

**FISCAL IMPACT OF PROPOSED LEGISLATION**

**Measure: SB 725 - A**

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

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

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**Measure Description:**

Specifies charges or convictions that may not be considered in fitness determinations.

**Government Unit(s) Affected:**

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

**Summary of Fiscal Impact:**

Costs related to the measure are indeterminate at this time - See explanatory analysis.

**Analysis:**

SB 725 specifies certain convictions and charges that will bar the offenders from employment in any capacity where they would have contact with a recipient of support services, or residents of residential facilities, or adult foster homes. The measure stipulates what charges or convictions may not be considered by authorized agencies in fitness determinations for individuals who would be employees, contractors, or volunteers. The measure also prohibits criminal records checks more than once every two years, with some exceptions.

Department of Human Services (DHS) and the Oregon Health Authority (OHA)

The fiscal impact of this measure on DHS and OHA is indeterminate, however, the agencies predict a potential increase in workload for the Background Check Unit (BCU) – a shared service of DHS and OHA – because the bill could potentially expand the pool of providers by limiting the factors that may be considered by the agency when determining fitness.

In addition, because the measure does not include comprehensive language to allow for federally required exclusionary crimes to be applied to fitness determinations and background checks, the measure could be in conflict with federal codes governing Medicaid provider enrollment, which requires a state Medicaid agency to terminate or deny enrollment if the provider, or any person with a 5% or greater direct or indirect ownership interest in the provider, fails to submit fingerprints within 30 days of a Centers for Medicare and Medicaid Services or a state Medicaid agency request.

Oregon State Police (OSP)

The fiscal impact of this measure on OSP is indeterminate, depending on the number of clearinghouse qualified entities that serve the population and facilities specified in this bill to be identified by the Background Check Unit.