

SB 19 A STAFF MEASURE SUMMARY

Joint Committee On Ways and Means

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Meeting Dates: 5/23, 5/24

WHAT THE MEASURE DOES:

Requires Department of Human Services (DHS) and Oregon Health Authority to make licensing rules specific to adult foster homes they each administer. Modifies definitions of "developmental disability" and "intellectual disability" to make them consistent with federal definitions. Requires DHS to adopt rules for imposing civil penalties for program violations under its jurisdiction and specifies use of funds collected for such penalties. Adds to list of mandatory reporters of abuse: service providers paid with public funds pursuant to the individual service plan of a child or adult with a developmental disability. Changes name of DHS Volunteer Program Donated Fund Account to Donated Fund Account and clarifies use of funds.

ISSUES DISCUSSED:

- Minimal fiscal impact
- Origin of bill and policy committee action

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

DHS operates two programs providing adult foster homes for older adults and individuals with physical, intellectual, or developmental disabilities. The Oregon Health Authority (OHA) operates one program providing adult foster homes for individuals with mental illness. Adult foster homes are any setting in which residential care is provided in a home-like environment for five or fewer adults who are not related to the provider by blood or marriage. Senate Bill 19 creates specific statutory references for agency rule making for each home type.

Independent providers for people with developmental disabilities include support workers, contractors, and self-employed individuals. Independent providers are not explicitly included among Oregon's mandatory reporters of abuse, and they may avoid liability for failing to report suspected abuse or neglect of the individuals they serve. Senate Bill 19 adds independent providers who serve children or adults with developmental disabilities to the list of mandatory reporters.

Eligibility criteria for individuals with intellectual or developmental disabilities to receive services are highly specific. Senate Bill 19 modifies definitions for both "developmental disability" and "intellectual disability" to make them consistent with federal definitions. DHS' Office of Developmental Disability Services does not currently have distinct enforcement authority regarding to non-residential service providers. Senate Bill 19 authorizes DHS to impose civil penalties for violations of programs or service delivery within its scope of responsibility and specifies the use of funds collected for such violations.

Finally, Senate Bill 19 changes the name of the Volunteer Program Donated Fund Account to the Donated Fund Account and modifies language to align the use of funds with current practice.