

**Enrolled**  
**House Bill 2175**

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)

CHAPTER .....

AN ACT

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

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

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

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

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

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

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

(b) A volunteer or who seeks to be a volunteer to provide care on behalf of the department; or

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

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

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

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

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

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

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

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

(a) Persons who are licensed, certified, registered or otherwise regulated by the department to provide care; and

- (b) Employees of persons described in paragraph (a) of this subsection.
- (2) The recommendations of the committee under subsection (1) of this section shall include, but not be limited to:
  - (a) A process for the use of abuse and neglect reports in determining the fitness of individuals described in subsection (1)(a) and (b) of this section to provide care;
  - (b) Detailed information about securing the resources for a data system to collect and maintain all abuse and neglect reports;
  - (c) Identification of the resources necessary to implement the recommendations; and
  - (d) A schedule for implementing the recommendations.
- (3) The department may present a proposal based on the recommendations of the committee, the implementation plan and a supporting budget request to the Seventy-fifth Legislative Assembly.

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

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

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

Passed by House May 8, 2007

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 Chief Clerk of House  
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 Speaker of House

Passed by Senate May 31, 2007

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 President of Senate

Received by Governor:

.....M.,....., 2007

Approved:

.....M.,....., 2007

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 Governor

Filed in Office of Secretary of State:

.....M.,....., 2007

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 Secretary of State