



Oregon

Kate Brown, Governor

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SB 105 – Statute Clarification re: Child Caring Agency Licensing

Concept: ORS 443.405 should be amended to add child-caring agencies to the list of entities that are specifically excluded from the definition of residential care facility in ORS 443.400. Also, ORS 418.475 should be amended to indicate that children’s residence facilities must be licensed as child-caring agencies under ORS 418.205 to 418.327.

Need for policy change: SB 105 is designed to address a previously undetected issue of ambiguity and contradiction in current statute.

Impact if not approved: Unintended ambiguities and contradictions will remain in statute.

Facts: ORS 418.205 through ORS 418.327 are the statutes that define child-caring agencies and describe how they are licensed and overseen by DHS. There’s a completely separate and different set of statutes (ORS 443.400 through ORS 443.465) that govern the licensing of other types of care facilities for individuals with developmental disabilities and other persons that require various forms of care.

ORS 443.400 defines “residential care facility” as “a facility that provides, for six or more socially dependent individuals, or individuals with physical disabilities, residential care in one or more buildings on contiguous properties.” This definition could apply to residential care facilities that are child-caring agencies, but since these particular facilities are specifically governed by ORS 418.205 through 418.327, it should be made clear that child-caring agencies are specifically excluded from the definition of “residential facility” in ORS 443.400.

This can be accomplished easily by adding “A child-caring agency as defined on ORS 418.205” to the list of exclusions that comprise ORS 443.405.

The bill is also designed to address a contradiction between ORS 418.205 (as amended by SB1515) and ORS 418.475. ORS 418.205 includes “independent residence facilities” in the definition of “child-caring agency”, but ORS 418.475 states that “independent residence facilities” shall be licensed under ORS 443.400 to 443.455. ORS 443.400 to 443.455 do not apply to child-caring agencies, and since

SB1515 amended the definition of “child-caring agency” to include “independent residence facilities”, the reference to ORS 443.400 to 443.455 should be removed. Independent residence facilities can’t be simultaneously governed by two separate and different sets of statutes.

Fiscal Impact: None

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