

## SENATE AMENDMENTS TO SENATE BILL 991

By COMMITTEE ON HUMAN SERVICES AND RURAL HEALTH POLICY

February 10

1 On page 1 of the printed bill, line 2, after “418.205,” insert “418.210,” and delete “and” and in-  
2 sert a comma.

3 In line 3, after “419B.005” insert “and 657A.030”.

4 In line 20, delete “providing” and insert “facilitating the provision of”.

5 In line 23, delete “expectation of”.

6 On page 2, after line 3, insert:

7 “**SECTION 2.** ORS 418.210 is amended to read:

8 “418.210. ORS 418.205 to 418.325 shall not apply to:

9 “(1) Homes established and maintained by fraternal organizations wherein only members, their  
10 wives, widows and children are admitted as residents;

11 “(2) Any family foster home that is subject to ORS 418.625 to 418.645; [or]

12 “(3) Any child care facility that is subject to ORS 657A.030 and 657A.250 to 657A.450;

13 “(4) **Any individual, or home of an individual, providing respite services, as defined in**  
14 **ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS**  
15 **109.056; or**

16 “(5) **Any private agency or organization facilitating the provision of respite services, as**  
17 **defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under**  
18 **ORS 109.056.”.**

19 In line 4, delete “2” and insert “3”.

20 In line 23, delete “3” and insert “4”.

21 On page 4, delete lines 2 and 3 and insert:

22 “(aa) Employee of a private agency or organization facilitating the provision of respite services,  
23 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS  
24 109.056.”.

25 In line 9, delete “4” and insert “5”.

26 On page 5, delete lines 31 and 32 and insert:

27 “(y) Employee of a private agency or organization facilitating the provision of respite services,  
28 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS  
29 109.056.”.

30 Delete lines 38 and 39 and insert:

31 “**SECTION 6.** ORS 657A.030 is amended to read:

32 “657A.030. (1) The Child Care Division of the Employment Department shall establish a Central  
33 Background Registry.

34 “(2) All subject individuals shall **apply to** be enrolled in the Central Background Registry es-  
35 tablished by the division.

1 “(3) Upon receiving an application for enrollment in the Central Background Registry, the divi-  
2 sion shall complete a criminal records check under ORS 181.534 and shall complete a child protec-  
3 tive services records check with the Department of Human Services. The division shall enroll the  
4 individual in the registry if the individual:

5 “(a) Is determined to have no criminal or child protective services history or to have dealt with  
6 the issues and provided adequate evidence of suitability for the registry;

7 “(b) Has paid the applicable fee established pursuant to ORS 657A.275; and

8 “(c) Has complied with the rules of the division adopted pursuant to this section.

9 “(4) The division may conditionally enroll an individual in the registry pending the results of a  
10 nationwide criminal records check through the Federal Bureau of Investigation if the individual has  
11 met other requirements of the division for enrollment in the registry.

12 “(5) An enrollment in the Central Background Registry shall expire two years from the date of  
13 enrollment and may be renewed upon application to the division, payment of the fee established  
14 pursuant to ORS 657A.275 and compliance with rules adopted by the division pursuant to this sec-  
15 tion. However, an individual who is determined to be ineligible for enrollment in the registry after  
16 the date of initial enrollment shall be removed from the registry by the division.

17 “(6)(a) A child care facility shall not hire or employ an individual if the individual is not en-  
18 rolled in the Central Background Registry.

19 “(b) Notwithstanding paragraph (a) of this subsection, a child care facility may employ on a  
20 probationary basis an individual who is conditionally enrolled in the Central Background Registry.

21 “(7) The division may adopt any rules necessary to carry out the purposes of this section and  
22 the criminal records check program.

23 “(8) For purposes of this section, ‘subject individual’ means a subject individual as defined by  
24 the division by rule or a person who applies to be:

25 “(a) The operator or an employee of a child care or treatment program;

26 “(b) The operator or an employee of an Oregon prekindergarten program under ORS 329.170 to  
27 329.200;

28 “(c) The operator or an employee of a federal Head Start program regulated by the United  
29 States Department of Health and Human Services;

30 “(d) An individual in a child care facility who may have unsupervised contact with children as  
31 identified by the division;

32 “(e) A contractor or an employee of the contractor who provides early childhood special edu-  
33 cation or early intervention services pursuant to ORS 343.455 to 343.534;

34 “(f) A child care provider who is required to be enrolled in the Central Background Registry  
35 by any state agency; [or]

36 “(g) A contractor, employee or volunteer of a metropolitan service district organized under ORS  
37 chapter 268 who may have unsupervised contact with children and who is required to be enrolled  
38 in the Central Background Registry by the metropolitan service district[.]; or

39 **“(h) A provider of respite services, as defined in ORS 418.205, for parents pursuant to a**  
40 **properly executed power of attorney under ORS 109.056 who is providing respite services as**  
41 **a volunteer with a private agency or organization that facilitates the provision of such re-**  
42 **spite services.**

43 “(9)(a) Information provided to a metropolitan service district organized under ORS chapter 268  
44 about the enrollment status of the persons described in subsection (8)(g) of this section shall be  
45 subject to a reciprocal agreement with the metropolitan service district. The agreement must pro-

1 vide for the recovery of administrative, including direct and indirect, costs incurred by the division  
2 from participation in the agreement. Any moneys collected under this [subsection] **paragraph** shall  
3 be deposited in the Child Care Fund established under ORS 657A.010.

