



Oregon

Kate Brown, Governor

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DATE: February 3rd, 2020

TO: Senate Committee on Human Services

FROM: Oregon Department of Human Services

SUBJECT: SB 1519, Relating to criminal records checks of individuals who provide care

INTRODUCTION

Senate Bill 1519 makes technical fixes to the statutory language created by Senate Bill 725 which passed in the 2019 legislative session.

BACKGROUND & DISCUSSION

SB 725 (2019) amended ORS 443.004 (Criminal records check required for employees and volunteers providing direct care) prohibiting the Department of Human Services (DHS) and the Oregon Health Authority (OHA) from completing a criminal records check on certain individuals described in ORS 443.004 more often than once in a two-year period, with some exceptions.

The Background Check Unit (BCU), serving DHS and OHA, maintains the Long-Term Care Registry under ORS 443.006 (Criminal background check registry). The Long-Term Care Registry provides a ready to work registry of individuals eligible to work in positions providing care to Oregonians, allows portability for providers, smoother credentialing and prevents duplicative background checks. Approval on the registry lasts two years, and BCU begins rechecking these individuals prior to their expiration to ensure Oregonians continue to receive care and providers can continue to work without disruption.

SB 1519 seeks to adjust the 2019 change in statute and allow no more than one criminal records check in an 18-month period, to allow the recheck of individuals prior to their expiration on the Long-Term Care Registry. SB 1519 also enables BCU to determine by rule the instances that would be burdensome for an individual to wait the 18-month period for a new criminal records check.

SB 725 (2019) also amended ORS 181A.195 prohibiting DHS and OHA from considering certain convictions, charges, arrests, deferred sentences, conditional discharges, pending indictments and diversion programs for certain individuals undergoing fitness determinations. This 2019 change in statute states that convictions under ORS 813.010 (DUII) may be not considered unless there is more than one conviction in a five-year period. SB 1519 goes further to include ORS 830.325 (Operating a boat while under the influence of intoxicating liquor, cannabis or controlled substance) and equivalent crimes in other jurisdictions.

SUMMARY

SB 1519 addresses statutory changes needed to the language created by SB 725 (2019) by mitigating the impact to the Long-Term Care Registry, enabling individuals to receive a more frequent criminal records checks when needed, and ensuring that convictions for DUII and boating under the influence are considered equally for convictions in Oregon and other jurisdictions.