual orientation, national origin, age or disability is practiced. However, the fact that organizations with restricted membership hold meetings at the place does not restrict its use by a public body if use of the place by a restricted membership organization is not the primary purpose of the place or its predominant use.
- (4) Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction as long as no deliberations toward a decision are involved. A joint meeting of two or more governing bodies or of one or more governing bodies and the elected officials of one or more federally recognized Oregon Indian tribes shall be held within the geographic boundaries over which one of the participating public bodies or one of the Oregon Indian tribes has jurisdiction or at the nearest practical location. Meetings may be held in locations other than those described in this subsection in the event of an actual emergency necessitating immediate action.
- (5)(a) It is discrimination on the basis of disability for a governing body of a public body to meet in a place inaccessible to persons with disabilities, or, upon request of a person who is deaf or hard of hearing, to fail to make a good faith effort to have an interpreter for persons who are deaf or hard of hearing provided at a regularly scheduled meeting. The sole remedy for discrimination on the basis of disability shall be as provided in ORS 192.680.
  - (b) The person requesting the interpreter shall give the governing body at least 48 hours' notice of the request for an interpreter, shall provide the name of the requester, sign language preference and any other relevant information the governing body may request.

- (c) If a meeting is held upon less than 48 hours' notice, reasonable effort shall be made to have an interpreter present, but the requirement for an interpreter does not apply to emergency meetings.
- (d) If certification of interpreters occurs under state or federal law, the Oregon Health Authority or other state or local agency shall try to refer only certified interpreters to governing bodies for purposes of this subsection.
- (e) As used in this subsection, "good faith effort" includes, but is not limited to, contacting the department or other state or local agency that maintains a list of qualified interpreters and arranging for the referral of one or more qualified interpreters to provide interpreter services. [1973 c.172 §3; 1979 c.644 §2; 1989 c.1019 §1; 1995 c.626 §1; 2003 c.14 §95; 2005 c.663 §12; 2007 c.70 §52; 2007 c.100 §21; 2009 c.595 §173]

192.640 Public notice required; special notice for executive sessions, special or emergency meetings. (1) The governing body of a public body shall provide for and give public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings. The notice shall also include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.

- (2) If an executive session only will be held, the notice shall be given to the members of the governing body, to the general public and to news media which have requested notice, stating the specific provision of law authorizing the executive session.
- (3) No special meeting shall be held without at least 24 hours' notice to the members of the governing body, the news media which have requested notice and the general public. In case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 24 hours' notice. [1973 c.172 §4; 1979 c.644 §3; 1981 c.182 §1]

192.650 Recording or written minutes required; content; fees. (1) The governing body of a public body shall provide for the sound, video or digital recording or the taking of written minutes of all its meetings. Neither a full transcript nor a full recording of the meeting is required, except as otherwise provided

by law, but the written minutes or recording must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes or recordings shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:

- (a) All members of the governing body present;
  - (b) All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
  - (c) The results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name;
  - (d) The substance of any discussion on any matter; and
  - (e) Subject to ORS 192.410 to 192.505 relating to public records, a reference to any document discussed at the meeting.
- (2) Minutes of executive sessions shall be kept in accordance with subsection (1) of this section. However, the minutes of a hearing held under ORS 332.061 shall contain only the material not excluded under ORS 332.061 (2). Instead of written minutes, a record of any executive session may be kept in the form of a sound or video tape or digital recording, which need not be transcribed unless otherwise provided by law. If the disclosure of certain material is inconsistent with the purpose for which a meeting under ORS 192.660 is authorized to be held, that material may be excluded from disclosure. However, excluded materials are authorized to be examined privately by a court in any legal action and the court shall determine their admissibility.
- (3) A reference in minutes or a recording to a document discussed at a meeting of a governing body of a public body does not affect the status of the document under ORS 192.410 to 192.505.
- (4) A public body may charge a person a fee under ORS 192.440 for the preparation of a transcript from a recording. [1973 c.172 §5; 1975 c.664 §1; 1979 c.644 §4; 1999 c.59 §44; 2003 c.803 §14]

192.660 Executive sessions permitted on certain matters; procedures; news media representatives' attendance; limits. (1) ORS 192.610 to 192.690 do not prevent the governing body of a public body from holding executive session during a regular, special or emergency meeting, after the presiding officer has identified the authorization under ORS 192.610 to 192.690 for holding the executive session.

