

SB 246 -2, -3 STAFF MEASURE SUMMARY

Senate Committee On Human Services

Prepared By: Matt Doumit, LPRO Analyst

Meeting Dates: 3/13, 3/20

WHAT THE MEASURE DOES:

Clarifies Department of Human Services' (DHS') authority to immediately suspend, revoke, or place conditions on child-caring agency license. Establishes procedure to rescind notice of intent to revoke or suspend license for child-caring agency if DHS determines conditions warranting suspension or revocation have been resolved. Declares emergency, effective on passage.

FISCAL: May Have Fiscal Impact, But No Statement Yet Issued

REVENUE: May Have Revenue Impact, But No Statement Yet Issued

ISSUES DISCUSSED:

- Provisions of measure
- Due process and tailoring of child-caring agency license conditions to specific issues
- Possible amendments

EFFECT OF AMENDMENT:

-2 Clarifies requirements for placing conditions on child-caring agency license. Requires DHS to agree with Oregon Youth Authority (OYA) instead of Attorney General (AG) on decision to rescind notice of intent to revoke license and permits consultation with AG. Clarifies notice of intent to rescind is a public record. Requires decision to rescind notice of intent to consider state's potential liability for future abuses at child-caring agency.

Permits DHS to rescind notice of intent to revoke license unilaterally after January 1, 2023, and permits consultation with OYA, Oregon Health Authority, and AG on decision to rescind.

Replaces emergency clause with effective date 91st day after *sine die*.

-3 Clarifies requirements for placing conditions on child-caring agency license. Requires DHS to agree with Oregon Youth Authority instead of Attorney General on decision to rescind notice of intent to revoke license. Clarifies notice of intent to rescind is a public record. Permits DHS to rescind notice of intent to revoke license unilaterally after January 1, 2023.

BACKGROUND:

Oregon law requires the Department of Human Services (DHS) to immediately begin the process of revoking or suspending a child-caring agency's license if: a child dies from abuse or neglect at the agency; the agency knows of abuse and does not take proper steps to ensure child safety; the agency fails to cooperate with investigations; or the agency fails to provide required financial statements. There are no immediate sanctions that can be imposed on a child-caring agency's license prior to the process of revocation or suspension, and there is no process to rescind a
This Summary has not been adopted or officially endorsed by action of the committee.

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notice of intent to revoke or suspend a license if the child-caring agency resolves the conditions that led to sanctions. Senate Bill 246 allows DHS to place conditions on a child-caring agency's license or other authorization immediately upon finding that the health or safety of a child in care is in jeopardy, while suspension or revocation is pending. Senate Bill 246 also provides a process for DHS, in agreement with the Department of Justice and the Oregon Health Authority, to rescind a notice of intent to revoke or suspend a child-caring agency's license upon finding that concerns about health and safety have been ameliorated, and conditions placed on the license have been resolved. Upon rescission, the measure requires DHS to notify the Governor and Legislative Assembly of the particulars in writing.