

**SB 948 STAFF MEASURE SUMMARY**

**House Committee On Human Services and Housing**

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**Meeting Dates:** 5/4

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**WHAT THE MEASURE DOES:**

Prohibits residential facilities receiving public funds from hiring an individual found to have committed abuse including but not limited to abandonment, physical injury, sexual abuse, neglect, verbal abuse, financial exploitation, involuntary seclusion, wrongful use of a physical or chemical restraint, or death. Requires Department of Human Services to adopt rules to specify the types of abuse that disqualify an individual from working at a residential facility. Prohibits individual found to have committed abuse specified by DHS from a fitness determination.

Fiscal = Minimal fiscal impact

Revenue = No revenue impact

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

Oregon law and Department of Human Services (DHS) administrative rules provide mechanisms for investigation and enforcement of allegations of abuse in residential facilities. Substantiated claims can result in fines, license suspension procedures, or criminal prosecution for the residential facility and the violating employee. As part of the employee hiring process, residential facilities are required to conduct a background check and include employment application questions regarding the applicant's history of any substantiated abuse claims. DHS is required to notify the residential facility if an applicant's or employee's background check reveals substantiated abuse claims. Current law prohibits the use of public funds to support the employment of someone convicted of specified crimes, but does not necessarily prohibit the employment of individuals with substantiated allegations of abuse.

Senate Bill 948-A requires DHS to adopt rules specifying the types of abuse perpetrated by a "subject individual" that disqualifies them from working at a residential training facility or residential training home. It requires that any facility that is wholly or partially funded by public money cannot hire or retain an employee that has a substantiated allegation of abuse. The measure also restricts such disqualified individuals from seeking a fitness determination.