- (2) The governing body of a public body may hold an executive session:
- (a) To consider the employment of a public officer, employee, staff member or individual agent.
  - (b) To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing.
  - (c) To consider matters pertaining to the function of the medical staff of a public hospital licensed pursuant to ORS 441.015 to 441.063 and 441.196 including, but not limited to, all clinical committees, executive, credentials, utilization review, peer review committees and all other matters relating to medical competency in the hospital.
  - (d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.
  - (e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.
  - (f) To consider information or records that is exempt by law from public inspection.
  - (g) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.
  - (h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.
  - (i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.
  - (j) To carry on negotiations under ORS chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments.
  - (k) To consider matters relating to school safety or a plan that responds to safety threats made toward a school.

- (L) If the governing body is a health professional regulatory board, to consider information obtained as part of an investigation of licensee or applicant conduct.
- (m) If the governing body is the State Landscape Architect Board, or an advisory committee to the board, to consider information obtained as part of an investigation of registrant or applicant conduct.
- (n) To discuss information about review or approval of programs relating to the security of any of the following:
  - (A) A nuclear-powered thermal power plant or nuclear installation.
  - (B) Transportation of radioactive material derived from or destined for a nuclear-fueled thermal power plant or nuclear installation.
  - (C) Generation, storage or conveyance of:
    - (i) Electricity;
    - (ii) Gas in liquefied or gaseous form;
    - (iii) Hazardous substances as defined in ORS 453.005 (7)(a), (b) and (d);
    - (iv) Petroleum products;
    - (v) Sewage; or
    - (vi) Water.
  - (D) Telecommunication systems, including cellular, wireless or radio systems.
  - (E) Data transmissions by whatever means provided.
- (3) Labor negotiations shall be conducted in open meetings unless negotiators for both sides request that negotiations be conducted in executive session. Labor negotiations conducted in executive session are not subject to the notification requirements of ORS 192.640.
- (4) Representatives of the news media shall be allowed to attend executive sessions other than those held under subsection (2)(d) of this section relating to labor negotiations or executive session held pursuant to ORS 332.061 (2) but the governing body may require that specified information be undisclosed.
- (5) When a governing body convenes an executive session under subsection (2)(h) of this section relating to conferring with counsel on current litigation or litigation

likely to be filed, the governing body shall bar any member of the news media from attending the executive session if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation.

- (6) No executive session may be held for the purpose of taking any final action or making any final decision.
- (7) The exception granted by subsection (2)(a) of this section does not apply to:
  - (a) The filling of a vacancy in an elective office.
  - (b) The filling of a vacancy on any public committee, commission or other advisory group.
  - (c) The consideration of general employment policies.
  - (d) The employment of the chief executive officer, other public officers, employees and staff members of a public body unless:
    - (A) The public body has advertised the vacancy;
    - (B) The public body has adopted regular hiring procedures;
    - (C) In the case of an officer, the public has had the opportunity to comment on the employment of the officer; and
    - (D) In the case of a chief executive officer, the governing body has adopted hiring standards, criteria and policy directives in meetings open to the public in which the public has had the opportunity to comment on the standards, criteria and policy directives.
- (8) A governing body may not use an executive session for purposes of evaluating a chief executive officer or other officer, employee or staff member to conduct a general evaluation of an agency goal, objective or operation or any directive to personnel concerning agency goals, objectives, operations or programs.
- (9) Notwithstanding subsections (2) and (6) of this section and ORS 192.650:
  - (a) ORS 676.175 governs the public disclosure of minutes, transcripts or recordings relating to the substance and disposition of licensee or applicant conduct investigated by a health professional regulatory board.
  - (b) ORS 671.338 governs the public disclosure of minutes, transcripts or recordings relating to the substance and disposition of registrant or

applicant conduct investigated by the State Landscape Architect Board or an advisory committee to the board.

