

**SB 948 A STAFF MEASURE SUMMARY**

**Carrier:** Sen. Dembrow

**Senate Committee On Human Services**

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**Action Date:** 04/10/17

**Action:** Do pass with amendments. (Printed A-Eng.)

**Vote:** 5-0-0-0

**Yeas:** 5 - Dembrow, Gelser, Knopp, Monnes Anderson, Olsen

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Matt Doumit, LPRO Analyst

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**WHAT THE MEASURE DOES:**

Requires Department of Human Services (DHS) to adopt rules specifying types of substantiated abuse that disqualify individuals from working at publicly funded residential facilities. Restricts disqualified individuals from seeking fitness determination.

**ISSUES DISCUSSED:**

- Provisions of measure
- DHS role in background checks

**EFFECT OF AMENDMENT:**

Replaces provisions. Requires DHS to adopt rules regarding the types of abuse that disqualify "subject individual" from employment at "facility." Prohibits employment of subject individual in publicly funded facility if abuse allegation is substantiated and bars fitness determination for subject individual.

**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.