

House Bill 3460

Sponsored by Representative HOYLE

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**.

Requires Department of Human Services to adopt rules for licensing of stabilization and crisis units that house persons with developmental disabilities. Specifies criteria.

Becomes operative January 1, 2016.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to persons with disabilities; and declaring an emergency.

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

4 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS 443.400 to**
5 **443.455.**

6 **SECTION 2. (1) The Department of Human Services shall adopt rules for the licensing**
7 **of residential training homes and facilities for individuals with intellectual disabilities com-**
8 **mitted to the department for residential care, treatment and training under ORS 427.290. The**
9 **rules must do all of the following:**

10 (a) **Create a separate license classification for homes and facilities that house individuals**
11 **who exhibit violent or excessively aggressive behaviors to ensure that such homes and fa-**
12 **ilities offer adequate levels of security and staffing and have sufficient staff qualified to**
13 **address the needs of such residents.**

14 (b) **Require that each home or facility have an emergency preparedness plan and meet**
15 **minimum security, health and safety standards.**

16 (c) **Set minimum training standards for the staff of homes and facilities.**

17 (d) **Except as provided under paragraph (f) of this subsection, require at least 40 hours**
18 **of training for the staff of homes and facilities on how to handle safety concerns and resident**
19 **needs that arise in any of the following situations:**

20 (A) **Taking a resident to a retail establishment that predominantly sells pornography or**
21 **objects designed for sexual stimulation or gratification.**

22 (B) **Assisting a resident in purchasing pornography or objects designed for sexual stim-**
23 **ulation or gratification.**

24 (C) **Cleaning objects before or after their use by a resident for sexual stimulation or**
25 **gratification.**

26 (D) **Observing a resident masturbating, viewing pornography or using an object for the**
27 **purpose of sexual stimulation or gratification.**

28 (e) **Require homes and facilities to pay additional compensation to employees that un-**
29 **dergo the training and assist residents in one or more of the activities described in para-**
30 **graph (d) of this subsection.**

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 (f) Require the accommodation of staff who express religious, moral or safety objections
2 to the activities described in paragraph (d) of this subsection, including objections based on
3 concern that a resident may become violent or sexually aggressive with the staff member
4 and concern that exposure to the activities could endanger the staff member's emotional
5 well-being.

6 (g) Prohibit homes and facilities from disciplining or taking other negative employment
7 action toward a staff member who expresses any objection under paragraph (f) of this sub-
8 section.

9 (h) Create at least three teams of staff qualified to respond to elevated incidents of vi-
10 olence and assist the homes and facilities to restore stability following a violent incident. The
11 teams must be located in the Portland, Salem and Eugene areas and any other areas where
12 homes or facilities described in paragraph (a) of this subsection are located. The teams must
13 also be available to provide back-up staffing for all such homes and facilities. The teams
14 must include at least one psychiatrist and one physical therapist and may include other
15 health care providers designated by the department.

16 (2) The state hospital located in Junction City must reserve 10 beds as follows:

17 (a) Five beds for individuals who, due to their tendency toward violent behavior, can no
18 longer be safely cared for in a home or facility licensed under this section; and

19 (b) Five beds for individuals who are in a severe crisis and require assessment and
20 transition services before returning to a home or facility licensed under this section.

21 SECTION 3. Sections 1 and 2 of this 2015 Act become operative on January 1, 2016.

22 SECTION 4. The Department of Human Services may take any action prior to January
23 1, 2016, necessary to enable the department to carry out the provisions of section 2 of this
24 2015 Act on and after January 1, 2016.

25 SECTION 5. This 2015 Act being necessary for the immediate preservation of the public
26 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
27 on its passage.
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