

SB 19 STAFF MEASURE SUMMARY

Senate Committee On Human Services

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Meeting Dates: 1/22

WHAT THE MEASURE DOES:

Requires Department of Human Services (DHS) to adopt rules for the licensing of adult foster homes that provide residential care to older adults, to individuals with physical disabilities, and to individuals with intellectual or developmental disabilities. Requires Oregon Health Authority to adopt rules for the licensing of adult foster homes that provide residential care to individuals with mental illness. Expands list of mandatory reporters of abuse to include individuals paid by a public body to provide services to a child or adult with a developmental disability. Modifies definitions of developmental disability and intellectual disability by removing criteria and authorizing DHS to adopt criteria by rule. Authorizes DHS to impose civil penalties on any person that violates statutory requirement or administrative rule within programs administered by department. Changes name of Department of Human Services Volunteer Program Donated Fund Account and modifies purposes for which moneys in account may be used.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Adult Foster Homes are any setting in which residential care is provided in a homelike environment for five or fewer adults who are not related to the provider by blood or marriage. The Department of Human Services (DHS) currently operates two programs providing Adult Foster Homes for older adults and individuals with physical, intellectual, or developmental disabilities, and the Oregon Health Authority (OHA) currently operates one program providing Adult Foster Homes for individuals with mental illness. Legislative language applying to Adult Foster Homes impacts all three programs, making it difficult to ascertain whether the measure may be program specific. Senate Bill 19 directs DHS and OHA to adopt rules for the licensing of Adult Foster Homes that are program specific.

In Oregon, independent providers for aging seniors and people individuals with disabilities and developmental disabilities are personal support workers, individuals who are paid as contractors, or self-employed individuals. Independent providers are not required by law to report abuse (i.e., mandatory reporter) and cannot be held legally liable for failing to report suspected abuse or neglect. Senate Bill 19 expands the list of mandatory reporters of abuse to include Independent Providers who provide services to children or adults with developmental disabilities.

Eligibility criteria for services for individuals with intellectual or developmental disabilities currently include age of onset limits and additional measures specific to each disability. Federal changes to criteria for intellectual or developmental medical conditions cannot be implemented in Oregon in a timely manner. Senate Bill 19 removes the criteria for intellectual and developmental disabilities and authorizes DHS to adopt criteria in administrative rule.

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The civil penalty system in the DHS is out of alignment and inconsistent across services within the Office of Developmental Disability Services, which does not have statutory authority to encourage compliance with statutory requirements or administrative rule, nor does it have the authority to assess fines on non-residential service providers. Senate Bill 19 authorizes DHS to impose civil penalties on any person that violates statutory requirements or administrative rules within any programs administered by the department, including the Office of Developmental Disability Services.

The Volunteer Program Donated Fund Account at DHS, established in 1997, is distinct from the General Fund. The volunteer program has since been decentralized. Senate Bill 19 changes the name of the program and modifies the purposes for which the moneys in the account may be used in order to align the statute with current practice.