

A-Engrossed
House Bill 2903

Ordered by the House April 20
Including House Amendments dated April 20

Sponsored by Representatives OLSON, STARK, Senators PROZANSKI, OLSEN; Representatives KENNEMER, NATHANSON, NOBLE, Senator MONNES ANDERSON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Modifies definition of "abuse" occurring in child-caring agencies.]

[Directs Department of Human Services to determine within five days of receipt of report of abuse of child in care whether incident of abuse was life threatening or affected physical safety of child in care and prescribes actions to be taken upon determination. Provides that final determination of nature of incidence is within sole discretion of Director of Human Services or director's designee.]

[Modifies findings required as result of investigation of report of suspected abuse. Permits director or director's designee to issue letter of concern or reprimand in lieu of taking action that would affect license, certificate or authorization of child-caring agency if investigation results in finding that report of suspected abuse is substantiated but not life threatening and did not affect physical safety of child in care.]

[Creates "deemed status" determination for automatic issuance or renewal of license, certificate or authorization without further requirement to establish child-caring agency has met required criteria if agency has been accredited and is in good standing with national accrediting body or organization.]

Authorizes Department of Human Services to immediately place conditions on license, certificate or other authorization of child-caring agency prior to hearing if department finds there is serious danger to public health or safety.

Authorizes Director of Human Services or director's designee to rescind notice of intent to revoke or suspend license, certification or authorization of child-caring agency when concerns regarding children's health and safety have been ameliorated and conditions placed on license, certificate or other authorization of agency have been resolved. Requires that decision to rescind notice of intent to suspend or revoke be made by agreement between Director of Human Services and Director of Oregon Youth Authority and, under certain circumstances, Director of Oregon Health Authority. Sunsets requirement January 1, 2021.

Requires Department of Human Services to report to interim legislative committees on or before September 15, 2018, regarding establishment of "deemed status" determination for issuance of licenses, certifications and other authorizations to child-caring agencies. Sunsets January 2, 2019.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to child-caring agencies; creating new provisions; amending ORS 418.240 and section 38,
3 chapter 106, Oregon Laws 2016; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 418.240, as amended by section 4, chapter 106, Oregon Laws 2016, is amended
6 to read:

7 418.240. (1) All child-caring agencies shall obtain from the Department of Human Services a li-
8 cense, certificate or other authorization to provide care or services to children under ORS 418.205
9 to 418.327, 418.470, 418.475 or 418.950 to 418.970. The criteria for issuance, renewal, suspension or
10 revocation of, or for placing conditions on, a license, certificate or authorization under this section
11 must:

12 (a) Be set forth in rules adopted by the department;

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (b) Include the full compliance requirements set forth in subsection (2) of this section; and

2 (c) Include, but are not limited to, the following:

3 (A) The fitness of the child-caring agency.

4 (B) The employment of capable, trained or experienced staff that meet minimum staffing re-
5 quirements.

6 (C) Sufficient financial backing to ensure effective operations.

7 (D) The probability of permanence in the child-caring agency.

8 (E) The care and services provided to the children served will be in their best interests and that
9 of society.

10 (F) That the child-caring agency is or will be in compliance with the standards of care and
11 treatment established in rules adopted by the department.

12 (2)(a) The department may not issue or renew a license, certificate or other authorization to a
13 child-caring agency unless the department finds the agency is or will be in full compliance with all
14 of the following:

15 (A) The agency ensures child and family rights.

16 (B) The agency complies with abuse reporting and investigation requirements.

17 (C) The agency engages in and applies appropriate behavior management techniques.

18 (D) The agency provides adequate furnishings and personal items for children.

19 (E) The agency provides appropriate food services.

20 (F) The agency ensures the safety of children.

21 (G) The agency utilizes approved procedures and protocols for use of medications for children
22 receiving care or services from the agency.

23 (H) The agency or the agency's employees or agents have not engaged in financial mismanage-
24 ment.

25 (I) The agency fully and timely corrects violations and maintains standards in accordance with
26 any plan of correction imposed by the department.

