

Requested by Senator GELSER

**PROPOSED AMENDMENTS TO
HOUSE BILL 2903**

1 On page 1 of the printed bill, line 2, after “418.240” delete the rest of the
2 line and line 3 and insert “and section 38, chapter 106, Oregon Laws 2016;
3 and declaring an emergency.”.

4 Delete lines 5 through 20 and delete pages 2 through 11 and insert:

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

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

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

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

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

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

18 “(B) The employment of capable, trained or experienced staff that meet
19 minimum staffing requirements.

20 “(C) Sufficient financial backing to ensure effective operations.

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

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

3 “(F) That the child-caring agency is or will be in compliance with the
4 standards of care and treatment established in rules adopted by the depart-
5 ment.

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

9 “(A) The agency ensures child and family rights.

10 “(B) The agency complies with abuse reporting and investigation re-
11 quirements.

12 “(C) The agency engages in and applies appropriate behavior management
13 techniques.

14 “(D) The agency provides adequate furnishings and personal items for
15 children.

16 “(E) The agency provides appropriate food services.

17 “(F) The agency ensures the safety of children.

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

20 “(H) The agency or the agency’s employees or agents have not engaged
21 in financial mismanagement.

22 “(I) The agency fully and timely corrects violations and maintains stan-
23 dards in accordance with any plan of correction imposed by the department.

24 “(J) The agency provides access as required under ORS 418.305 to a child
25 or the agency’s premises to the department or the department’s employees,
26 investigators, court appointed special advocates, attorneys for a child or
27 other authorized persons or entities.

28 “(b) The department may suspend, revoke or place conditions on a license,
29 certificate or authorization of a child-caring agency if the department finds
30 the agency is not in full compliance with any one or more of the full com-

1 pliance requirements listed in paragraph (a) of this subsection.

2 “(c) [*In the following circumstances*] The department [*may not issue, renew*
3 *or place conditions on a license, certificate or authorization of a child-caring*
4 *agency but*] must take immediate steps to suspend or revoke the license,
5 certificate or other authorization of [*the*] a child-caring agency, if any of the
6 following are found to exist:

7 “(A) There has been the death of a child as a result of abuse or neglect
8 on the part of the agency or any of the agency’s employees or agents.

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

13 “(C) The agency failed to cooperate fully with any local, state or federal
14 regulatory entity’s investigation of the agency or the agency’s operations or
15 employees.

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

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

24 “[*d*] (e) It is grounds to deny issuance or renewal, suspend, revoke or
25 place conditions on a license, certificate or other authorization if the de-
26 partment becomes aware that a child-caring agency, or the owner or operator
27 of the agency, has been found by other state or federal entities to have en-
28 gaged in financial, civil or criminal misconduct.

29 “**(3)(a) If the Director of Human Services has taken action under**
30 **subsection (2)(c) of this section to suspend or revoke a license, certif-**

1 **icate or other authorization, the notice of intent to suspend or revoke**
2 **may be rescinded if the director determines that the concerns regard-**
3 **ing the health and safety of the children in the child-caring agency’s**
4 **care or custody have been ameliorated and any conditions placed on**
5 **the license, certificate or other authorization of the child-caring**
6 **agency have been resolved. A rescission under this subsection must**
7 **be made by agreement between the Director of Human Services and**
8 **the Director of the Oregon Youth Authority and, if the child-caring**
9 **agency is licensed to provide medical or psychiatric services, with the**
10 **additional agreement of the Director of the Oregon Health Authority**
11 **in consultation with the medical director for such services within the**
12 **authority.**

13 **“(b) Fourteen days before rescinding a notice of intent to suspend**
14 **or revoke, the Director of Human Services must provide written notice**
15 **regarding the intent to rescind to the Governor. The notice of intent**
16 **to rescind is a public record and open for inspection by any person**
17 **without order of a court. The notice of intent to rescind must include**
18 **the following information:**

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

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

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

27 **“(D) A complete description of changes that were made at the**
28 **child-caring agency and the reasons for the determination that the**
29 **concerns regarding the health and safety of children in the child-**
30 **caring agency’s care or custody have been ameliorated or that any**

