

REVENUE: No revenue impact
FISCAL: Fiscal statement issued

Action: Do Pass with amendments to the B-Engrossed Measure. (Printed C-Engrossed)
Vote: 5 - 0 - 0
Yeas: Atkinson, Beyer, Burdick, Ferrioli, Rosenbaum
Nays: 0
Exc.: 0
Prepared By: Erin Seiler, Administrator
Meeting Dates: 6/9

WHAT THE MEASURE DOES: Requires home health agency or in-home care agency to complete criminal background check on an individual the agency hires, contracts with or allows to volunteer to provide home health or in-home care services. Home health agency or in-home care agency shall not employ individual if background check conducted by a home health agency or in-home care agency discovers individual has been convicted of listed crimes. Prohibits using public funds to support employment of mental health or substance abuse treatment provider who has been convicted of committing, attempting to commit or forming a conspiracy to commit certain crimes. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Protection for adults with developmental disabilities, adults with mental illness, and seniors
- Services provided by home health agencies
- Implementation of criminal background check exclusions
- Current practice regarding application of exclusionary crimes to individuals providing publically financed in-home care services
- Possible amendment

EFFECT OF COMMITTEE AMENDMENT: Home health agency or in-home care agency shall not employ individual if background check conducted by a home health agency or in-home care agency discovers individual has been convicted of listed crimes.

BACKGROUND: Elderly adults and adults with developmental disabilities in long-term care facilities are vulnerable to abuse. The Department of Human Services serves over 15,000 seniors and people with physical disabilities each month in nursing facilities and community-based care facilities. More than 5,000 children and adults with developmental disabilities are in foster care or residential facilities. To improve quality of care, proponents have identified a need for better information on potential employees as well as greater consistency in training and investigations in this area. ORS 443.004(1) requires long-term health providers, residential care facilities and other care institutions to conduct criminal checks on potential employees.

House Bill 2650 C requires home health agencies and in-home care agencies to complete a criminal records check on any individual paid to provide health services. House Bill 2650 C exempts mental health or substance abuse providers from the general prohibition against receiving public funds to support the employment of individuals who have contact with a recipient of support services or who have contact with a resident of an adult foster home if the individual has certain prior convictions. House Bill 2650 C reduces the list of disqualifying offenses for mental health or substance abuse providers to murder and certain sex offenses committed in the first degree. House Bill 2650 C allows for a mental health care or substance abuse provider to request the department or authority to retain a copy of any fitness determination made in hiring that person and can request the release of that information as needed.

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