27 (J) The agency provides access as required under ORS 418.305 to a child or the agency's prem-
28 ises to the department or the department's employees, investigators, court appointed special advo-
29 cates, attorneys for a child or other authorized persons or entities.

30 (b) The department may suspend, revoke or place conditions on a license, certificate or author-
31 ization of a child-caring agency if the department finds the agency is not in full compliance with any
32 one or more of the full compliance requirements listed in paragraph (a) of this subsection.

33 (c) *[In the following circumstances]* The department *[may not issue, renew or place conditions on*
34 *a license, certificate or authorization of a child-caring agency but]* must take immediate steps to sus-
35 pend or revoke the license, certificate or other authorization of *[the]* a child-caring agency, if any
36 of the following are found to exist:

37 (A) There has been the death of a child as a result of abuse or neglect on the part of the agency
38 or any of the agency's employees or agents.

39 (B) There has been sexual or physical abuse or neglect of a child in the agency's care or custody
40 that was known to the agency and the agency did not take immediate steps to report the abuse or
41 neglect and to ensure the child's safety.

42 (C) The agency failed to cooperate fully with any local, state or federal regulatory entity's in-
43 vestigation of the agency or the agency's operations or employees.

44 (D) The agency failed to provide financial statements as required under ORS 418.255.

45 **(d) If any of the circumstances described in paragraph (c) of this subsection exists, the**

1 **department may immediately place conditions on the license, certificate or authorization of**
2 **the child-caring agency prior to a hearing if, consistent with ORS 183.430, the department**
3 **finds there is a serious danger to the public health or safety and sets forth specific reasons**
4 **for such findings.**

5 ~~[(d)]~~ (e) It is grounds to deny issuance or renewal, suspend, revoke or place conditions on a li-
6 cense, certificate or other authorization if the department becomes aware that a child-caring agency,
7 or the owner or operator of the agency, has been found by other state or federal entities to have
8 engaged in financial, civil or criminal misconduct.

9 (3)(a) **If the Director of Human Services has taken action under subsection (2)(c) of this**
10 **section to suspend or revoke a license, certificate or other authorization, the notice of intent**
11 **to suspend or revoke may be rescinded if the director determines that the concerns regard-**
12 **ing the health and safety of the children in the child-caring agency's care or custody have**
13 **been ameliorated and any conditions placed on the license, certificate or other authorization**
14 **of the child-caring agency have been resolved. A rescission under this subsection must be**
15 **made by agreement between the Director of Human Services and the Director of the Oregon**
16 **Youth Authority and, if the child-caring agency is licensed to provide medical or psychiatric**
17 **services, with the additional agreement of the Director of the Oregon Health Authority in**
18 **consultation with the medical director for such services within the authority.**

19 (b) **Fourteen days before rescinding a notice of intent to suspend or revoke, the Director**
20 **of Human Services must provide written notice regarding the intent to rescind to the Gov-**
21 **ernor. The notice of intent to rescind is a public record and open for inspection by any**
22 **person without order of a court. The notice of intent to rescind must include the following**
23 **information:**

24 (A) **The circumstances that led to the notice of intent to suspend or revoke;**

25 (B) **The actions taken by the child-caring agency, the Department of Human Services, the**
26 **Attorney General, the Oregon Youth Authority and the Oregon Health Authority in response**
27 **to the circumstances leading to the notice of intent to suspend or revoke;**

28 (C) **Any penalties, fees or charges made or levied against the child-caring agency; and**

29 (D) **A complete description of changes that were made at the child-caring agency and the**
30 **reasons for the determination that the concerns regarding the health and safety of children**
31 **in the child-caring agency's care or custody have been ameliorated or that any conditions**
32 **placed on the license, certificate or other authorization of the child-caring agency have been**
33 **resolved.**

34 (c) **In making a decision to rescind a notice of intent to suspend or revoke under this**
35 **subsection, the decision must be based solely on the health and safety of the children served**
36 **by the child-caring agency. Systemwide capacity of the child welfare system may not be**
37 **considered as an element of the decision.**

38 (d) **For three years after a notice of intent to suspend or revoke is rescinded under this**
39 **subsection, the child-caring agency must apply for a renewal of the child-caring agency's li-**
40 **cence, certificate or other authorization on an annual basis.**

41 (e) **The department must provide the following with copies of a notice of intent to rescind**
42 **within five business days of issuing the notice:**

43 (A) **The Governor; and**

44 (B) **The committees of the Legislative Assembly relating to child welfare.**

45 ~~[(3)]~~ (4) **The department may immediately place conditions on any license, certificate or au-**

1 thORIZATION issued under this section, including but not limited to placing full or partial restrictions
 2 on admission of children, temporary suspension, limitation of operations subject to an intent to re-
 3 voke and limitation of operations subject to correction of violations as specified in a plan of cor-
 4 rection imposed by the department. The department shall immediately notify any **state or**
 5 governmental agency or unit that has a contract with the child-caring agency to provide care or
 6 services to a child, **and the governing board, trustees, owners, managers, operators or other**
 7 **appropriate authorities responsible for the child-caring agency**, of conditions placed by the de-
 8 partment on the child-caring agency's license, certificate or authorization under this section.

9 [(4)] (5) If applicable, an applicant shall submit written proof of compliance with the notification
 10 requirements in ORS 336.575.

11 [(5)] (6) The department may not charge a fee for inspections leading to decisions regarding, and
 12 issuance of, licenses, certifications or authorizations under this section, but may impose fees to
 13 cover costs of related inspections done for the department by other governmental agencies.

14 [(6)] (7) **Except as provided in subsection (3) of this section**, a license, certificate or au-
 15 thorization issued by the department under this section shall be valid for a period of two years,
 16 unless suspended or revoked sooner by the department. However, the department at any time may
 17 require amendments to an existing license, certificate or authorization to accommodate changes in
 18 the factors upon which the issuance was based.

19 [(7)] (8) When a condition exists that seriously endangers or places at risk the health, safety or
 20 welfare of a child who is receiving care or services at a child-caring agency:

21 (a) The [*Director of Human Services*] **director** shall issue an interim emergency order without
 22 notice, or with reasonable notice under the circumstances, requiring the agency to correct the
 23 conditions and ensure the safety of children in the care of the agency. The interim emergency order
 24 shall remain in force until a final order, after a hearing, has been entered in accordance with ORS
 25 chapter 183.

26 (b) The director may commence an action to enjoin operation of a child-caring agency:

27 (A) If the agency is being operated without a valid license, certificate or other authorization
 28 issued under this section; or

29 (B) If the agency fails to comply with a plan of correction imposed by the department or to
 30 correct conditions not in conformity with standards as set out in an order issued under paragraph
 31 (a) of this subsection, within the time specified in the order.

32 [(8)] (9) If the director, the director's designee or the department becomes aware through any
 33 means that a child-caring agency, or an owner, operator or employee of a child-caring agency, is the
 34 subject of an investigation by another state agency, law enforcement agency or federal agency, the
 35 director or director's designee shall take immediate steps to cause an investigation to take place
 36 into the circumstances surrounding the investigation and whether there is a threat to a child, or
 37 whether a child is at risk, at the child-caring agency. Upon determination of the level of threat or
 38 risk to children at the agency, the director shall take appropriate steps to protect and ensure the
 39 health, safety and welfare of children as necessary under the circumstances. Failure to comply with
 40 the requirements of this subsection constitutes grounds for a charge of official misconduct in the
 41 second degree under ORS 162.405.

42 [(9)] (10) If the Department of Justice or Bureau of Labor and Industries commences an inves-
 43 tigation of a child-caring agency or an owner, operator or employee of a child-caring agency, the
 44 Department of Justice or Bureau of Labor and Industries shall notify, inform and regularly update
 45 the director, the director's designee or such other personnel in the Department of Human Services

1 designated to receive such information regarding the investigation. The director and the department
2 shall immediately undertake the responsive action required by subsection [(8)] (9) of this section
3 upon receiving such notification. Interference with, discouragement of or impediment to the receipt
4 of the notification, information and updates required under this subsection constitutes official mis-
5 conduct in the second degree under ORS 162.405.

6 [(10)] (11) The Department of Human Services shall adopt rules to implement the provisions of
7 this section.

8 **SECTION 2.** ORS 418.240, as amended by section 4, chapter 106, Oregon Laws 2016, and section
9 1 of this 2017 Act, is amended to read:

10 418.240. (1) All child-caring agencies shall obtain from the Department of Human Services a li-
11 cense, certificate or other authorization to provide care or services to children under ORS 418.205
12 to 418.327, 418.470, 418.475 or 418.950 to 418.970. The criteria for issuance, renewal, suspension or
13 revocation of, or for placing conditions on, a license, certificate or authorization under this section
14 must:

15 (a) Be set forth in rules adopted by the department;

16 (b) Include the full compliance requirements set forth in subsection (2) of this section; and

17 (c) Include, but are not limited to, the following:

18 (A) The fitness of the child-caring agency.

19 (B) The employment of capable, trained or experienced staff that meet minimum staffing re-
20 quirements.

21 (C) Sufficient financial backing to ensure effective operations.

22 (D) The probability of permanence in the child-caring agency.

23 (E) The care and services provided to the children served will be in their best interests and that
24 of society.

25 (F) That the child-caring agency is or will be in compliance with the standards of care and
26 treatment established in rules adopted by the department.

27 (2)(a) The department may not issue or renew a license, certificate or other authorization to a
28 child-caring agency unless the department finds the agency is or will be in full compliance with all
29 of the following:

30 (A) The agency ensures child and family rights.

31 (B) The agency complies with abuse reporting and investigation requirements.

32 (C) The agency engages in and applies appropriate behavior management techniques.

33 (D) The agency provides adequate furnishings and personal items for children.

34 (E) The agency provides appropriate food services.

35 (F) The agency ensures the safety of children.

36 (G) The agency utilizes approved procedures and protocols for use of medications for children
37 receiving care or services from the agency.

38 (H) The agency or the agency's employees or agents have not engaged in financial mismanage-
39 ment.

40 (I) The agency fully and timely corrects violations and maintains standards in accordance with
41 any plan of correction imposed by the department.

42 (J) The agency provides access as required under ORS 418.305 to a child or the agency's prem-
43 ises to the department or the department's employees, investigators, court appointed special advo-
44 cates, attorneys for a child or other authorized persons or entities.

45 (b) The department may suspend, revoke or place conditions on a license, certificate or author-

1 ization of a child-caring agency if the department finds the agency is not in full compliance with any
2 one or more of the full compliance requirements listed in paragraph (a) of this subsection.

3 (c) The department must take immediate steps to suspend or revoke the license, certificate or
4 other authorization of a child-caring agency, if any of the following are found to exist:

5 (A) There has been the death of a child as a result of abuse or neglect on the part of the agency
6 or any of the agency's employees or agents.

7 (B) There has been sexual or physical abuse or neglect of a child in the agency's care or custody
8 that was known to the agency and the agency did not take immediate steps to report the abuse or
9 neglect and to ensure the child's safety.

10 (C) The agency failed to cooperate fully with any local, state or federal regulatory entity's in-
11 vestigation of the agency or the agency's operations or employees.

12 (D) The agency failed to provide financial statements as required under ORS 418.255.

13 (d) If any of the circumstances described in paragraph (c) of this subsection exists, the depart-
14 ment may immediately place conditions on the license, certificate or authorization of the child-caring
15 agency prior to a hearing if, consistent with ORS 183.430, the department finds there is a serious
16 danger to the public health or safety and sets forth specific reasons for such findings.

17 (e) It is grounds to deny issuance or renewal, suspend, revoke or place conditions on a license,
18 certificate or other authorization if the department becomes aware that a child-caring agency, or the
19 owner or operator of the agency, has been found by other state or federal entities to have engaged
20 in financial, civil or criminal misconduct.

21 (3)(a) If the Director of Human Services has taken action under subsection (2)(c) of this section
22 to suspend or revoke a license, certificate or other authorization, the notice of intent to suspend or
23 revoke may be rescinded if the director determines that the concerns regarding the health and
24 safety of the children in the child-caring agency's care or custody have been ameliorated and any
25 conditions placed on the license, certificate or other authorization of the child-caring agency have
26 been resolved. *[A rescission under this subsection must be made by agreement between the Director*
27 *of Human Services and the Director of the Oregon Youth Authority and, if the child-caring agency is*
28 *licensed to provide medical or psychiatric services, with the additional agreement of the Director of the*
29 *Oregon Health Authority in consultation with the medical director for such services within the au-*
30 *thority.]*

31 (b) Fourteen days before rescinding a notice of intent to suspend or revoke, the Director of
32 Human Services must provide written notice regarding the intent to rescind to the Governor. The
33 notice of intent to rescind is a public record and open for inspection by any person without order
34 of a court. The notice of intent to rescind must include the following information:

35 (A) The circumstances that led to the notice of intent to suspend or revoke;

36 (B) The actions taken by the child-caring agency, the Department of Human Services, the At-
37 torney General, the Oregon Youth Authority and the Oregon Health Authority in response to the
38 circumstances leading to the notice of intent to suspend or revoke;

39 (C) Any penalties, fees or charges made or levied against the child-caring agency; and

40 (D) A complete description of changes that were made at the child-caring agency and the rea-
41 sons for the determination that the concerns regarding the health and safety of children in the
42 child-caring agency's care or custody have been ameliorated or that any conditions placed on the
43 license, certificate or other authorization of the child-caring agency have been resolved.

44 (c) In making a decision to rescind a notice of intent to suspend or revoke under this subsection,
45 the decision must be based solely on the health and safety of the children served by the child-caring

1 agency. Systemwide capacity of the child welfare system may not be considered as an element of the
2 decision.

3 (d) For three years after a notice of intent to suspend or revoke is rescinded under this sub-
4 section, the child-caring agency must apply for a renewal of the child-caring agency's license, cer-
5 tificate or other authorization on an annual basis.

6 (e) The department must provide the following with copies of a notice of intent to rescind within
7 five business days of issuing the notice:

8 (A) The Governor; and

9 (B) The committees of the Legislative Assembly relating to child welfare.

10 (4) The department may immediately place conditions on any license, certificate or authorization
11 issued under this section, including but not limited to placing full or partial restrictions on admis-
12 sion of children, temporary suspension, limitation of operations subject to an intent to revoke and
13 limitation of operations subject to correction of violations as specified in a plan of correction im-
14 posed by the department. The department shall immediately notify any state or governmental agency
15 or unit that has a contract with the child-caring agency to provide care or services to a child, and
16 the governing board, trustees, owners, managers, operators or other appropriate authorities respon-
17 sible for the child-caring agency, of conditions placed by the department on the child-caring agency's
18 license, certificate or authorization under this section.

19 (5) If applicable, an applicant shall submit written proof of compliance with the notification re-
20 quirements in ORS 336.575.

21 (6) The department may not charge a fee for inspections leading to decisions regarding, and is-
22 suance of, licenses, certifications or authorizations under this section, but may impose fees to cover
23 costs of related inspections done for the department by other governmental agencies.

24 (7) Except as provided in subsection (3) of this section, a license, certificate or authorization
25 issued by the department under this section shall be valid for a period of two years, unless sus-
26 pended or revoked sooner by the department. However, the department at any time may require
27 amendments to an existing license, certificate or authorization to accommodate changes in the fac-
28 tors upon which the issuance was based.

29 (8) When a condition exists that seriously endangers or places at risk the health, safety or
30 welfare of a child who is receiving care or services at a child-caring agency:

31 (a) The director shall issue an interim emergency order without notice, or with reasonable no-
32 tice under the circumstances, requiring the agency to correct the conditions and ensure the safety
33 of children in the care of the agency. The interim emergency order shall remain in force until a final
34 order, after a hearing, has been entered in accordance with ORS chapter 183.

35 (b) The director may commence an action to enjoin operation of a child-caring agency:

36 (A) If the agency is being operated without a valid license, certificate or other authorization
37 issued under this section; or

38 (B) If the agency fails to comply with a plan of correction imposed by the department or to
39 correct conditions not in conformity with standards as set out in an order issued under paragraph
40 (a) of this subsection, within the time specified in the order.

41 (9) If the director, the director's designee or the department becomes aware through any means
42 that a child-caring agency, or an owner, operator or employee of a child-caring agency, is the sub-
43 ject of an investigation by another state agency, law enforcement agency or federal agency, the di-
44 rector or director's designee shall take immediate steps to cause an investigation to take place into
45 the circumstances surrounding the investigation and whether there is a threat to a child, or whether

1 a child is at risk, at the child-caring agency. Upon determination of the level of threat or risk to
2 children at the agency, the director shall take appropriate steps to protect and ensure the health,
3 safety and welfare of children as necessary under the circumstances. Failure to comply with the
4 requirements of this subsection constitutes grounds for a charge of official misconduct in the second
5 degree under ORS 162.405.

6 (10) If the Department of Justice or Bureau of Labor and Industries commences an investigation
7 of a child-caring agency or an owner, operator or employee of a child-caring agency, the Department
8 of Justice or Bureau of Labor and Industries shall notify, inform and regularly update the director,
9 the director's designee or such other personnel in the Department of Human Services designated to
10 receive such information regarding the investigation. The director and the department shall imme-
11 diately undertake the responsive action required by subsection (9) of this section upon receiving
12 such notification. Interference with, discouragement of or impediment to the receipt of the notifica-
13 tion, information and updates required under this subsection constitutes official misconduct in the
14 second degree under ORS 162.405.

15 (11) The Department of Human Services shall adopt rules to implement the provisions of this
16 section.

17 **SECTION 3. The amendments to ORS 418.240 by section 2 of this 2017 Act become oper-**
18 **ative on January 1, 2021.**

19 **SECTION 4.** Section 38, chapter 106, Oregon Laws 2016, is amended to read:

20 **Sec. 38.** (1) The investigation conducted by the Department of Human Services under section
21 37, **chapter 106, Oregon Laws 2016**, [of this 2016 Act] must result in one of the following findings:

- 22 (a) That the report is substantiated. A report is substantiated when there is reasonable cause
23 to believe that the abuse of a child in care occurred.
- 24 (b) That the report is unsubstantiated. A report is unsubstantiated when there is no evidence
25 that the abuse of a child in care occurred.
- 26 (c) That the report is inconclusive. A report is inconclusive when there is some indication that
27 the abuse occurred but there is insufficient evidence to conclude that there is reasonable cause to
28 believe that the abuse occurred.

29 (2) When a report is received under section 37, **chapter 106, Oregon Laws 2016**, [of this 2016
30 Act] alleging that a child in care may have been subjected to abuse, the department shall notify the
31 attorney for the child, the child's court appointed special advocate, the parents or guardians of the
32 child, any attorney representing a parent or guardian of the child and any governmental agency or
33 unit that has a contract with the child-caring agency to provide care or services to the child that
34 a report has been received.

35 (3) The department may interview the child in care who is the subject of suspected abuse and
36 witnesses without the presence of child-caring agency or proctor foster home employees or depart-
37 ment personnel. The department shall inform the child in care that the child may have the child's
38 parent or guardian, if the child has not been committed to the custody of the department or the
39 Oregon Youth Authority, or attorney present when participating in an interview conducted in the
40 course of an abuse investigation.

41 (4) The department shall notify the following when a report of abuse is substantiated:

- 42 (a) The Director of Human Services.
- 43 (b) Personnel in the department responsible for the licensing, certificate or authorization of
44 child-caring agencies.
- 45 (c) The department's lead personnel in that part of the department that is responsible for child

1 welfare generally.

2 (d) With respect to the child in care who is the subject of the abuse report and investigation:

3 (A) Case managers for the child in care;

4 (B) The court appointed special advocate, if any, for the child in care; and

5 (C) The attorney for the child in care, if any.

6 (e) The parents or guardians of the child in care who is the subject of the abuse report and in-
7 vestigation if the child in care has not been committed to the custody of the department or the
8 youth authority. Notification under this paragraph may not include any details or information other
9 than that a report of abuse has been substantiated.

10 (f) The parents or guardians of each child in care that is residing, or receiving care or services,
11 at the child-caring agency or proctor foster home that is the subject of the report and investigation,
12 if the child in care has not been committed to the custody of the department or the youth authority.
13 Notification under this paragraph may not include any details or information other than that a re-
14 port of abuse has been substantiated.

15 (g) Any governmental agency or unit that has a contract with the child-caring agency to provide
16 care or services to a child in care.

17 (5) The department shall report on a quarterly basis to the interim legislative committees on
18 child welfare for the purposes of public review and oversight of the quality and safety of child-caring
19 agencies that are licensed, certified or authorized by the department in this state and of proctor
20 foster homes that are certified by the child-caring agencies. Information provided in reports under
21 this subsection may not contain the name or any identifying information of a child in care but must
22 contain all of the following:

23 (a) The name of any child-caring agency or proctor foster home where the department conducted
24 an investigation pursuant to section 37, **chapter 106, Oregon Laws 2016, [of this 2016 Act]** that
25 resulted in a finding that the report of abuse was substantiated during that quarter;

26 (b) The approximate date that the abuse occurred;

27 (c) The nature of the abuse and a brief narrative description of the abuse that occurred;

28 (d) Whether physical injury, sexual abuse or death resulted from the abuse; and

29 (e) Corrective actions taken or ordered by the department and the outcome of the corrective
30 actions.

31 **(6) In compiling records, reports and other information during an investigation under**
32 **section 37 (1), chapter 106, Oregon Laws 2016, and in issuing findings, letters of concern or**
33 **reprimands, the Director of Human Services or the director's designee and the department**
34 **may not refer to the employee, person or entity that is the subject of the investigation as**
35 **an "alleged perpetrator" but must refer to the employee, person or entity as the "respond-**
36 **ent."**

37 **SECTION 5. (1) No later than September 15, 2018, the Department of Human Services**
38 **shall submit a report to the interim legislative committees on child welfare regarding the**
39 **establishment of a "deemed status" determination that a child-caring agency has met some**
40 **or all of the criteria or the full compliance requirements listed in ORS 418.240. The "deemed**
41 **status" determination will apply when a child-caring agency has been accredited and is in**
42 **good standing with a national accrediting program, body or organization approved by the**
43 **department.**

44 **(2) The report shall include:**

45 **(a) Recommendations for the process of and requirements for establishing a "deemed**

1 **status” determination in the issuance of licenses, certifications and other authorizations to**
2 **child-caring agency applicants.**

3 **(b) Information about available accreditation programs, bodies or organizations, mem-**
4 **bership in which would qualify a child-caring agency for a “deemed status” determination.**

5 **(c) Recommendations regarding the criteria for determining whether an applicant child-**
6 **caring agency is in good standing with a national accrediting program, body or organization.**

7 **(d) Information about the potential impact that a “deemed status” determination would**
8 **have on children’s safety and well-being in this state.**

9 **(e) Information about how other states have implemented similar “deemed status” de-**
10 **terminations and the consequences of such implementation.**

11 **(f) Recommendations for necessary legislation and budget requirements to implement a**
12 **“deemed status” determination option for licensure, certification and authorization of child-**
13 **caring agencies.**

14 **SECTION 6. Section 5 of this 2017 Act is repealed on January 2, 2019.**

15 **SECTION 7. This 2017 Act being necessary for the immediate preservation of the public**
16 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
17 **on its passage.**

18