

**SB 809 A STAFF MEASURE SUMMARY**

**Joint Committee On Ways and Means**

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**Action Date:** 05/24/19

**Action:** Without recommendation as to passage and be referred to Rules.

**House Vote**

**Yeas:** 8 - Gomberg, Holvey, McLain, Nosse, Piluso, Rayfield, Smith G, Stark

**Exc:** 1 - McLane

**Senate Vote**

**Yeas:** 10 - Beyer, Frederick, Girod, Hansell, Heard, Johnson, Manning Jr, Roblan, Steiner  
Hayward, Wagner

**Exc:** 2 - Thomsen, Winters

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Laurie Byerly, Budget Analyst

**Meeting Dates:** 5/24, 5/31

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**WHAT THE MEASURE DOES:**

Requires Department of Human Services and Oregon Health Authority to prescribe by rule criteria to be considered in making fitness determination findings of abuse. Provides subject individuals with right to contested case hearing to challenge evaluation of fitness.

**ISSUES DISCUSSED:**

- Return of the measure without recommendation as to passage for referral to Rules

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

Oregon law prohibits using public funds to employ individuals with certain criminal histories in capacities that involve direct contact with recipients of support services or residential care. The Department of Human Services (DHS), the Oregon Health Authority (OHA), home health agencies, and in-home care agencies conduct background checks on employees of residential facilities, adult foster homes, home care workers registering with the Home Care Commission, providers and volunteers in contact with patients in home health agencies and in-home care agencies, and any individual paid with public funds who is in contact with recipients of support services or residential care. DHS and OHA are also required to notify employers and employees in writing of any records of substantiated abuse committed by an employee of a home health agency, in-home care agency, adult foster home, or residential facility, regardless of whether criminal charges were filed.

The measure requires DHS and OHA to adopt rules prescribing criteria for fitness determinations about individuals who provide direct care services. The rules must specify provider conduct that will result in the provider being deemed unfit, as well as conditions, if any, for reinstatement. The measure also provides due process via contested case hearings for individuals to challenge fitness evaluations. The measure allows DHS and OHA to conduct a fitness determination for any employee or potential employee of specified entities who have a record of substantiated abuse.