
MEMORANDUM

Legislative Fiscal Office
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To: Human Services Subcommittee of the Joint Committee on Ways and Means

From: Kim To, Legislative Fiscal Office, 503-986-1830

Date: Wednesday, June 24, 2015

Subject: HB 2233 Relating to residential care for children
Work Session Recommendation

House Bill 2233 requires the Department of Human Services (DHS) to create an advisory committee within the department's Office of Adult Abuse Prevention and Investigations (OAAPI) to advise DHS with respect to residential care for children, youth or youth offenders and programs and facilities that provide residential care for this population..

The measure previously had hearings in the House Committee on Human Services and Housing on 3/18/2015 and 4/17/2015.

The – A4 amendment, the original staff measure summary, and the fiscal impact statements are attached to this memo, and available on the Oregon Legislative Information System (OLIS).

The –A4 amendment

The –A4 amendment narrows the work and scope of the advisory committee by:

- Setting a January 2, 2016 sunset date for the advisory committee.
- Specifying that the committee will meet no more than six times before the submission of the report to an interim committee of the legislature (no later than December 15, 2015).
- Focusing the work of the committee to evaluating the current process for making findings of abuse or neglect in residential care, and developing recommendations for ensuring the safety of children, youth or youth offenders in residential care.

Fiscal impact

The bill as amended is anticipated to have minimal fiscal impact on the Department of Human Services is minimal. The department will reprioritize the duties of existing staff and resources to facilitate the work of the advisory committee

Recommendation

LFO recommends moving the – A4 amendment into the bill.

Motion

Motion: Senator/Representative_____:

I move the dash A4 amendment into HB 2233.

Motion

Motion: Senator/Representative_____:

I move HB 2233 to the Full Committee with a “do pass” recommendation as amended.

Assignment of Carriers

Full: _____

Senate: _____

House: _____

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2233**

1 In line 4 of the printed A-engrossed bill, after “(1)” insert “(a)”.

2 After line 8, insert:

3 “(b) The advisory committee shall prepare recommendations to the de-
4 partment and the office with respect to residential care for children, youth
5 or youth offenders regarding, at a minimum, the following:

6 “(A) The need to adopt new or amend existing administrative rules;

7 “(B) The status of existing processes to investigate residential care and
8 the need to improve or expand such processes;

9 “(C) The current processes for making findings of abuse or neglect in
10 residential care;

11 “(D) Strategies for ensuring the safety of children, youth or youth
12 offenders in residential care; and

13 “(E) Streamlining processes within the department and the office with
14 respect to residential care.”.

15 After line 20, insert:

16 “(3) For the purposes set forth in subsection (1) of this section, the advi-
17 sory committee shall meet no more than six times before the date specified
18 in subsection (4) of this section, unless requested to meet more often by the
19 department or the office, with providers of residential care, organizations
20 that represent providers of residential care and advocacy organizations.

21 “(4) No later than December 15, 2015, the department and the office shall
22 submit a report to the interim legislative committees on child welfare and

1 residential care for children, youth or youth offenders regarding the advice
2 and recommendations provided by the advisory committee pursuant to sub-
3 section (1) of this section.

4 **“SECTION 2. Section 1 of this 2015 Act is repealed on January 2,**
5 **2016.”.**

6 In line 21, delete “2” and insert “3”.

7 _____

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2233 - A4

Seventy-Eighth Oregon Legislative Assembly – 2015 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Prepared by: Kim To
Reviewed by: Laurie Byerly
Date: 6/23/2015

Measure Description:

Requires Oregon Health Authority to continue to reimburse behavioral rehabilitation services provider for children removed pending investigation of abuse.

Government Unit(s) Affected:

Department of Human Services (DHS)

Local Government Mandate:

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

Analysis:

House Bill 2233 requires the Department of Human Services (DHS) to create an advisory committee within the department's Office of Adult Abuse Prevention and Investigations (OAAPI) to advise DHS with respect to residential care for children, youth or youth offenders and programs and facilities that provide residential care for this population. The bill specifies that the committee's membership must include:

- An employee in the licensing division of DHS responsible for licensing programs or facilities that provide residential care for children, youth or youth offenders.
- Representatives from each state agency that enter into contracts with residential treatment providers.
- Representatives of entities that advocate or represent children, youth or youth offenders.

