

HB 2903 A STAFF MEASURE SUMMARY

Carrier: Sen. Gelser

Senate Committee On Human Services

Action Date: 05/08/17
Action: Do pass the A-Eng bill.
Vote: 5-0-0-0
Yeas: 5 - Dembrow, Gelser, Knopp, Monnes Anderson, Olsen
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
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WHAT THE MEASURE DOES:

Permits Department of Human Services (DHS) to place immediate conditions on license of a child-caring agency for child abuse or noncompliance with specified requirements. Establishes procedure to rescind notice of intent to revoke or suspend license if DHS determines conditions warranting suspension or revocation are resolved. Sunsets provisions requiring DHS consultation with other agencies on decisions to rescind January 1, 2021. Requires DHS to refer to entities under investigation as “respondents.” Requires DHS report to Legislative Assembly by September 15, 2018 and sunsets report provisions January 2, 2019. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Providing for rescission of notice of intent to suspend or revoke license
- Sunset provisions and "deemed status" determinations
- Negotiation process for measure

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon law requires the Department of Human Services (DHS) to immediately begin the process of revoking or suspending a child-caring agency’s license, certificate, or authorization (hereafter "license") if: a child dies from abuse or neglect at the agency; the agency knows of abuse and does not take proper steps to ensure child safety; the agency fails to cooperate with investigations; or the agency fails to provide required financial statements. There are no immediate sanctions that may be imposed while revocation or suspension is pending, and there is no process to rescind a notice of intent to revoke or suspend a license if the child-caring agency comes into compliance. According to the Office of Child Care, there are about 2,100 Registered Family Child Care Homes, 770 Certified Family Child Care Homes, and 1,250 Certified Child Care Centers in Oregon.

House Bill 2903-A permits DHS to immediately place conditions on a child-caring agency for child abuse or noncompliance with specified requirements. It permits DHS, in agreement with the Oregon Youth Authority or Oregon Health Authority as appropriate, to rescind a notice of intent to suspend or revoke a license upon finding that health and safety issues have been resolved. DHS may unilaterally rescind notices after January 1, 2021. Upon rescission, a child-caring agency must renew its license annually for three years and DHS must notify the Governor and legislature of the particulars in writing.

House Bill 2903-A also requires DHS to refer to entities under investigation as “respondents” and not “alleged perpetrators.” Finally, it requires DHS to submit a report to legislative committees on the merits of automatic licensing for nationally accredited child-caring agencies by September 15, 2018.