

A-Engrossed
Senate Bill 265

Ordered by the Senate April 16
Including Senate Amendments dated April 16

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Human Services)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Requires Department of Human Services to study and make recommendations to interim committees of Legislative Assembly, no later than September 15, 2022, for legislative changes needed to improve care of residents and training of staff in residential programs.]

Directs Department of Human Services to ensure that staff working in residential programs that serve children placed there by public entities receive training in nonviolent crisis intervention. Provides stipends and travel reimbursement to trainees. Specifies requirements for trainings. Directs department to submit reports to Legislative Assembly about trainings.

Sunsetts *[January 2]* **June 30, 2023.**

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to residential programs; and declaring an emergency.

3 Whereas many youth in congregate care settings have unique needs related to trauma that re-
4 quire specialized interventions and supports; and

5 Whereas staff in congregate care settings strive to provide high quality, supportive services to
6 youth and need appropriate training to provide trauma-informed programming and supports; and

7 Whereas increased understanding of the principles of trauma-informed care and positive behav-
8 ior support has led those in youth caring programs to seek to reduce or eliminate the use of physical
9 restraints and seclusion; and

10 Whereas inappropriate use of physical restraint and seclusion can lead to injury and additional
11 trauma for youth and staff; and

12 Whereas inappropriate use of physical restraint has led to the tragic death of children in care;
13 and

14 Whereas the COVID-19 pandemic reduced the ability of staff to attend regularly scheduled
15 trainings related to nonviolent crisis intervention and appropriate use of physical restraint; and

16 Whereas the COVID-19 pandemic increased stress and pressures within programs, exacerbating
17 the need for training related to best practices for nonviolent crisis intervention to support children
18 and youth living in congregate care residential settings; and

19 Whereas staff turnover in youth residential programs has historically been high and is attri-
20 buted in part to the need for high quality training and enhanced professional opportunities for staff;
21 and

22 Whereas the COVID-19 pandemic increased staff turnover and increased the number of new staff
23 that programs must rapidly train to safely meet the needs of children and youth; and

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 Whereas high staff turnover and lack of appropriate training creates serious risks for children,
2 youth and staff in residential programs; and

3 Whereas consistency in rapid, high quality training across programs will lead to improved out-
4 comes for youth and greater confidence in the workplace for staff; and

5 Whereas the Crisis Prevention Institute is a nationally recognized program, grounded in
6 evidence-based de-escalation practices and nonviolent intervention; and

7 Whereas the Crisis Prevention Institute is familiar to the majority of Oregon’s children’s resi-
8 dential programs, with many programs already using this training program for some staff; and

9 Whereas the Crisis Prevention Institute has the capacity to rapidly provide high quality training
10 and certification to staff across Oregon’s child caring agencies and children’s residential develop-
11 mental disability programs; and

12 Whereas the Crisis Prevention Institute has the capacity to track the ongoing certification sta-
13 tus of Oregon staff and provide ongoing support to certified trainers and staff; and

14 Whereas Oregon’s child caring agencies and children’s residential developmental disability pro-
15 grams need assistance to fully train and certify their staff to meet the needs of today’s youth, par-
16 ticularly following the increased challenges posed by the COVID-19 pandemic; and

17 Whereas the need for rapid training of staff in children’s residential programs is urgent and can
18 only be met with a one-time financial partnership from the state to jump-start a broad training ini-
19 tiative; now, therefore,

20 **Be It Enacted by the People of the State of Oregon:**

21 **SECTION 1. (1) The Department of Human Services shall ensure that staff working in**
22 **residential programs that serve children placed there by public entities, including but not**
23 **limited to the department, the Oregon Youth Authority and the Oregon Health Authority,**
24 **receive training and certification in nonviolent crisis intervention. The training shall be**
25 **provided at all three certification levels, including levels that do not train for the application**
26 **of physical restraints.**

27 **(2) The department shall provide to staff participating in the crisis intervention training:**

28 **(a) A stipend to compensate for time spent in training; and**

29 **(b) Reimbursement for travel costs to attend the training.**

30 **(3) The department shall ensure that at least 20 instructors in nonviolent crisis inter-**
31 **vention are trained and certified by July 1, 2022. Staff that receive training and certification**
32 **under this subsection must commit to providing at least three trainings per year for two**
33 **years in residential programs described in subsection (1) of this section.**

34 **(4) The department shall provide funding to a residential program to train the program’s**
35 **staff in nonviolent crisis intervention, in an amount sufficient to train two staff persons for**
36 **every staff person for which the program pays for the training.**

37 **(5) A program that receives funding under subsection (4) of this section shall report to**
38 **the department the program’s plan for maintaining the certification of current and future**
39 **staff after completion of the training under subsection (1) of this section, including training**
40 **for staff who do not engage in the use of physical restraints.**

41 **(6) The trainings described in this section shall begin as soon as practicable.**

42 **(7)(a) The department shall report to the Legislative Assembly, in the manner provided**
43 **in ORS 192.245:**

44 **(A) The names and locations of programs participating in the training;**

45 **(B) The number of staff certified, including staff certified as trainers; and**

1 (C) Any barriers to the implementation of the trainings.

2 (b) The department shall provide reports described in paragraph (a) of this subsection
3 no later than:

4 (A) October 1, 2021.

5 (B) January 1, 2022.

6 (C) April 1, 2022.

7 (D) July 1, 2022.

8 **SECTION 2.** (1) In addition to and not in lieu of any other appropriation, there is appro-
9 priated to the Emergency Board, for the biennium beginning July 1, 2021, out of the General
10 Fund, the amount of \$750,000, to be allocated to the Department of Human Services for car-
11 rying out section 1 of this 2021 Act.

12 (2) If any of the moneys appropriated by subsection (1) of this section are not allocated
13 by the Emergency Board prior to December 1, 2022, the moneys remaining on that date be-
14 come available for any purpose for which the Emergency Board lawfully may allocate funds.

15 (3) The department shall adopt rules for the distribution of the moneys appropriated
16 under this section to ensure that the moneys are distributed in accordance with section 1
17 of this 2021 Act.

18 **SECTION 3.** Section 1 of this 2021 Act is repealed on June 30, 2023.

19 **SECTION 4.** This 2021 Act being necessary for the immediate preservation of the public
20 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect
21 on its passage.
22