1 **conditions placed on the license, certificate or other authorization of**
2 **the child-caring agency have been resolved.**

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

8 **“(d) For three years after a notice of intent to suspend or revoke**
9 **is rescinded under this subsection, the child-caring agency must apply**
10 **for a renewal of the child-caring agency’s license, certificate or other**
11 **authorization on an annual basis.**

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

15 **“(A) The Governor; and**

16 **“(B) The committees of the Legislative Assembly relating to child**
17 **welfare.**

18 **“[(3)] (4) The department may immediately place conditions on any li-**
19 **cence, certificate or authorization issued under this section, including but**
20 **not limited to placing full or partial restrictions on admission of children,**
21 **temporary suspension, limitation of operations subject to an intent to revoke**
22 **and limitation of operations subject to correction of violations as specified**
23 **in a plan of correction imposed by the department. The department shall**
24 **immediately notify any state or governmental agency or unit that has a**
25 **contract with the child-caring agency to provide care or services to a child,**
26 **and the governing board, trustees, owners, managers, operators or**
27 **other appropriate authorities responsible for the child-caring agency,**
28 **of conditions placed by the department on the child-caring agency’s license,**
29 **certificate or authorization under this section.**

30 **“[(4)] (5) If applicable, an applicant shall submit written proof of compli-**

1 ance with the notification requirements in ORS 336.575.

2 “[5] (6) The department may not charge a fee for inspections leading to
3 decisions regarding, and issuance of, licenses, certifications or authorizations
4 under this section, but may impose fees to cover costs of related inspections
5 done for the department by other governmental agencies.

6 “[6] (7) **Except as provided in subsection (3) of this section,** a li-
7 cense, certificate or authorization issued by the department under this sec-
8 tion shall be valid for a period of two years, unless suspended or revoked
9 sooner by the department. However, the department at any time may require
10 amendments to an existing license, certificate or authorization to accommo-
11 date changes in the factors upon which the issuance was based.

12 “[7] (8) When a condition exists that seriously endangers or places at
13 risk the health, safety or welfare of a child who is receiving care or services
14 at a child-caring agency:

15 “(a) The [*Director of Human Services*] **director** shall issue an interim
16 emergency order without notice, or with reasonable notice under the cir-
17 cumstances, requiring the agency to correct the conditions and ensure the
18 safety of children in the care of the agency. The interim emergency order
19 shall remain in force until a final order, after a hearing, has been entered
20 in accordance with ORS chapter 183.

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

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

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

29 “[8] (9) If the director, the director’s designee or the department becomes
30 aware through any means that a child-caring agency, or an owner, operator

1 or employee of a child-caring agency, is the subject of an investigation by
2 another state agency, law enforcement agency or federal agency, the director
3 or director's designee shall take immediate steps to cause an investigation
4 to take place into the circumstances surrounding the investigation and
5 whether there is a threat to a child, or whether a child is at risk, at the
6 child-caring agency. Upon determination of the level of threat or risk to
7 children at the agency, the director shall take appropriate steps to protect
8 and ensure the health, safety and welfare of children as necessary under the
9 circumstances. Failure to comply with the requirements of this subsection
10 constitutes grounds for a charge of official misconduct in the second degree
11 under ORS 162.405.

12 “[9] (10) If the Department of Justice or Bureau of Labor and Industries
13 commences an investigation of a child-caring agency or an owner, operator
14 or employee of a child-caring agency, the Department of Justice or Bureau
15 of Labor and Industries shall notify, inform and regularly update the direc-
16 tor, the director's designee or such other personnel in the Department of
17 Human Services designated to receive such information regarding the inves-
18 tigation. The director and the department shall immediately undertake the
19 responsive action required by subsection [(8)] (9) of this section upon re-
20 ceiving such notification. Interference with, discouragement of or imped-
21 iment to the receipt of the notification, information and updates required
22 under this subsection constitutes official misconduct in the second degree
23 under ORS 162.405.

24 “[10] (11) The Department of Human Services shall adopt rules to im-
25 plement the provisions of this section.

