

FISCAL IMPACT OF PROPOSED LEGISLATION

81st Oregon Legislative Assembly – 2021 Regular Session
Legislative Fiscal Office

Measure: SB 710 - 5

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

Prepared by: Haylee Morse-Miller
Reviewed by: Gregory Jolivet, Julie Neburka, Tom MacDonald
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Measure Description:

Modifies allowed and prohibited uses of restraint of children in care by child-caring agencies, proctor foster homes and developmental disabilities residential facilities.

Government Unit(s) Affected:

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

Analysis:

This fiscal impact statement is for the purpose of transmitting the measure from the Senate Committee on Human Services, Mental Health and Recovery to the Joint Committee on Ways and Means.

This measure prohibits child-caring agencies, proctor foster homes, certified foster homes, or developmental disabilities residential facilities from placing a child in care in restraint or involuntary seclusion as a form of discipline, punishment, or retaliation. Restraint or involuntary seclusion may be used in cases when a child’s behavior poses a risk of bodily harm to the child or others; and under specific other circumstances as outlined in this measure.

The Department of Human Services (DHS) must be immediately notified if a child in care suffers a reportable injury as a result of restraint or involuntary seclusion, or if a staff person suffers serious bodily injury or death in connection with restraint or involuntary seclusion. Children in care are to be notified of their reporting rights for restraint and involuntary seclusion. Programs must report quarterly to DHS on their use of restraint and involuntary seclusion, and reports are to be posted on the DHS website. Reports are first due November 1, 2021.

A person who places a child in care in restraint or involuntary seclusion must be trained or certified as required by DHS by rule. DHS is to designate two or three providers of crisis intervention training that can provide certification. Certification is valid for two years and requires continuing education to maintain. This measure finally includes secure transportation services providers under the definition of “child-caring agencies” that require licensing or certification by DHS.

Initial estimates from DHS are that this measure will cost \$4,635,540 total funds in 2021-23, and \$4,722,844 total funds in 2023-25, and require six positions to implement. These numbers are estimates only until further analysis of the fiscal impact of this measure can be completed.

There is anticipated to be a minimal impact for the Oregon Youth Authority (OYA) and no impact for the Oregon Health Authority. OYA notes that there may be an impact for OYA’s contracted providers due to additional procedures and training. OYA also notes that because this measure has different requirements for OYA and DHS certified foster homes, there may be additional work required to communicate these differences, though the fiscal impact is anticipated to be minimal. A more complete fiscal analysis on the measure will be prepared as the measure is considered in the Joint Committee on Ways and Means.

Further Analysis Required