

**SB 86 A STAFF MEASURE SUMMARY**

Carrier: Sen. Anderson

**Senate Committee On Human Services, Mental Health and Recovery****Action Date:** 03/04/21**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 5-0-0-0**Yeas:** 5 - Anderson, Gelser, Lieber, Robinson, Taylor**Fiscal:** No fiscal impact**Revenue:** No revenue impact**Prepared By:** C. Ross, Counsel**Meeting Dates:** 2/4, 3/4**WHAT THE MEASURE DOES:**

Authorizes the Department of Human Services (DHS) and the Oregon Health Authority (OHA) to revoke, suspend, or condition residential training home and residential training facility licenses, including immediate suspension authority, in the event of noncompliance or specified harms to residents pursuant to rules adopted by the relevant licensing entity. Adds requirement for licensing entities to consider an applicant's past performance and experience in any jurisdiction pursuant to rules adopted by the licensing entity. Requires identification of persons on licenses who have at least a five percent ownership interest in the subject facility.

**ISSUES DISCUSSED:**

- Explicit statutory authority to enable agency actions; express authority to consider applicant performance in other jurisdictions; strengthening licensing authority generally
- Differences in scope of authority of licensing entities; alignment for consistency across systems

**EFFECT OF AMENDMENT:**

Refinement to achieve the same ends as the underlying measure. Restores original statutory definitions and the provision governing issuance or denial of license applications and instead, expressly authorizes DHS and OHA to revoke, suspend, or condition residential training home and residential training facility licenses, including immediate suspension authority, in the event of noncompliance or specified harms to residents pursuant to rules adopted by the relevant licensing entity. Restores original statutory language governing applicant qualifications and instead, adds requirement that licensing entities consider applicant's past performance and experience in any jurisdiction pursuant to rules adopted by the licensing entity.

**BACKGROUND:**

The Oregon Health Authority (OHA) and the Department of Human Services (DHS) are responsible for licensing and regulating all manner of care providers and care facilities, which includes express authority to issue, deny, suspend, and revoke licenses. Upon receipt of an application to license a residential training home or residential training facility, the licensing agency is currently required to consider the applicant's regulatory and operational history, willingness to serve the relevant population, and willingness to contract with the agency for certain services; and only the names of licensees, operators, and facility owners are currently required to be identified on the license.

Senate Bill 86A clarifies that licensing entities are authorized to impose conditions on a licensee for certain noncompliance, as well as to revoke or immediately suspend, by expressly authorizing same pursuant to the licensing agency's rules. The measure also broadens a licensing agency's authority to evaluate an applicant's history, to include consideration of the applicant's history in any jurisdiction. Finally the measure requires individuals with at least a five percent ownership interest in a licensed facility to be identified on the license.