- (10) Notwithstanding ORS 244.290, the Oregon Government Ethics Commission may not adopt rules that establish what entities are considered representatives of the news media that are entitled to attend executive sessions under subsection (4) of this section. [1973 c.172 §6; 1975 c.664 §2; 1979 c.644 §5; 1981 c.302 §1; 1983 c.453 §1; 1985 c.657 §2; 1995 c.779 §1; 1997 c.173 §1; 1997 c.594 §1; 1997 c.791 §9; 2001 c.950 §10; 2003 c.524 §4; 2005 c.22 §134; 2007 c.602 §11; 2009 c.792 §32; 2015 c.421 §2; 2015 c.666 §3]

**Note: Section 4, chapter 666, Oregon Laws 2015, provides:**

Sec. 4. The amendments to ORS 192.660 and 244.290 by sections 1 to 3 of this 2015 Act apply to alleged violations of ORS 192.660 that occur on or after the effective date of this 2015 Act [January 1, 2016]. [2015 c.666 §4]

192.670 Meetings by means of telephone or electronic communication. (1) Any meeting, including an executive session, of a governing body of a public body which is held through the use of telephone or other electronic communication shall be conducted in accordance with ORS 192.610 to 192.690.

- (2) When telephone or other electronic means of communication is used and the meeting is not an executive session, the governing body of the public body shall make available to the public at least one place where, or at least one electronic means by which, the public can listen to the communication at the time it occurs. A place provided may be a place where no member of the governing body of the public body is present. [1973 c.172 §7; 1979 c.361 §1; 2011 c.272 §2]

192.672 State board or commission meetings through telephone or electronic means; compensation and reimbursement. (1) A state board or commission may meet through telephone or other electronic means in accordance with ORS 192.610 to 192.690.

- (2)(a) Notwithstanding ORS 171.072 or 292.495, a member of a state board or commission who attends a meeting through telephone or other electronic means is not entitled to compensation or reimbursement for expenses for attending the meeting.

- (b) A state board or commission may compensate or reimburse a member, other than a member who is a member of the Legislative Assembly, who attends a meeting through telephone or other electronic means as provided in ORS 292.495 at the discretion of the board or commission.

[2011 c.272 §1]

Note: 192.672 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 192 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

192.680 Enforcement of ORS 192.610 to 192.690; effect of violation on validity of decision of governing body; liability of members. (1) A decision made by a governing body of a public body in violation of ORS 192.610 to 192.690 shall be voidable. The decision shall not be voided if the governing body of the public body reinstates the decision while in compliance with ORS 192.610 to 192.690. A decision that is reinstated is effective from the date of its initial adoption.

- (2) Any person affected by a decision of a governing body of a public body may commence a suit in the circuit court for the county in which the governing body ordinarily meets, for the purpose of requiring compliance with, or the prevention of violations of ORS 192.610 to 192.690, by members of the governing body, or to determine the applicability of ORS 192.610 to 192.690 to matters or decisions of the governing body.
- (3) Notwithstanding subsection (1) of this section, if the court finds that the public body made a decision while in violation of ORS 192.610 to 192.690, the court shall void the decision of the governing body if the court finds that the violation was the result of intentional disregard of the law or willful misconduct by a quorum of the members of the governing body, unless other equitable relief is available. The court may order such equitable relief as it deems appropriate in the circumstances. The court may order payment to a successful plaintiff in a suit brought under this section of reasonable attorney fees at trial and on appeal, by the governing body, or public body of which it is a part or to which it reports.
- (4) If the court makes a finding that a violation of ORS 192.610 to 192.690 has occurred under subsection (2) of this section and that the violation is the result of willful misconduct by any member or members of the governing body, that member or members shall be jointly and severally liable to the governing body or the public body of which it is a part for the amount paid by the body under subsection (3) of this section.
- (5) Any suit brought under subsection (2) of this section must be commenced within 60 days following the date that the decision becomes public record.

- (6) The provisions of this section shall be the exclusive remedy for an alleged violation of ORS 192.610 to 192.690. [1973 c.172 §8; 1975 c.664 §3; 1979 c.644 §6; 1981 c.897 §42; 1983 c.453 §2; 1989 c.544 §1]

192.685 Additional enforcement of alleged violations of ORS 192.660. (1) Notwithstanding ORS 192.680, complaints of violations of ORS 192.660 alleged to have been committed by public officials may be made to the Oregon Government Ethics Commission for review and investigation as provided by ORS 244.260 and for possible imposition of civil penalties as provided by ORS 244.350.