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

28 “418.240. (1) All child-caring agencies shall obtain from the Department
29 of Human Services a license, certificate or other authorization to provide
30 care or services to children under ORS 418.205 to 418.327, 418.470, 418.475 or

1 418.950 to 418.970. The criteria for issuance, renewal, suspension or revoca-
2 tion of, or for placing conditions on, a license, certificate or authorization
3 under this section must:

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

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

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

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

9 “(B) The employment of capable, trained or experienced staff that meet
10 minimum staffing requirements.

11 “(C) Sufficient financial backing to ensure effective operations.

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

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

15 “(F) That the child-caring agency is or will be in compliance with the
16 standards of care and treatment established in rules adopted by the depart-
17 ment.

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

21 “(A) The agency ensures child and family rights.

22 “(B) The agency complies with abuse reporting and investigation re-
23 quirements.

24 “(C) The agency engages in and applies appropriate behavior management
25 techniques.

26 “(D) The agency provides adequate furnishings and personal items for
27 children.

28 “(E) The agency provides appropriate food services.

29 “(F) The agency ensures the safety of children.

30 “(G) The agency utilizes approved procedures and protocols for use of

1 medications for children receiving care or services from the agency.

2 “(H) The agency or the agency’s employees or agents have not engaged
3 in financial mismanagement.

4 “(I) The agency fully and timely corrects violations and maintains stan-
5 dards in accordance with any plan of correction imposed by the department.

6 “(J) The agency provides access as required under ORS 418.305 to a child
7 or the agency’s premises to the department or the department’s employees,
8 investigators, court appointed special advocates, attorneys for a child or
9 other authorized persons or entities.

10 “(b) The department may suspend, revoke or place conditions on a license,
11 certificate or authorization of a child-caring agency if the department finds
12 the agency is not in full compliance with any one or more of the full com-
13 pliance requirements listed in paragraph (a) of this subsection.

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

17 “(A) There has been the death of a child as a result of abuse or neglect
18 on the part of the agency or any of the agency’s employees or agents.

19 “(B) There has been sexual or physical abuse or neglect of a child in the
20 agency’s care or custody that was known to the agency and the agency did
21 not take immediate steps to report the abuse or neglect and to ensure the
22 child’s safety.

23 “(C) The agency failed to cooperate fully with any local, state or federal
24 regulatory entity’s investigation of the agency or the agency’s operations or
25 employees.

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

28 “(d) If any of the circumstances described in paragraph (c) of this sub-
29 section exists, the department may immediately place conditions on the li-
30 cense, certificate or authorization of the child-caring agency prior to a

1 hearing if, consistent with ORS 183.430, the department finds there is a se-
2 rious danger to the public health or safety and sets forth specific reasons for
3 such findings.

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

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

22 “(b) Fourteen days before rescinding a notice of intent to suspend or re-
23 voke, the Director of Human Services must provide written notice regarding
24 the intent to rescind to the Governor. The notice of intent to rescind is a
25 public record and open for inspection by any person without order of a court.
26 The notice of intent to rescind must include the following information:

27 “(A) The circumstances that led to the notice of intent to suspend or re-
28 voke;

29 “(B) The actions taken by the child-caring agency, the Department of
30 Human Services, the Attorney General, the Oregon Youth Authority and the

1 Oregon Health Authority in response to the circumstances leading to the
2 notice of intent to suspend or revoke;

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

5 “(D) A complete description of changes that were made at the child-caring
6 agency and the reasons for the determination that the concerns regarding the
7 health and safety of children in the child-caring agency’s care or custody
8 have been ameliorated or that any conditions placed on the license, certifi-
9 cate or other authorization of the child-caring agency have been resolved.

10 “(c) In making a decision to rescind a notice of intent to suspend or re-
11 voke under this subsection, the decision must be based solely on the health
12 and safety of the children served by the child-caring agency. Systemwide
13 capacity of the child welfare system may not be considered as an element
14 of the decision.