4 **“(b) Information provided to a private agency or organization facilitating the provision**  
5 **of respite services, as defined in ORS 418.205, for parents pursuant to a properly executed**  
6 **power of attorney under ORS 109.056 about the enrollment status of the persons described**  
7 **in subsection (8)(h) of this section shall be subject to an agreement with the private agency**  
8 **or organization. The agreement must provide for the recovery of administrative, including**  
9 **direct and indirect, costs incurred by the division from participation in the agreement. Any**  
10 **moneys collected under this paragraph shall be deposited in the Child Care Fund established**  
11 **under ORS 657A.010.**

12 **“SECTION 7.** ORS 657A.030, as amended by section 5, chapter 348, Oregon Laws 2009, is  
13 amended to read:

14 **“657A.030. (1)** The Child Care Division of the Employment Department shall establish a Central  
15 Background Registry.

16 **“(2)** All subject individuals shall **apply to** be enrolled in the Central Background Registry es-  
17 tablished by the division.

18 **“(3)** Upon receiving an application for enrollment in the Central Background Registry, the divi-  
19 sion shall complete a criminal records check under ORS 181.534 and shall complete a child protec-  
20 tive services records check with the Department of Human Services. The division shall enroll the  
21 individual in the registry if the individual:

22 **“(a)** Is determined to have no criminal or child protective services history or to have dealt with  
23 the issues and provided adequate evidence of suitability for the registry;

24 **“(b)** Has paid the applicable fee established pursuant to ORS 657A.275; and

25 **“(c)** Has complied with the rules of the division adopted pursuant to this section.

26 **“(4)** The division may conditionally enroll an individual in the registry pending the results of a  
27 nationwide criminal records check through the Federal Bureau of Investigation if the individual has  
28 met other requirements of the division for enrollment in the registry.

29 **“(5)** An enrollment in the Central Background Registry shall expire two years from the date of  
30 enrollment and may be renewed upon application to the division, payment of the fee established  
31 pursuant to ORS 657A.275 and compliance with rules adopted by the division pursuant to this sec-  
32 tion. However, an individual who is determined to be ineligible for enrollment in the registry after  
33 the date of initial enrollment shall be removed from the registry by the division.

34 **“(6)(a)** A child care facility shall not hire or employ an individual if the individual is not en-  
35 rolled in the Central Background Registry.

36 **“(b)** Notwithstanding paragraph (a) of this subsection, a child care facility may employ on a  
37 probationary basis an individual who is conditionally enrolled in the Central Background Registry.

38 **“(7)** The division may adopt any rules necessary to carry out the purposes of this section and  
39 the criminal records check program.

40 **“(8)** For purposes of this section, ‘subject individual’ means a subject individual as defined by  
41 the division by rule or a person who applies to be:

42 **“(a)** The operator or an employee of a child care or treatment program;

43 **“(b)** The operator or an employee of an Oregon prekindergarten program under ORS 329.170 to  
44 329.200;

45 **“(c)** The operator or an employee of a federal Head Start program regulated by the United

1 States Department of Health and Human Services;

2 “(d) An individual in a child care facility who may have unsupervised contact with children as  
3 identified by the division;

4 “(e) A contractor or an employee of the contractor who provides early childhood special edu-  
5 cation or early intervention services pursuant to ORS 343.455 to 343.534; [or]

6 “(f) A child care provider who is required to be enrolled in the Central Background Registry  
7 by any state agency[.]; **or**

8 **“(g) A provider of respite services, as defined in ORS 418.205, for parents pursuant to a**  
9 **properly executed power of attorney under ORS 109.056 who is providing respite services as**  
10 **a volunteer with a private agency or organization that facilitates the provision of such re-**  
11 **spite services.**

12 **“(9) Information provided to a private agency or organization facilitating the provision**  
13 **of respite services, as defined in ORS 418.205, for parents pursuant to a properly executed**  
14 **power of attorney under ORS 109.056 about the enrollment status of the persons described**  
15 **in subsection (8)(g) of this section shall be subject to an agreement with the private agency**  
16 **or organization. The agreement must provide for the recovery of administrative, including**  
17 **direct and indirect, costs incurred by the division from participation in the agreement. Any**  
18 **moneys collected under this subsection shall be deposited in the Child Care Fund established**  
19 **under ORS 657A.010.**

20 **“SECTION 8. (1) The amendments to ORS 418.205, 418.210, 418.625, 419B.005 and 657A.030**  
21 **by sections 1 to 7 of this 2010 Act become operative 90 days following the effective date of**  
22 **this 2010 Act.**

23 **“(2) The amendments to ORS 418.205, 418.210, 418.625, 419B.005 and 657A.030 by sections**  
24 **1 to 7 of this 2010 Act apply to respite services provided on or after the operative date**  
25 **specified in subsection (1) of this section.**

26 **“(3) The Child Care Division of the Employment Department may take any action before**  
27 **the operative date specified in subsection (1) of this section that is necessary to enable the**  
28 **division to implement the amendments to ORS 657A.030 by sections 6 and 7 of this 2010 Act**  
29 **on and after the operative date specified in subsection (1) of this section.”.**

30 In line 40, delete “6” and insert “9”.

31