- (2) The commission may interview witnesses, review minutes and other records and may obtain and consider any other information pertaining to executive sessions of the governing body of a public body for purposes of determining whether a violation of ORS 192.660 occurred. Information related to an executive session conducted for a purpose authorized by ORS 192.660 shall be made available to the Oregon Government Ethics Commission for its investigation but shall be excluded from public disclosure.
- (3) If the commission chooses not to pursue a complaint of a violation brought under subsection (1) of this section at any time before conclusion of a contested case hearing, the public official against whom the complaint was brought may be entitled to reimbursement of reasonable costs and attorney fees by the public body to which the official's governing body has authority to make recommendations or for which the official's governing body has authority to make decisions. [1993 c.743 §28]

192.690 Exceptions to ORS 192.610 to 192.690. (1) ORS 192.610 to 192.690 do not apply to the deliberations of the Oregon Health Authority conducted under ORS 161.315 to 161.351, the Psychiatric Security Review Board, the State Board of Parole and Post-Prison Supervision, state agencies conducting hearings on contested cases in accordance with the provisions of ORS chapter 183, the review by the Workers' Compensation Board or the Employment Appeals Board of similar hearings on contested cases, meetings of the state lawyers assistance committee operating under the provisions of ORS 9.568, meetings of the personal and practice management assistance committees operating under the provisions of ORS 9.568, the county multidisciplinary child abuse teams required to review child abuse cases in accordance with the provisions of ORS 418.747, the child fatality review teams required to review child fatalities in accordance with the provisions of ORS 418.785, the peer review committees in accordance with the provisions of ORS 441.055,

mediation conducted under ORS 36.252 to 36.268, any judicial proceeding, meetings of the Oregon Health and Science University Board of Directors or its designated committee regarding candidates for the position of president of the university or regarding sensitive business, financial or commercial matters of the university not customarily provided to competitors related to financings, mergers, acquisitions or joint ventures or related to the sale or other disposition of, or substantial change in use of, significant real or personal property, or related to health system strategies, or to Oregon Health and Science University faculty or staff committee meetings.

- (2) Because of the grave risk to public health and safety that would be posed by misappropriation or misapplication of information considered during such review and approval, ORS 192.610 to 192.690 shall not apply to review and approval of security programs by the Energy Facility Siting Council pursuant to ORS 469.530. [1973 c.172 §9; 1975 c.606 §41b; 1977 c.380 §19; 1981 c.354 §3; 1983 c.617 §4; 1987 c.850 §3; 1989 c.6 §18; 1989 c.967 §§12,14; 1991 c.451 §3; 1993 c.18 §33; 1993 c.318 §§3,4; 1995 c.36 §§1,2; 1995 c.162 §§62b,62c; 1999 c.59 §§45a,46a; 1999 c.155 §4; 1999 c.171 §§4,5; 1999 c.291 §§25,26; 2005 c.347 §5; 2005 c.562 §23; 2007 c.796 §8; 2009 c.697 §11; 2011 c.708 §26]

# Appendix D: State policies for people with disabilities

## ORS 174.107, ORS 410.710, ORS 182.109

### 174.107 "Person with a disability" defined.

- (1) As used in the statute laws of this state, "person with a disability" means any person who:
  - (a) Has a physical or mental impairment which substantially limits one or more major life activities;
  - (b) Has a record of such an impairment; or
  - (c) Is regarded as having such an impairment.
- (2) Specific types of disability shall be considered subcategories under the definition of disabled person. [1989 c.224 §2a; 2003 c.14 §70; 2007 c.70 §39]

### ORS 410.710 State policy for persons with disabilities.

- (1) The Legislative Assembly finds and declares that it is a policy of this state that:
  - (a) All persons regardless of any disability have the right to live their lives with dignity and to participate in society and all state programs to the fullest extent possible.
  - (b) There is a need for education of state employees and the public generally about the capacity of persons with disabilities to participate and compete in the mainstream of society.
  - (c) Stereotypes and negative labels have no place in state laws and words such as "victim," "afflicted," "crippled" and "handicapped" that have connotations of unclean, unworthy, unproductive and begging are judgmental. Wherever possible, words such as these shall be avoided.