15 “(d) For three years after a notice of intent to suspend or revoke is
16 rescinded under this subsection, the child-caring agency must apply for a
17 renewal of the child-caring agency’s license, certificate or other authori-
18 zation on an annual basis.

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

21 “(A) The Governor; and

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

23 “(4) The department may immediately place conditions on any license,
24 certificate or authorization issued under this section, including but not lim-
25 ited to placing full or partial restrictions on admission of children, tempo-
26 rary suspension, limitation of operations subject to an intent to revoke and
27 limitation of operations subject to correction of violations as specified in a
28 plan of correction imposed by the department. The department shall imme-
29 diately notify any state or governmental agency or unit that has a contract
30 with the child-caring agency to provide care or services to a child, and the

1 governing board, trustees, owners, managers, operators or other appropriate
2 authorities responsible for the child-caring agency, of conditions placed by
3 the department on the child-caring agency's license, certificate or authori-
4 zation under this section.

5 “(5) If applicable, an applicant shall submit written proof of compliance
6 with the notification requirements in ORS 336.575.

7 “(6) The department may not charge a fee for inspections leading to de-
8 cisions regarding, and issuance of, licenses, certifications or authorizations
9 under this section, but may impose fees to cover costs of related inspections
10 done for the department by other governmental agencies.

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

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

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

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

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

29 “(B) If the agency fails to comply with a plan of correction imposed by
30 the department or to correct conditions not in conformity with standards as

1 set out in an order issued under paragraph (a) of this subsection, within the
2 time specified in the order.

3 “(9) If the director, the director’s designee or the department becomes
4 aware through any means that a child-caring agency, or an owner, operator
5 or employee of a child-caring agency, is the subject of an investigation by
6 another state agency, law enforcement agency or federal agency, the director
7 or director’s designee shall take immediate steps to cause an investigation
8 to take place into the circumstances surrounding the investigation and
9 whether there is a threat to a child, or whether a child is at risk, at the
10 child-caring agency. Upon determination of the level of threat or risk to
11 children at the agency, the director shall take appropriate steps to protect
12 and ensure the health, safety and welfare of children as necessary under the
13 circumstances. Failure to comply with the requirements of this subsection
14 constitutes grounds for a charge of official misconduct in the second degree
15 under ORS 162.405.

16 “(10) If the Department of Justice or Bureau of Labor and Industries
17 commences an investigation of a child-caring agency or an owner, operator
18 or employee of a child-caring agency, the Department of Justice or Bureau
19 of Labor and Industries shall notify, inform and regularly update the direc-
20 tor, the director’s designee or such other personnel in the Department of
21 Human Services designated to receive such information regarding the inves-
22 tigation. The director and the department shall immediately undertake the
23 responsive action required by subsection (9) of this section upon receiving
24 such notification. Interference with, discouragement of or impediment to the
25 receipt of the notification, information and updates required under this sub-
26 section constitutes official misconduct in the second degree under ORS
27 162.405.

28 “(11) The Department of Human Services shall adopt rules to implement
29 the provisions of this section.

30 **“SECTION 3. The amendments to ORS 418.240 by section 2 of this**

1 **2017 Act become operative on January 1, 2021.**

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

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

7 “(a) That the report is substantiated. A report is substantiated when there
8 is reasonable cause to believe that the abuse of a child in care occurred.

9 “(b) That the report is unsubstantiated. A report is unsubstantiated when
10 there is no evidence that the abuse of a child in care occurred.

11 “(c) That the report is inconclusive. A report is inconclusive when there
12 is some indication that the abuse occurred but there is insufficient evidence
13 to conclude that there is reasonable cause to believe that the abuse occurred.

14 “(2) When a report is received under section 37, **chapter 106, Oregon**
15 **Laws 2016**, [*of this 2016 Act*] alleging that a child in care may have been
16 subjected to abuse, the department shall notify the attorney for the child, the
17 child’s court appointed special advocate, the parents or guardians of the
18 child, any attorney representing a parent or guardian of the child and any
19 governmental agency or unit that has a contract with the child-caring
20 agency to provide care or services to the child that a report has been re-
21 ceived.

