

Requested by Senator GELSER

**PROPOSED AMENDMENTS TO
SENATE BILL 725**

1 On page 1 of the printed bill, delete lines 4 through 27 and insert:

2 **“SECTION 1. The Department of Human Services may not issue a**
3 **license, certification, endorsement or other authorization to a for-**
4 **profit organization or limited liability company, or to any entity in**
5 **which a for-profit organization or limited liability company has a fi-**
6 **nancial interest, to:**

7 **“(1) Operate a group home, foster home or other residential setting**
8 **for individuals with intellectual or developmental disabilities;**

9 **“(2) Administer a supported living program for individuals with in-**
10 **tellectual or developmental disabilities;**

11 **“(3) Deliver attendant care, relief or respite care, behavior support**
12 **services or any other home and community-based services to an indi-**
13 **vidual receiving developmental disabilities services as defined in ORS**
14 **427.101; or**

15 **“(4) Operate a support service brokerage, as defined in ORS 427.101.**

16 **“SECTION 2. (1) As used in this section:**

17 **“(a) ‘Applicant’ means a person applying for a license, certification**
18 **or endorsement or applying for the renewal of a license, certification**
19 **or endorsement to operate a program or provide services or residential**
20 **care to individuals with intellectual or developmental disabilities.**

21 **“(b) ‘Developmental disability services’ has the meaning given that**

1 term in ORS 427.101.

2 “(c) ‘Executive leadership team’ includes a chief executive officer,
3 personnel directly reporting to a chief executive officer and other en-
4 terprise level executives.

5 “(d) ‘Provider’ means a person that operates a program or provides
6 services or residential care to individuals with intellectual or develop-
7 mental disabilities.

8 “(2) The Department of Human Services may not license, certify,
9 endorse or renew the license, certification or endorsement of an ap-
10 plicant if:

11 “(a) The applicant’s license, certification or endorsement to provide
12 developmental disability services was revoked by the department
13 within the previous 10 years;

14 “(b) The applicant’s enrollment as a Medicaid provider was revoked
15 in the previous 10 years; or

16 “(c) Except as provided in subsection (3) of this section, the appli-
17 cant was any of the following for a provider that had its license, cer-
18 tification or endorsement revoked by the department within the
19 previous 10 years:

20 “(A) A member of the provider’s operations or executive leadership
21 team;

22 “(B) A board member of the provider; or

23 “(C) An owner, president, executive director or other senior man-
24 ager of the provider.

25 “(3) The department may license, certify, endorse or renew the li-
26 cense, certification or endorsement of an applicant described in sub-
27 section (2)(c) of this section if the applicant:

28 “(a) At the time of the incident, condition or violation that caused
29 or contributed to the revocation or within the period six months prior
30 to the incident, condition or violation that caused or contributed to

1 the revocation, was not directly responsible for the oversight of staff,
2 the delivery of the program’s services or the program site where the
3 incident, condition or violation occurred;

4 “(b) Did not have knowledge of the incident, condition or violation
5 that caused or contributed to the revocation or had knowledge of the
6 incident, condition or violation that caused or contributed to the re-
7 vocation but reported the incident, condition or violation to the ap-
8 propriate authorities; and

9 “(c) Did not by action or omission impede any investigation or in-
10 quiry related to the incident, condition or violation that caused or
11 contributed to the revocation.

12 “(4) A provider may not voluntarily relinquish the provider’s li-
13 cense, certification or endorsement in lieu of the provider’s license,
14 certification or endorsement being revoked by the department if the
15 revocation is the result of a death or serious injury in a facility or
16 program operated by the provider.”.

17 In line 28, after “certifications” insert “, endorsements”.

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