

**A-Engrossed  
House Bill 2175**

Ordered by the House May 3  
Including House Amendments dated May 3

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Department of Human Services)

**SUMMARY**

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

Authorizes Department of Human Services to use abuse and neglect reports to determine fitness of employees, **providers** and volunteers to provide care through department[, *community mental health and developmental disabilities program, area agency on aging or local health department*].

**Directs department to convene committee to develop recommendations to department for use of abuse and neglect reports for screening purposes.**

**A BILL FOR AN ACT**

1  
2 Relating to fitness of persons to provide care on behalf of the Department of Human Services.

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

4 **SECTION 1. As used in this section and section 2 of this 2007 Act:**

5 (1) "Abuse and neglect report" means a report retained by the Department of Human  
6 Services in accordance with ORS 124.085, 419B.030 or 430.757 or a similar report filed in an-  
7 other state.

8 (2) "Care" means treatment, education, training, instruction, placement services, recre-  
9 ational opportunities or case management, supervision of such services for clients of the  
10 department or department administration and support services for clients.

11 (3) "Subject individual" means a person who is:

12 (a) Employed or who seeks to be employed by the department to provide care;

13 (b) A volunteer or who seeks to be a volunteer to provide care on behalf of the depart-  
14 ment; or

15 (c) Providing care or who seeks to provide care on behalf of the department or another  
16 person.

17 **SECTION 2. (1) The Department of Human Services may use abuse and neglect reports**  
18 **maintained by the department for the purpose of providing protective services or screening**  
19 **subject individuals.**

20 (2) The department shall adopt rules to carry out the provisions of subsection (1) of this  
21 section.

22 (3) The rules adopted in subsection (2) of this section may include:

23 (a) Notice and opportunity for due process for a department employee found to be unfit;  
24 and

25 (b) Notice and opportunity for hearing in accordance with ORS chapter 183 for a subject  
26 individual described in section 1 (3)(c) of this 2007 Act.

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

1 (4) Reports maintained under this section are confidential and may not be disclosed for  
2 any purpose other than in accordance with this section or any other provision of law.

3 **SECTION 3.** (1) The Department of Human Services shall convene a committee consisting  
4 of employees of the department and representatives of entities that provide care on behalf  
5 of the department to develop recommendations to the department for the use of abuse and  
6 neglect reports to screen:

7 (a) Persons who are licensed, certified, registered or otherwise regulated by the depart-  
8 ment to provide care; and

9 (b) Employees of persons described in paragraph (a) of this subsection.

10 (2) The recommendations of the committee under subsection (1) of this section shall in-  
11 clude, but not be limited to:

12 (a) A process for the use of abuse and neglect reports in determining the fitness of in-  
13 dividuals described in subsection (1)(a) and (b) of this section to provide care;

14 (b) Detailed information about securing the resources for a data system to collect and  
15 maintain all abuse and neglect reports;

16 (c) Identification of the resources necessary to implement the recommendations; and

17 (d) A schedule for implementing the recommendations.

18 (3) The department may present a proposal based on the recommendations of the com-  
19 mittee, the implementation plan and a supporting budget request to the Seventy-fifth Legis-  
20 lative Assembly.

21 **SECTION 4.** (1) Section 2 of this 2007 Act applies to abuse and neglect reports on file with  
22 or accessible by the Department of Human Services on or after the effective date of this 2007  
23 Act.

24 (2) Section 2 of this 2007 Act applies to subject individuals on and after the effective date  
25 of this 2007 Act.

26 **SECTION 5.** Section 3 of this 2007 Act is repealed July 1, 2009.  
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