

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	8 - 0 - 0
Yeas:	Frederick, Greenlick, Harker, Parrish, Thompson, Weidner, Gilliam, Tomei
Nays:	0
Exc.:	0
Prepared By:	Jennifer Kellar, Administrator
Meeting Dates:	2/7, 2/21, 2/23

WHAT THE MEASURE DOES: Repeals the sunset on the exemption of alcohol and drug treatment providers from disqualification based upon a criminal conviction. Incorporates and aligns the term definition to provisions under Oregon Revised Statutes (ORS) 443. Allows fitness determinations used during criminal background checks be stored, at the request of the employee, to improve efficiency of background checks when an individual changes employers or worksites. Deletes reference to ORS 124.050.

ISSUES DISCUSSED:

- Review of exclusionary crimes list enacted by House Bill 2442 (2009)
- Inadvertent drafting error that included drug and alcohol treatment providers in the category of workers impacted by the criminal exclusions
- Review of sunset provision regarding elder abuse implemented during February 2010 Legislative Session
- Review of technical fixes
- Discussion regarding in-patient and out-patient provider's criminal exclusions

EFFECT OF COMMITTEE AMENDMENT: Clarifies definitions under ORS 443.004. Allows fitness determinations used during criminal background checks be stored, at the request of the employee, to improve efficiency of background checks when an individual changes employers or worksites. Deletes reference to ORS 124.050.

BACKGROUND: House Bill 2442 (2009) established the Quality Care Fund and designated the fund to the Department of Human Services (DHS) for training, technical assistance, quality improvement and licensing. The bill added DHS reporting requirements for individuals receiving developmental disability services and established facility notification requirements when DHS substantiated an abuse allegation in a facility; required a criminal records check on employees of facilities, care agencies, home health agencies or certain individuals paid directly or indirectly with public funds and precluded public funding of employees convicted of certain crimes; and required DHS to establish policies, procedures and guidelines for abuse investigations and investigators. The bill inadvertently included drug and alcohol treatment providers in the category of workers impacted by the criminal exclusion making a person ineligible to provide direct care services through aging, physical disability and developmental disability programs as a result of having a previous criminal history or in recovery with convictions of certain crimes.