

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

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| Action: | Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means by prior reference |
| Vote: | 6 - 3 - 0 |
| Yeas: | Boone, Cowan, Dembrow, Huffman, VanOrman, Tomei |
| Nays: | Freeman, Maurer, Olson |
| Exc.: | 0 |
| Prepared By: | Keely West, Administrator |
| Meeting Dates: | 2/18, 3/25, 3/27, 4/10 |

WHAT THE MEASURE DOES: Establishes Quality Care Fund. Designates fund to Department of Human Services (DHS) for creation and maintenance of Consumer Information Database for Developmental Disability Services (database) and for training, technical assistance, quality improvement and licensing. Mandates searchable database containing information on substantiated complaints of abuse in long-term care, residential facilities and adult foster homes. Requires facilities provide written notice of database availability and substantiated allegations of abuse. Increases fines and civil penalties. Deletes the fingerprint requirement for criminal record checks. Sets caps on civil penalties; defines negative outcome, rape, serious injury and sexual abuse. Requires users be notified of changes to definitions. Extends time for facilities to comply with notification requirements. Changes DHS reporting requirements. Requires DHS to establish policy, procedures and guidelines for investigations and investigators.

ISSUES DISCUSSED:

- Substantiated allegations of abuse apply to *facilities* not *individuals*
- Populations protected by these statutes are especially vulnerable to financial crimes
- Definition of substantiated – evidence such that a reasonable person would conclude that abuse had occurred
- Determination of fee increases
- Need for consistency in training, investigation, data statewide

EFFECT OF COMMITTEE AMENDMENT: Deletes the requirement of fingerprints for criminal record checks. Sets caps on civil penalties and defines negative outcome, rape, serious injury and sexual abuse. Requires website users be notified of changes to definitions. Extends time for facilities to comply with notification requirements. Changes DHS legislative reporting requirements. Requires DHS establish policy, procedures and guidelines for investigations and investigators.

BACKGROUND: A fall 2007 article in The Oregonian revealed that one in five adults with a developmental disability was abused between 2000 and 2007; a significant number of these individuals were abused more than once. According to data reported by the Office of Investigation and Training, only about 15 percent of serious cases of abuse referred to law enforcement receive follow up. Proponents of the legislation say it will:

- Allow consumers to see the history of substantiated allegations of abuse in group and foster homes;
- Increase fines and civil penalties for substantiated abuse for the first time in over 30 years;
- Require employers to inquire about substantiated abuse on job applications, and protect employers from civil liability for disclosure of substantiated allegations of abuse in the course of a reference check;
- Create the Quality Care Fund from fines, civil penalties and increased licensing fees to be used for provider training, quality assurance, and paying for the costs of the Consumer Information Database for Developmental Disabilities.

According to the Department of Human Service more than 17,000 individuals accessed Developmental Disabilities services in 2008. Of those, 6,100 are receiving comprehensive (24 hour) services in their homes or in community facilities.

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This summary has not been adopted or officially endorsed by action of the committee.

Committee Services Form – 2009 Regular Session