22 “(3) The department may interview the child in care who is the subject
23 of suspected abuse and witnesses without the presence of child-caring agency
24 or proctor foster home employees or department personnel. The department
25 shall inform the child in care that the child may have the child’s parent or
26 guardian, if the child has not been committed to the custody of the depart-
27 ment or the Oregon Youth Authority, or attorney present when participating
28 in an interview conducted in the course of an abuse investigation.

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

1 “(a) The Director of Human Services.

2 “(b) Personnel in the department responsible for the licensing, certificate
3 or authorization of child-caring agencies.

4 “(c) The department’s lead personnel in that part of the department that
5 is responsible for child welfare generally.

6 “(d) With respect to the child in care who is the subject of the abuse re-
7 port and investigation:

8 “(A) Case managers for the child in care;

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

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

12 “(e) The parents or guardians of the child in care who is the subject of
13 the abuse report and investigation if the child in care has not been commit-
14 ted to the custody of the department or the youth authority. Notification
15 under this paragraph may not include any details or information other than
16 that a report of abuse has been substantiated.

17 “(f) The parents or guardians of each child in care that is residing, or
18 receiving care or services, at the child-caring agency or proctor foster home
19 that is the subject of the report and investigation, if the child in care has
20 not been committed to the custody of the department or the youth authority.
21 Notification under this paragraph may not include any details or information
22 other than that a report of abuse has been substantiated.

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

25 “(5) The department shall report on a quarterly basis to the interim leg-
26 islative committees on child welfare for the purposes of public review and
27 oversight of the quality and safety of child-caring agencies that are licensed,
28 certified or authorized by the department in this state and of proctor foster
29 homes that are certified by the child-caring agencies. Information provided
30 in reports under this subsection may not contain the name or any identifying

1 information of a child in care but must contain all of the following:

2 “(a) The name of any child-caring agency or proctor foster home where
3 the department conducted an investigation pursuant to section 37, **chapter**
4 **106, Oregon Laws 2016**, [of this 2016 Act] that resulted in a finding that the
5 report of abuse was substantiated during that quarter;

6 “(b) The approximate date that the abuse occurred;

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

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

11 “(e) Corrective actions taken or ordered by the department and the out-
12 come of the corrective actions.

13 **“(6) In compiling records, reports and other information during an**
14 **investigation under section 37 (1), chapter 106, Oregon Laws 2016, and**
15 **in issuing findings, letters of concern or reprimands, the Director of**
16 **Human Services or the director’s designee and the department may**
17 **not refer to the employee, person or entity that is the subject of the**
18 **investigation as an ‘alleged perpetrator’ but must refer to the em-**
19 **ployee, person or entity as the ‘respondent.’**

20 **“SECTION 5. (1) No later than September 15, 2018, the Department**
21 **of Human Services shall submit a report to the interim legislative**
22 **committees on child welfare regarding the establishment of a ‘deemed**
23 **status’ determination that a child-caring agency has met some or all**
24 **of the criteria or the full compliance requirements listed in ORS**
25 **418.240. The ‘deemed status’ determination will apply when a child-**
26 **caring agency has been accredited and is in good standing with a na-**
27 **tional accrediting program, body or organization approved by the**
28 **department.**

29 **“(2) The report shall include:**

30 **“(a) Recommendations for the process of and requirements for es-**

1 **tablishing a ‘deemed status’ determination in the issuance of licenses,**
2 **certifications and other authorizations to child-caring agency appli-**
3 **cants.**

4 **“(b) Information about available accreditation programs, bodies or**
5 **organizations, membership in which would qualify a child-caring**
6 **agency for a ‘deemed status’ determination.**

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

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

13 **“(e) Information about how other states have implemented similar**
14 **‘deemed status’ determinations and the consequences of such imple-**
15 **mentation.**

16 **“(f) Recommendations for necessary legislation and budget re-**
17 **quirements to implement a ‘deemed status’ determination option for**
18 **licensure, certification and authorization of child-caring agencies.**

19 **“SECTION 6. Section 5 of this 2017 Act is repealed on January 2,**
20 **2019.**

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

24
