

HB 2903 A STAFF MEASURE SUMMARY

Carrier: Rep. Olson

House Committee On Human Services and Housing

Action Date: 04/13/17

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

Vote: 9-0-0-0

Yeas: 9 - Gorsek, Keny-Guyer, Meek, Nearman, Noble, Olson, Piluso, Sanchez, Stark

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Cassandra Soucy, LPRO Analyst

WHAT THE MEASURE DOES:

Allows DHS to immediately place conditions on the license, certificate or authorization of a child-caring agency for child abuse or noncompliance with specified requirements. Allows DHS Director (Director) 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 to submit written notice to the Governor fourteen days before rescinding suspension or revocation. Requires DHS to submit within five business days copies of notice of intent to the Governor and the child welfare committees of the Legislative Assembly. Directs DHS to refer to individual or entity that is the subject of the investigation as the 'respondent' and not 'alleged perpetrator.' Specifies notice of intent to include information regarding the circumstances, any actions taken, penalties and changes implemented. 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.

ISSUES DISCUSSED:

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

EFFECT OF AMENDMENT:

Replaces measure.

BACKGROUND:

There are three different types of licensed child-care providers in Oregon:

1. Registered Family Child Care Home - child care business located within the provider's own home where a maximum of ten children are allowed in care at any one time.
2. Certified Family Child Care Home - child care business located within a single family home with a maximum of twelve children allowed in care at any one time.
3. Certified Child Care Center - child care business located in a facility where the maximum number of children allowed depends on the square footage of the buildings, number of qualified staff and other factors.

These child-care providers are licensed through the Office of Child Care (OCC). OCC does allow exemptions from child-care licensing for specific types of care or specific situations. Currently, OCC has licensed approximately 2100 Registered Family Child Care Homes, 770 Certified Family Child Care Homes and 1250 Certified Child Care Centers.

This Summary has not been adopted or officially endorsed by action of the committee.

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The OCC also provides reports of aggregate data on the reports of deaths, serious injuries and number of incidences of substantiated child abuse in child-case settings by type of licensed child-care provider.

House Bill 2903 A allows DHS to immediately place conditions on the license, certificate or authorization of a child-caring agency for child abuse or noncompliance with specified requirements. The Director of DHS is allowed to rescind a suspension or revocation of license, certificate or authorization of child-caring agency if an agreement is made with the Director of Oregon Youth Authority and if the child-caring agency provides medical or psychiatric services with Director of Oregon Health Authority.

When the Director of DHS determines to rescind a license, certificate or authorization of a child-caring agency, they are required to submit written notice to the Governor fourteen days before rescinding suspension or revocation. The Director of DHS must submit copies of the notice of intent to the Governor and the child welfare committees of the Legislative Assembly within five business days after issuing the notice. The individual or entity that is the subject of the investigation is required to be referred to as the 'respondent' and not 'alleged perpetrator.' The measure specifies the notice of intent to include information regarding the circumstances, any actions taken, penalties and changes implemented. Child-caring agencies who receive a notice of intent to suspend or revoke from DHS must renew their license, certificate or authorization on annual basis for three years following notice of intent to suspend or revoke.

House Bill 2903 A also requires DHS to submit a report to legislative committees regarding 'deemed status' determination of child-caring agency by September 15, 2018.