

SB 280 STAFF MEASURE SUMMARY

Carrier: Rep. Schouten

House Committee On Human Services**Action Date:** 05/17/21**Action:** Do Pass.**Vote:** 6-0-1-0**Yeas:** 6 - Leif, Noble, Owens, Ruiz, Schouten, Williams**Exc:** 1 - Sanchez**Fiscal:** No fiscal impact**Revenue:** No revenue impact**Prepared By:** Iva Sokolovska, LPRO Analyst**Meeting Dates:** 4/26, 5/17**WHAT THE MEASURE DOES:**

Prohibits the Department of Human Services (DHS) and the Oregon Health Authority (OHA) from considering a single conviction for misdemeanor boating under the influence when conducting a fitness determination of a person who provides care. Shortens the periodic basis that DHS and OHA must check criminal records of certain persons providing care, to once every 18 months, instead of once every 24 months. Provides for an additional exception from this requirement when waiting for a new criminal records check would be burdensome on the subject individual, as determined by agency rule. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Background check process details, delays, and timeline

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Department of Human Services (DHS) and the Oregon Health Authority (OHA) are required to scrutinize the backgrounds of certain individuals who provide direct care, including checking for criminal records on a periodic basis. A person's criminal history may include records that go back in time many years, or show an arrest or a diversion program where there is no corresponding conviction, or include other information that may be prejudicial. For this reason, the agencies are prohibited from considering most convictions that are more than ten years old, and single convictions for misdemeanor driving under the influence that are more than five years old. Agencies are also currently required to complete criminal records checks once every 24 months, with some exceptions, such as: when the person has changed position and a different background check is required; when federal law requires checks more frequently; or when the person has been newly convicted of a crime.

Senate Bill 280 clarifies that the prohibition against considering single convictions for misdemeanor drinking and driving that are over five years old, also includes boating under the influence, and extends to an equivalent misdemeanor conviction in other jurisdictions. The measure also shortens the periodic time frame during which agencies must check a care provider's criminal record, from once every 24 months to once every 18 months, and creates a new exception to this requirement, for situations where the agency determines by rule that it would be too burdensome on the subject person to wait for the next background check.