



Oregon

Kate Brown, Governor



Oregon Department of Human Services

Office of the Director

500 Summer St. NE, E-15

Salem, OR 97301

Voice: 503-945-5600

Fax: 503-581-6198

April 27, 2021

Representative Anna Williams, Chair
Representative Gary Leif, Vice Chair
Representative Ricki Ruiz, Vice Chair
Members of the House Committee on Human Services

From: Oregon Department of Human Services, Background Check Unit

Re: SB 280 Letter of Information

The Oregon Department of Human Services (ODHS) Background Check Unit (BCU) is writing to provide information regarding SB 280.

During the April 27, 2021 Public Hearing you heard that [SB 280](#) seeks to make technical fixes to statutory language created by [SB 725](#) (2019). These technical fixes were also pursued in the 2020 Regular Session through [SB 1519A](#) which was heard by the House Human Services and Housing Committee and was pending a House Third Reading when the session ended.

Jeff Akin the BCU Administrator submitted [written testimony](#) in preparation for the February 9, 2021 Public Hearing in the Senate Human Services, Mental Health and Recovery Committee. This document hopes to explain the need for the technical fixes and breaks down the components of the bill, however in short the bill does three things;

- 1) Allows a criminal records check to occur once in an 18-month period rather than once in a 24-month period to enable re-certification of individuals on the Long-Term Care Registry prior to their expiration
- 2) Allows a check to happen more frequently than once in an 18-month period if waiting for the 18-month window to pass would be burdensome for the subject individual (person being background checked). A few examples of what this is trying to mitigate include the following situations
 - a. A subject individual applied for position and their fitness determination (background check) was denied. They then seek and achieve an expungement of the convictions that resulted in the denial.

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It would be burdensome for the subject individual to have to wait a full 18-months to have a new fitness determination rather than being able to reapply for a position and begin employment at that time.

- b. SB 725 (2019) prohibits us from considering many convictions if they happened more than 10 years before the fitness determination. If an individual's fitness determination is denied due to a conviction that occurred 9 years and 6 months ago, it would be a burden for them to have to wait the full 18-months for the new check rather than just waiting 6 months.
 - c. A person may have an approved background check, but not be listed on the Long-Term Care Registry, which provides portability of a background check. If a Subject Individual in this situation was seeking an additional job or position within the 18 month period, this will allow them to do so.
- 3) Amending language so that convictions for boating under the influence can be treated the same as convictions of driving under the influence and ensuring that for both types of convictions, we have the authority to treat them the same regardless of which jurisdiction they occurred in

We are also proud to share that our current background check processing times are about a week with the majority of them being completed within 4 days. Jeff Akin, would be happy to be on the line to answer questions if a work session is scheduled. I am also happy to work through any questions the committee may already have.

Thank you for your consideration and I hope this information is helpful,

Nicole Stapp
Senior Legislative Policy Analyst
ODHS Central and Shared Services, Self-Sufficiency Programs, Office of Equity and Multi-Cultural Services, Tribal Affairs, and Governor's Advocacy Office
nicole.stapp@dhsosha.state.or.us
971-719-0123