



February 26, 2015

To: House Business and Labor Committee

From: The Oregon Intellectual and Developmental Disability Coalition

RE: Opposition to HB 2618

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Chair Holvey and Members of the Committee:

The IDD Coalition is a group of approximately 30 organizations across Oregon that promote quality services and supports to further equality and community integration for Oregonians with developmental disabilities (I/DD) and their families. Our membership also includes people with intellectual and developmental disabilities and family members.

We have strong concerns about HB 2618 classifying residential care facility staff as police officers for retirement purposes. The current HB 2618 conversation is not in the best interests of Oregonians with I/DD and therefore, we oppose the bill. Classifying staff as police officers, even for retirement benefits, does not fit the duties of these workers or the values of the intellectual and developmental disability system. HB 2618 will negatively change the terminology and culture of residential facilities, potentially threaten Medicaid match dollars and is a step backward for Oregonians with I/DD.

As a technical matter, will classifying residential care facility workers as “police officers” endanger Oregon’s Medicaid match rate for these facilities? See 42 CFR 441.301 and 42 CFR 441.530. Losing Medicaid match for these facilities would cost Oregon tens of millions of dollars. Police officers work in institutions, but not community residential care facilities. If Oregon determines that residential facility care staff are police officers, how is the facility non-institutional and eligible for Medicaid match? This issue must be researched completely before moving forward.

Terminology often sets the tone and culture of services. Calling residential facility staff police officers for retirement benefits will trickle down to a mentality that staff exist for control and



enforcement purposes. This is not the case. People with I/DD who live in Oregon’s residential facilities are not prisoners. They are people with disabilities who require “residential care”. Under Oregon law, residential care duties are very different from police officer duties. Police officers enforce laws and generally work in or as part of an institution, such as in the Department of State Police. Residential care staff duties are to support and care for our most vulnerable citizens.

Amid US Department of Justice findings of abuse and mismanagement, plus litigation, Oregon closed Fairview Training Center in 2000. This institution housed people with I/DD away from their communities for over a century. Many former Fairview residents remember the terror of living in an institution where residents were controlled, often with punitive and fear based tactics by people they considered guards and police officers. After Fairview closed, Oregon reset its values to support people with I/DD rather than control them. We have seen incredible and inspiring improvements in people’s lives as a result of this terminology and culture change. HB 2618 takes an archaic approach to terminology and threatens to undermine the progress we have made in the last 15 years.

Also important to consider is the intersection of the presumed authority that this classification would give to workers and the fundamental civil rights of the people living in these facilities:

1. Will the residents be subject to searches of their person or belongings?
2. Will the residents be subject to use of physical force that would not normally be permitted by an employee who is not considered to be a “police officer”?
3. Will the employees be allowed to carry a weapon while on duty (working)?
4. Will these employees receive additional training as police officers?

HB 2618 is not the right way to increase retirement benefits for residential facility care staff. As written, it has very personal and negative ramifications for people with I/DD. The I/DD Community stands ready to collaborate to find a respectful and appropriate manner to address the care staff retirement compensation issue. As written, however, HB 2618 is not the way forward and we cannot support it.

