

**FISCAL IMPACT OF PROPOSED LEGISLATION**

80th Oregon Legislative Assembly – 2019 Regular Session  
Legislative Fiscal Office

**Measure: SB 809**

*Only Impacts on Original or Engrossed  
Versions are Considered Official*

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**Measure Description:**

Requires Department of Human Services and Oregon Health Authority to prescribe by rule criteria for making fitness determinations.

**Government Unit(s) Affected:**

Oregon Health Authority (OHA), Department of Human Services (DHS)

**Analysis:**

This fiscal impact statement is for the purpose of transmitting the measure from the Senate Committee on Human Services to the Senate Committee on Rules.

The measure directs the Department of Human Services (DHS) and the Oregon Health Authority (OHA) to adopt rules prescribing the criteria for evaluating whether an individual providing direct care services is fit to hold the position, including fit to be granted a license, certification, registration or permit to provide direct care services. An individual who is found to be unfit is entitled to challenge the finding in a contested case hearing. The measure stipulates that an individual may not challenge a finding of substantiated abuse or criminal conviction that was the basis for the fitness determination, but may contest certain evidence, mitigating factors, or other aspects of the evaluation. The measure directs OHA and DHS to conduct a fitness determination when there is a record of substantiated abuse and to notify the employer and employee of the determination in writing.

The measure is anticipated to have an impact on DHS, OHA, the Employment Department, the Oregon Judicial Department, and the Department of Justice.

A more complete fiscal analysis on the measure will be prepared as the measure is considered in Senate Committee on Judiciary.

Further Analysis Required