

HB 2903 -3 STAFF MEASURE SUMMARY

House Committee On Human Services and Housing

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Meeting Dates: 4/6, 4/6, 4/11

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.

ISSUES DISCUSSED:

- Reasons for suspension of child-caring agency's license
- Statistics on child-caring agencies
- Contents of amendments

EFFECT OF AMENDMENT:

-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:

There are three different types of licensed child-care in Oregon - Registered Family Child Care Home, Certified Family Child Care Home and Certified Child Care Center. These child-care providers are licensed through the Office of Child Care (OCC). OCC defines a Registered Family Child Care Home as a child care business located within the provider's own home where a maximum of ten children are allowed in care at any one time. Certified Family Child Care Homes are located within a single family home with a maximum of twelve children allowed in care at any one time. Certified Child Care Centers are located in facilities where the maximum number of children allowed depends on the square footage of the buildings, number of qualified staff and other factors. OCC does allow exemptions from child-care licensing for specific types of care or specific situations. Currently, OCC provides reports of aggregate data on the reports of deaths, serious injuries and number of incidences of substantiated child abuse in child-care settings by type of licensed child-care provider.

House Bill 2903 modifies the definition of abuse for child-care agencies and removes definitions for financial exploitation, intimidation, neglect, and sexual abuse. The bill requires DHS to respond to allegation, complaint or

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formal report and clarifies procedures for DHS when incident of suspected abuse is life threatening or affects the physical safety of a child. Burden of proof for findings is clarified to be a preponderance of the evidence when reporting on abuse of a child in care. The bill specifies notification of persons or entities when report of suspected abuse is made and allows the 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. Finally, the bill clarifies the criteria for licensing, certifying or authorization a child-care agency to provide services. Declares emergency, effective upon passage.