

---

March 15, 2021

Representative Sara Gelser  
Oregon State Capitol  
900 Court Street NE  
Salem, OR 97301

## **Re: Multnomah County Request for Amendments to SB 725**

We appreciate the opportunity to submit feedback on SB 725. SB 725 will impact our service providers who operate care homes in Multnomah County. As of March 1, 2021, Multnomah County has 188 licensed I/DD group homes, 237 I/DD-licensed adult care homes, 365 APD-licensed adult care homes, 11 Mental Health/Behavioral Health licensed adult care homes, and 9 licensed Room & Board homes. For scope, this bill would impact 810 homes within Multnomah County.

Below we address a few main points of concern as well as agreement with SB 725.

Our concerns about what this bill proposes are as follows:

- 1) Prohibits issuing licenses to for-profit I/DD care providers and ACHP providers who serve I/DD clients.
- 2) Prohibits issuing licenses to any caregivers that had been previously revoked or to anyone associated with management of a revoked facility.
- 3) Bars I/DD and ACH providers that are licensed by DHS from voluntarily closing when facing revocation due to death or serious injuries.

As to 1, the for-profit aspect of this bill is of significant concern. This part of the bill would have a negative impact on small foster homes that are often great placements for our consumers. These homes include many culturally specific providers that are a valuable resource for our consumers. It is unclear how homes would be exempted under a legacy clause or if/how they would have to give up their license when they renew annually. To address concerns about for-profit providers, we suggest limiting large corporations or organizations of a certain size. If for-profit organizations are eliminated a significant portion of providers will be negatively impacted and disproportionately impacts providers of color and immigrant/refugee community providers.

---

As to 2 and 3, these proposals are less problematic for our providers than 1; however, as written the language is overbroad about associations with a prior revoked licensee that may lead to inadvertent exclusions. Inadvertent exclusion increases because there is no flexibility or exception written into the bill that allows someone to get a license if they meet a reasonable standard related to why the license was revoked, or what limited role they had played in the prior agency or the revocation. Our feedback on this item would be to create a reasonable standard for determining what role an applicant played in an organization that either had its license revoked or surrendered their license to prevent revocation and a method to appeal a denial.

In addition, it remains unclear how licensing would track those prior associations of applicants other than what was reported by the applicant. That being said, there have been problems with investors or silent partners that may not qualify for a license on their own in the past and having bad actors reopen with a different name is problematic and needs to be addressed in this bill. We can see it being helpful to state licensing to reject a prior silent partner or investor from a prior facility that had its licensed revoke or closed due to an impending revocation. We would not necessarily oppose this item if the above concerns are added to the bill.

Our reading of the intention of this bill is to address what appears to be some licensees at the state that closed voluntarily rather than face revocation and then tried to reopen under different management. We agree this loophole should be closed at the state licensing level. To add, adult care home providers prior violations, revocations, and voluntary closure to due impending revocation on license are tracked by our department. When an applicant files to open a new home all previous incidents and actions stand against the operator when a new license is requested; therefore, this item is not an issue for us at this time, but we can see why the state licensing would want to close this loophole.

We appreciate the opportunity to also provide feedback on the proposed amendment. We note that the amendment will not fix the issues we noted above, as we regularly have new adult care/foster homes applying. Almost all applicants are for-profit, small family businesses. Restricting new licenses for adult care homes serving I/DD populations would result in a significant decline in facilities, most who provide excellent care. This amendment would not address our concerns that the bill, as written, would continue to disproportionately impact providers of color or from immigrant/refugee communities.

Thank you,  
Lee Girard  
Interim Deputy Director  
Multnomah County Department of Human Services