

# 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)

## SUMMARY

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

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

## 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.**

7 (2) **"Care" means treatment, education, training, instruction, placement services, recre-**  
8 **ational opportunities, case management or the supervision of such services for children, in-**  
9 **dividuals 62 years of age or older, or persons with disabilities.**

10 (3) **"Qualified entity" means a community mental health and developmental disabilities**  
11 **program described in ORS 430.620, an area agency on aging as described in ORS 410.040, a**  
12 **local health department as defined in ORS 433.235 or any other person that provides care or**  
13 **that licenses, certifies or registers others to provide care.**

14 (4) **"Subject individual" means a person who is employed or seeks to be employed by the**  
15 **Department of Human Services or a qualified entity or who is providing care or seeks to**  
16 **provide care on a contractual or volunteer basis on behalf of the department or a qualified**  
17 **entity.**

18 **SECTION 2. (1) The Department of Human Services may consider abuse and neglect re-**  
19 **ports maintained by the department or similar reports filed in other states for the purpose**  
20 **of:**

21 (a) **Screening subject individuals; or**

22 (b) **Licensing, certifying or registering persons or employees of qualified entities who**  
23 **provide care.**

24 (2) **The department shall adopt rules for determining whether a subject individual is fit**  
25 **to provide care, taking into account abuse and neglect reports and the relevancy of those**  
26 **reports to the subject individual's position or duties or the position or duties for which the**  
27 **subject individual has made application.**

28 (3) **If the department determines under rules adopted under subsection (2) of this section**  
29 **that a subject individual is not fit for the position or duties, the department shall provide**  
30 **notice and opportunity for a hearing pursuant to rules adopted in accordance with ORS**

**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 **chapter 183.**

2 **(4) The department shall implement a system for maintaining all abuse and neglect re-**  
3 **ports. Reports maintained under this subsection are confidential and may not be disclosed**  
4 **for any purpose other than in accordance with this section or any other provision of law.**

5 **SECTION 3. (1) Section 2 of this 2007 Act applies to abuse and neglect reports on file with**  
6 **or accessible by the Department of Human Services on or after the effective date of this 2007**  
7 **Act.**

8 **(2) Section 2 of this 2007 Act applies to subject individuals on and after the effective date**  
9 **of this 2007 Act and to licenses, certificates and registrations of persons and employees of**  
10 **qualified entities who provide care that are issued or renewed on or after the effective date**  
11 **of this 2007 Act.**

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