

HB 2903 -1, -3 STAFF MEASURE SUMMARY

House Committee On Human Services and Housing

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Meeting Dates: 4/6

WHAT THE MEASURE DOES:

Modifies the definition of abuse for child-care agencies. Removes definitions for financial exploitation, intimidation, neglect, and sexual abuse. Requires DHS to respond to allegation, complaint or formal report. Clarifies procedures for DHS when incident of suspected abuse is life threatening or affects the physical safety of a child. Clarifies burden of proof for findings to be a preponderance of the evidence when reporting on abuse of a child in care. Specifies notification of persons or entities when report of suspected abuse is made. Allows Director of DHS to issue a letter of concern or reprimand for substantiated reports of abuse that was not life threatening and did not affect the physical safety of the child. Clarifies criteria for licensing, certifying or authorization a child-care agency to provide services. Declares emergency, effective upon passage.

FISCAL: May have fiscal impact, but no statement yet issued

REVENUE: May have revenue impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Replaces bill. Changes definition of abuse including abandonment, involuntary seclusion, wrongful use of physical or chemical restraint for child in child-caring agency. Requires DHS to immediately determine if incident of suspected abuse was life threatening or affected the physical safety of the child in care. . Clarifies procedures for DHS when incident of suspected abuse is life threatening or affects the physical safety of a child. Allows Director of DHS to commence investigation or issue a letter of concern or reprimand. Designates Director of DHS or director's designee sole discretion to provide final determination of suspected abuse incident. Changes burden of proof for findings to be with a preponderance of the evidence. Requires DHS to notify specific persons or entities when report is issued. Allows Director of DHS to rescind suspension or revocation of child-care agency's license, certification or authorization. Requires DHS to submit a report to the legislative committees regarding the 'deemed status' determination of child-caring agencies. Declares emergency, effective upon passage.

-3 Replaces bill. Allows DHS to immediately place conditions on the license, certificate or authorization of a child-caring agency for noncompliance with specified requirements. Allows Director of DHS to rescind suspension or revocation of license, certificate or authorization of child-care agency if agreement is made with the Director of Oregon Youth Authority and if child-care agency provides medical or psychiatric services with Director of Oregon Health Authority. Requires Director of DHS to submit written notice to the Governor of intent to rescind suspension or revocation. Requires child-care agency to renew license, certificate or authorization on annual basis for three years following notice of intent to suspend or revoke. Requires DHS to submit a report to legislative committees regarding 'deemed status' determination of child-caring agency by September 15, 2018. Repeals report submission on January 2, 2019. Declares emergency, effective upon passage.

BACKGROUND: