

Requested by JOINT COMMITTEE ON WAYS AND MEANS

**PROPOSED AMENDMENTS TO RESOLVE CONFLICTS TO
B-ENGROSSED HOUSE BILL 3359**

1 On page 1 of the printed B-engrossed bill, line 3, delete “441.402,”.

2 In line 4, after “443.886” insert “and section 1, chapter 441, Oregon Laws
3 2017 (Enrolled Senate Bill 58)”.

4 On page 12, after line 34, insert:

5 **“SECTION 12a. If House Bill 2684 becomes law, section 12 of this**
6 **2017 Act (amending ORS 443.415) is repealed and ORS 443.415, as**
7 **amended by section 4, chapter __, Oregon Laws 2017 (Enrolled House**
8 **Bill 2684), is amended to read:**

9 “443.415. (1) Applications for licensure to maintain and operate a resi-
10 dential facility shall be made to the Department of Human Services or the
11 Oregon Health Authority on forms provided for that purpose by the appro-
12 priate licensing agency. Each application shall be accompanied by a fee. No
13 fee is required of any governmentally operated residential facility.

14 “[*(2) The fee required under subsection (1) of this section for facilities:*]

15 “[*(a) Defined in ORS 443.400 (7) and (9), shall be \$60.*]

16 “[*(b) Defined in ORS 443.400 (8), shall be \$50.*]

17 “[*(c) Defined in ORS 443.400 (10), shall be \$30.*]

18 “[*(d) Defined in ORS 443.400 (5) with:*]

19 “[*(A) One to 15 beds, shall be \$360.*]

20 “[*(B) Sixteen to 49 beds, shall be \$520.*]

21 “[*(C) Fifty to 99 beds, shall be \$1,040.*]

1 “[D] One hundred to 150 beds, shall be \$1,340.]

2 “[E] More than 150 beds, shall be \$1,500.]

3 “(2)(a) The application fee for a residential training facility or a
4 residential treatment facility is \$60.

5 “(b) The application fee for a residential training home is \$50.

6 “(c) The application fee for a residential treatment home is \$30.

7 “(d) The application fee for a residential care facility is:

8 “(A) For a facility with one to 15 beds, \$2,000.

9 “(B) For a facility with 16 to 49 beds, \$3,000.

10 “(C) For a facility with 50 to 99 beds, \$4,000.

11 “(D) For a facility with 100 to 150 beds, \$5,000.

12 “(E) For a facility with more than 150 beds, \$6,000.

13 “(3) Upon receipt of an application and fee, the licensing agency shall
14 conduct an investigation. The licensing agency shall issue a license to any
15 applicant for operation of a residential facility in compliance with ORS
16 443.002 and 443.400 to 443.455 and the rules of the licensing agency.
17 Licensure may be denied when a residential facility is not in compliance
18 with ORS 443.002 or 443.400 to 443.455 or the rules of the licensing agency.
19 Licensure shall be denied if the State Fire Marshal, **deputy** or *[other]* **ap-**
20 **proved** authority has given notice of noncompliance of *[facilities defined in*
21 *ORS 443.400 (5), (7) and (9)]* **a residential care facility, residential train-**
22 **ing facility or residential treatment facility** pursuant to ORS 479.220.”.

23 On page 13, after line 28, insert:

24 “**SECTION 13a.** If House Bill 2684 becomes law, section 13 of this
25 **2017 Act (amending ORS 443.425) is repealed and ORS 443.425, as**
26 **amended by section 5, chapter __, Oregon Laws 2017 (Enrolled House**
27 **Bill 2684), is amended to read:**

28 “443.425. (1) Licensure under ORS 443.415 is effective for two years from
29 the date of issue unless sooner revoked. Each license shall state:

30 “(a) The name of the person operating the residential facility;

1 “(b) The name of the person who owns the **residential** facility;

2 “(c) The address of the premises to which the license applies and the
3 maximum number of residents to be maintained in [*such*] **the** residential fa-
4 cility at any time whether the residential facility is licensed as a residential
5 training facility, a residential treatment facility, a residential care
6 facility[;], a residential training home or residential treatment home; and

7 “(d) [*Such*] Other information [*as*] **that** the Department of Human Ser-
8 vices or the Oregon Health Authority considers necessary.

9 “(2) A license is renewable upon submission of an application to the de-
10 partment or the authority and payment of a **renewal** fee. No fee [*shall be*]
11 **is** required of a governmentally operated residential facility. Filing of an
12 application for renewal before the date of expiration of a license extends the
13 effective date of expiration of the license until the licensing agency has acted
14 upon [*such*] **the** application. The licensing agency shall refuse to renew a
15 license if the facility is not substantially in compliance with all applicable
16 laws and rules, or if the State Fire Marshal, **deputy or approved authority**
17 [*or the authorized representative thereof*] has given notice of noncompliance
18 of [*facilities under ORS 443.400 (5), (7) and (9)*] **a residential care facility,**
19 **residential training facility or residential treatment facility** pursuant
20 to ORS 479.220.

21 “[(3) *The biennial fee required under subsection (2) of this section for fa-*
22 *cilities:*]

23 “[(a) *Defined in ORS 443.400 (7) and (9), shall be \$60.*]

24 “[(b) *Defined in ORS 443.400 (8), shall be \$50.*]

25 “[(c) *Defined in ORS 443.400 (10), shall be \$30.*]

26 “[(d) *Defined in ORS 443.400 (5) with:*]

27 “[(A) *One to 15 beds, shall be \$360.*]

28 “[(B) *Sixteen to 49 beds, shall be \$520.*]

29 “[(C) *Fifty to 99 beds, shall be \$1,040.*]

30 “[(D) *One hundred to 150 beds, shall be \$1,340.*]

1 “[E] More than 150 beds, shall be \$1,500.]

2 “(3)(a) The biennial renewal fee for a residential training facility
3 or a residential treatment facility is \$60.

4 “(b) The biennial renewal fee for a residential training home is \$50.

5 “(c) The biennial renewal fee for a residential treatment home is
6 \$30.

7 “(d) The biennial renewal fee for a residential care facility is:

8 “(A) For a facility with one to 15 beds, \$1,000.

9 “(B) For a facility with 16 to 49 beds, \$1,500.

10 “(C) For a facility with 50 to 99 beds, \$2,000.

11 “(D) For a facility with 100 to 150 beds, \$2,500.

12 “(E) For a facility with more than 150 beds, \$3,000.”.

13 On page 18, delete lines 17 through 30 and insert:

14 “**SECTION 22.** Section 1, chapter 441, Oregon Laws 2017 (Enrolled Senate
15 Bill 58), is amended to read:

16 “**Sec. 1.** As used in sections 1 to 8, **chapter 441, Oregon Laws 2017**
17 **(Enrolled Senate Bill 58)** [of this 2017 Act]:

18 “(1) ‘Administrative action’ means an action, inaction or decision by an
19 owner, employee or agent of a residential facility or by a state, local, social
20 service or health agency that could affect the health, safety, welfare or
21 rights of residents of the facility.

22 “(2) ‘Designee’ means an individual appointed by the Residential Facilities
23 Ombudsman in accordance with section 4, **chapter 441, Oregon Laws 2017**
24 **(Enrolled Senate Bill 58)** [of this 2017 Act].

25 “(3) ‘Legal representative’ means a person to whom a resident or a court
26 has granted legal authority to permit access to the resident’s personal in-
27 formation and medical records.

28 “(4) ‘Long Term Care Ombudsman’ means the individual appointed by the
29 Governor under ORS 441.403.

30 “(5) ‘Resident’ means an individual who resides in a residential facility.

1 “(6)(a) ‘Residential facility’ means one of the following:
2 “(A) A residential training facility, as defined in ORS 443.400.
3 “(B) A residential training home, as defined in ORS 443.400.
4 “(C) A licensed adult foster home as defined in ORS 443.705 that serves
5 persons with mental illness or developmental disabilities.
6 “(D) A developmental disability child foster home, as defined in ORS
7 443.830.
8 “(E) A residential treatment facility, as defined in ORS 443.400.
9 “(F) A residential treatment home, as defined in ORS 443.400.
10 **“(G) A conversion facility licensed under section 20 of this 2017 Act.**
11 “(b) ‘Residential facility’ does not include a:
12 “(A) Secured facility housing persons committed under ORS 161.327; or
13 “(B) Facility licensed by the Oregon Health Authority to provide alcohol
14 and drug treatment.
15 “(7) ‘Residential Facilities Ombudsman Program’ means the services pro-
16 vided by the Residential Facilities Ombudsman.”
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