- (d) The language of state laws shall reflect a positive outlook about persons with disabilities. The worth and uniqueness of each individual citizen is to be emphasized by using words and phrases which emphasize the person first and then identify any disability when relevant.

**Note:** The Legislative Counsel has not, pursuant to 173.160, undertaken to substitute specific ORS references for the words "this Act" in 410.710. Chapter 224, Oregon Laws 1989, enacted into law and amended the ORS sections which may be found by referring to the Comparative Section Table located in Volume 18 of Oregon Revised Statutes.

## 182.109 Agency actions to carry out policies of ORS 410.710.

In carrying out the policies stated in ORS 410.710, state agencies shall:

- (1) Review their rules and policies and may revise them as necessary to reflect a positive approach to persons with disabilities.
- (2) Encourage and promote education of state employees, state officials and the public in general about the worth and capacity of persons with disabilities.
- (3) In all state correspondence and publications, avoid the use of stereotypes and negative labels such as "victim," "afflicted," "crippled", and "handicapped" except as such terms as required by statute or federal law and regulation.
- (4) Use the preferred and more positive term "disabled" instead of "handicapped" or other negative words except as such terms as required by statute or federal law and regulation.
- (5) In implementing subsections (1) to (4) of this section, develop and seek input regarding terminology and portrayal of persons with disabilities from persons who have disabilities and their advocates.
- (6) Foster corrective measures and avoid stereotypes and negative labeling in texts used by schools, newspapers, magazines, radio and television by encouraging review and analysis of these media by publishers, company owners or appropriate agencies. [1989 c.224 §2]

# Appendix E: Restrictions on political campaigning

## 260.432 Solicitation of public employees; activities of public employees during working hours.

- (1) No person shall attempt to, or actually, coerce, command or require a public employee to influence or give money, service or other thing of value to promote or oppose any political committee or to promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder.
- (2) No public employee shall solicit any money, influence, service or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views.
- (3) Each public employer shall have posted in a conspicuous place likely to be seen by its employees the following notice in printed or typewritten form:

### **Attention all public employees:**

The restrictions imposed by the law of the State of Oregon on your political activities are that "No public employee shall solicit any money, influence, service or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views."

It is therefore the policy of the state and of your public employer that you may engage in political activity except to the extent prohibited by state law when on the job during working hours.

(4) Nothing in this section prohibits an employee of the legislative branch from explaining the vote of a member of the Legislative Assembly on:

- (a) An act that has been referred to the people by law or petition under section 1 (3), Article IV of the Oregon Constitution;
- (b) An act for which a prospective referendum petition has been filed under ORS 250.045; or
- (c) A constitutional amendment or revision proposed under section 1 or 2, Article XVII of the Oregon Constitution.

(5) As used in this section:

- (a) “Public Employee” does not include an elected official or a person appointed as a director to the board of a pilot education service district under ORS 334.108
- (b) “Public employer” includes any board, commission, committee, department, division or institution in the executive, administrative, legislative or judicial branch of state government, and any county, city, district or other municipal corporation, or public corporation organized for a public purpose; including a cooperative body formed between municipal or public corporations [Formerly 260.231; 1973 c.53 §1; 1973 c.744 §27a; 1979 c.190 §372; 1979 c.519 §35a; 1983 c.71 §9; 1983 c.392 §1; 1985 c.565 §39; 1985 c.808 §62; 1987 c.718 §3; 1993 c.493 §106; 2007 c.589 §§7,8; 2010 c.9 §§15,16; 2013 c.13 §2]