The bill contains an emergency clause, and takes effect on passage.

The –A4 amendment narrows the work and scope of the advisory committee by:

- Setting a January 2, 2016 sunset date for the advisory committee.
- Specifying that the committee will meet no more than six times before the submission of the report to an interim committee of the legislature (no later than December 15, 2015).
- Focusing the work of the committee to evaluating the current process for making findings of abuse or neglect in residential care, and developing recommendations for ensuring the safety of children, youth or youth offenders in residential care.

The fiscal impact of this bill as amended on the Department of Human Services is minimal. DHS will reprioritize the duties of existing staff and resources to facilitate the work of the advisory committee.

STAFF MEASURE SUMMARY

House Committee On Human Services and Housing

Fiscal: Fiscal impact issued

Revenue: No Revenue Impact

Action Date: 04/17/15

Action: Do Pass As Amended, Be Printed Engrossed, And Bill Be Referred To Ways
And Means.

Meeting Dates: 03/18, 04/17

Vote:

Yeas: 9 - Buehler, Evans, Gallegos, Hayden, Keny-Guyer, Parrish, Piluso, Stark, Taylor

Prepared By: Robyn Johnson, Committee Administrator

WHAT THE MEASURE DOES:

Directs Department of Human Services (DHS) to create advisory committee on matters relating to residential care facilities for children, as prescribed. Outlines advisory committee membership. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Length of investigations for facilities in abuse and neglect cases
- Financial hardship during investigations

EFFECT OF COMMITTEE AMENDMENT:

Replaces original measure.

BACKGROUND:

House Bill 2233-A creates an advisory committee to Department of Human Services (DHS) on matters relating to safety standards and reporting requirements for providers. The advisory committee is directed to discuss administrative and legislative solutions to address potential incidents of abuse or neglect in residential facilities that provide behavioral rehabilitation services. The advisory committee is also directed to ensure continued improvement and a higher safety standard in these facilities, and strengthen the relationship between practitioners and DHS, including the Office of Adult Abuse Prevention and Investigations, which provides regulation and oversight to these facilities.

**A-Engrossed
House Bill 2233**

Ordered by the House April 23
Including House Amendments dated April 23

Sponsored by Representative NATHANSON; Representative EVANS (Presession filed.)

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.

[Requires Oregon Health Authority to continue to reimburse behavioral rehabilitation services provider for children removed pending investigation of abuse. Requires investigation to conclude in 60 days or less.]

Directs Department of Human Services to create advisory committee within Office of Adult Abuse Prevention and Investigations to advise regarding residential care for children, youth or youth offenders.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to residential care for children; and declaring an emergency.

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

4 **SECTION 1. (1) The Department of Human Services shall create an advisory committee**
5 **within the department's Office of Adult Abuse Prevention and Investigations for the purpose**
6 **of advising the department and the office with respect to residential care for children, youth**
7 **or youth offenders and programs and facilities that provide residential care for children,**
8 **youth or youth offenders that are subject to the oversight and administration of the office.**

9 **(2) The Director of Human Services shall appoint the members of the advisory committee**
10 **to include, at a minimum:**

11 **(a) An employee in the department's licensing division that is responsible for licensing**
12 **programs or facilities that provide residential care for children, youth or youth offenders**
13 **that are subject to the oversight and administration of the office;**

14 **(b) Representatives from each of the state agencies that enter into contracts with resi-**
15 **dential treatment providers to provide residential care for children, youth or youth**
16 **offenders;**

17 **(c) Representatives of entities that advocate for or represent providers of residential care**
18 **for children, youth or youth offenders; and**

19 **(d) A representative of an advocacy organization that represents consumers of residen-**
20 **tial care for children, youth or youth offenders.**

21 **SECTION 2. This 2015 Act being necessary for the immediate preservation of the public**
22 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
23 **on its passage.**

24

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.