

House Bill 3659

Sponsored by Representatives DEMBROW, HUFFMAN

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**.

Prohibits Department of Human Services from adopting rules that affect board membership of entities regulated by department unless rules are related to child safety and welfare. Prohibits department from adopting rules that impose undue burden and expense on persons, entities and facilities regulated by department.

Requires department, Oregon Health Authority and Oregon Youth Authority to conduct study of regulation and oversight of children's programs and report to interim legislative committee related to human services.

Requires department, Oregon Health Authority and Oregon Youth Authority to adopt rules and to accept and consider from programs serving children proposals for improving administrative efficiency and reducing administrative burden.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to human services; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS chapter 418.**

5 **SECTION 2. Notwithstanding any other provision under this chapter authorizing the**
6 **Department of Human Services to adopt rules, the department may not adopt rules that:**

7 (1) **Affect the qualifications of persons for board membership of an entity that is regu-**
8 **lated, certified, directed or licensed by or contracting with the department, unless the rules**
9 **directly impact the safety and welfare of children receiving services from the entity; and**

10 (2) **Would impose an undue burden and expense upon a person, entity or facility that is**
11 **regulated, certified, directed or licensed by or contracting with the department, including but**
12 **not limited to burdens and costs associated with duplicative or unnecessary paperwork.**

13 **SECTION 3. (1) As used in this section, "children's program" means a program serving**
14 **children that is licensed by the Department of Human Services, the Oregon Health Authority**
15 **or the Oregon Youth Authority.**

16 (2)(a) **The department, the Oregon Health Authority and the Oregon Youth Authority**
17 **shall conduct a study of the regulation and oversight of children's programs. The depart-**
18 **ment, the Oregon Health Authority and the Oregon Youth Authority shall determine if**
19 **children's programs are subject to regulation or oversight by multiple public bodies or or-**
20 **ganizations and, if so, what measures can be taken to reduce duplication in order to improve**
21 **efficiency and cost savings.**

22 (b) **The department, the Oregon Health Authority and the Oregon Youth Authority shall**
23 **prepare a report containing:**

24 (A) **The findings of the study;**

25 (B) **Proposals for administrative changes to reduce duplication, improve efficiency and**
26 **increase cost savings; and**

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 (C) Recommendations for legislative changes necessary to implement the proposals.

2 (c) The department, the Oregon Health Authority and the Oregon Youth Authority shall
3 submit the report no later than December 1, 2011, to the House Interim Committee on Hu-
4 man Services or, if none exists, to an interim legislative committee related to human ser-
5 vices.

6 (3) The department, the Oregon Health Authority and the Oregon Youth Authority shall:

7 (a) Develop a standard for child safety and may only adopt rules applicable to children's
8 programs that relate directly to the standard.

9 (b) Develop a methodology for determining the fiscal impact of rules adopted by the de-
10 partment, the Oregon Health Authority or the Oregon Youth Authority that affect children's
11 programs.

12 (c) Adopt rules allowing the department, the Oregon Health Authority and the Oregon
13 Youth Authority to accept electronic copies of documents required to be filed by children's
14 programs.

15 (d) For each rule adopted by the department, the Oregon Health Authority or the Oregon
16 Youth Authority that affects children's programs, identify whether the rule is required by
17 federal law.

18 (e) Adopt rules allowing a children's program that has demonstrated three years of sat-
19 isfactory compliance with reviews and audits specified by the department, the Oregon Health
20 Authority or the Oregon Youth Authority to be excepted from department oversight for the
21 following two years, unless the department, the Oregon Health Authority or the Oregon
22 Youth Authority determines that oversight should be reinstated on the basis of new infor-
23 mation.

24 (4)(a) A children's program, consortium of children's programs or organization acting on
25 behalf of children's programs may submit a proposal to the department, the Oregon Health
26 Authority or the Oregon Youth Authority to simplify or streamline audits, reviews, reports
27 or licensing requirements imposed by the department, the Oregon Health Authority or the
28 Oregon Youth Authority that overlap or impose undue administrative burdens on children's
29 programs.

30 (b) The department, the Oregon Health Authority or the Oregon Youth Authority shall
31 approve or deny a proposal under this subsection in writing no later than 60 days after the
32 date of the proposal. In making the determination to approve or deny a proposal, the de-
33 partment, the Oregon Health Authority or the Oregon Youth Authority shall consider the
34 impact of implementing the recommendations on improving administrative and regulatory
35 efficiencies, reducing administrative costs and preserving safe, evidence-based services to
36 children. The determination is not a final order subject to administrative or judicial review.

37 (c) The department, the Oregon Health Authority and the Oregon Youth Authority may
38 prescribe by rule the form and manner for making a proposal under this subsection. The
39 department, the Oregon Health Authority and the Oregon Youth Authority each shall accept
40 no more than 10 proposals under this subsection in each calendar year.

41 SECTION 4. This 2011 Act being necessary for the immediate preservation of the public
42 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
43 on its passage.