# Appendix F: Acronyms

## Commonly used APD acronyms

Acronym	Definition
AAA	Area Agency on Aging
ADA	Americans with Disabilities Act
ADL	Activities of Daily Living
AFH	Adult Foster Home
ALF	Assisted Living Facility
APD	Aging and People with Disabilities
APS	Adult Protective Services
ATI	Access Technologies, Inc.
CCO	Coordinated care organizations
CEP	Consumer Employed Provider
CIL	Centers for Independent Living
CM	Case Manager
CMS	Center for Medicare & Medicaid Services
COG	Council of Governments
COLA	Cost of Living Adjustment
COSPwD	Campaign for Oregon's Seniors and People with Disabilities
DD	Developmental Disability
DDS	Disability Determination Services
DHS	Department of Human Services
DM	District Manager

<b>Acronym</b>	<b>Definition</b>
DRO	Disability Rights Oregon
DSAC	Disability Services Advisory Council
EPD	Employed Person with Disabilities
FF	Federal Funds
FFS	Fee-for-Service – Medicaid/Oregon Health Plan (OHP)“open card”
GA	General Assistance
GCSS	Governor’s Commission on Senior Services
GF	General Funds
HCC	Home Care Commission
HCW	Home Care Worker
HSD	Health Services Division
IADL	Instrumental Activities of Daily Living
ILP	Independent Living Programs
IM	Information Memorandum
I&R	Information and Referral
IPE	Individual Plan of Employment
LIHEAP	Low-Income Home Energy Assistance Program
LTC	Long-Term Care
LTSS	Long-Term Services and Supports
MH	Mental Health
MLTQRAC	Medicaid’s Long-Term Care Quality and Reimbursement Advisory Council
MMIS	Medicaid Management Information System
NF	Nursing Facility
OAAD	Oregon Association of Area Agencies on Aging and Disabilities

<b>Acronym</b>	<b>Definition</b>
OAR	Oregon Administrative Rules
OAA	Older Americans Act
OCDD	Oregon Council of Developmental Disabilities
ODC	Oregon Disabilities Commission
OHA	Oregon Health Authority
OHP	Oregon Health Plan
PCP	Primary Care Physician
PSW	Personal Support Worker
QMB	Qualified Medical Beneficiaries
RCF	Residential Care Facility
SAIF	State Accident Insurance Funds
SILC	State Independent Living Council
SLMB	Specified Low-Income Medical Beneficiaries
SNAP	Supplemental Nutrition Assistance Program
SPMI	Severe and Persistent Mental Illness
SRC	State Rehabilitation Council
SSA	Social Security Administration
SSB	Social Security Benefit
SSDI	Social Security Disability Insurance
SSI	Supplemental Security Income
SSN	Social Security Number
SUA	State Unit on Aging
TBI	Traumatic Brain Injury
Title II	Part of the Social Security Act that created Social Security Retirement and Disability benefits. Sometimes called Title II Benefits.

Acronym	Definition
Title XVI	Part of the Social Security Act that created the Supplemental Security Income which provides cash benefits to seniors and people with disabilities who do not have Title II benefits or whose Title benefits are below the SSI Standard.
Title XIX	Part of the Social Security Act that created Medicaid
VA	Veteran's Administration
VR	Vocational Rehabilitation
Waiver	Exemption from Medicaid rules that allows Oregon to offer client services in community based settings

# Appendix G: Disability Services Advisory Councils around the state

Download the latest version of this guide at:

<https://apps.state.or.us/forms/served/de9000B.pdf>

# Appendix H: Disability Services Advisory Councils policy transmittal

## Policy transmittal

On June 17, 2003, a policy transmittal went out to DHS/APD field offices and Area Agencies on Aging. Policy Transmittal SPD-PT-03-024 provided detailed instructions to the local offices about setting up and maintaining a local Disability Services Advisory Council (DSAC).

It highlighted the roles and responsibilities of the local DSAC and DHS/APD and AAA offices. It explained the requirements in the law about membership, meeting frequency and duties, as well as activities.

The policy explains that DSACs can advocate on legislative related issues such as bills and budgets. Managers may provide information about budgets and legislation to DSACs without making recommendations for action by the DSAC. However, the DSAC can advocate in any legal manner.

Finally, it clarified that there may be involvement of DSACs in electoral politics. This includes taking stances on ballot measures and candidates for office.

To view or download the official policy transmittal that sets expectations for local offices about DSACs, go to:

<http://www.dhs.state.or.us/policy/spd/transmit/pt/2003/pt03024.pdf>



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