

SENATE AMENDMENTS TO SENATE BILL 1547

By COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH AND RECOVERY

February 14

1 On page 1 of the printed bill, line 3, after “329A.390,” insert “418.205, 418.322, 418.359,
2 418.992,”.

3 After line 4, insert:

“RECORDED PROGRAMS”.

7 On page 17, line 45, delete “14” and insert “19”.

8 On page 18, after line 1, insert:

“SECURE TRANSPORTATION SERVICES PROVIDERS

11 “SECTION 14. (1) As used in this section:

12
13 “(a) ‘Certified foster home’ means a foster home certified by the Department of Human
14 Services and subject to ORS 418.625 to 418.645.

15 “(b) ‘Child-caring agency’ has the meaning given that term under ORS 418.205.

16 “(c) ‘Developmental disabilities residential facility’ means a residential facility or foster
17 home for children who are 17 years of age or younger and receiving developmental disability
18 services that is subject to ORS 443.400 to 443.455, 443.830 and 443.835.

19 “(d) ‘Secure escort’ means escort services for a child who poses a risk of elopement or
20 where restraint or seclusion may be utilized if the child poses a risk of injury to self or
21 others, and as further defined by the department by rule.

22 “(e) ‘Secure nonemergency medical transportation provider’ means a private organization
23 or person that provides nonemergency medical secure transportation services subject to
24 rules adopted by the Oregon Health Authority.

25 “(f) ‘Secure transportation’ means the transport of a child in a vehicle specifically
26 equipped to prevent a passenger from exiting, eloping or interfering with the operator of the
27 vehicle, and as further defined by the department by rule.

28 “(g) ‘Secure transportation services’ means the secure transportation or secure escort
29 of children.

30 “(2) The department shall adopt rules consistent with this section for the issuance, under
31 ORS 418.215 and 418.240, of licenses to provide secure transportation services to providers
32 that are child-caring agencies solely as the result of providing secure transportation services
33 as described in ORS 418.205 (2)(a)(B) and for the issuance of supplemental licenses to child-
34 caring agencies described in ORS 418.205 (2)(a)(A) that also provide secure transportation
35 services as described in ORS 418.205 (2)(a)(B).

1 “(3)(a) The following secure transportation services providers are exempt from the re-
2 quirements under ORS 418.215 and 418.240 to obtain from the department a license or a
3 supplemental license to provide secure transportation services:

4 “(A) A secure nonemergency medical transportation provider.

5 “(B) A child-caring agency that is licensed, certified or otherwise authorized by the de-
6 partment to provide or engage in the provision of care or services to children if:

7 “(i) The agency is not primarily engaged in the provision of secure transportation ser-
8 vices;

9 “(ii) The child being transported or escorted resides in or is otherwise receiving services
10 from the agency; and

11 “(iii) The transportation or escort is provided consistent with the rules adopted by the
12 department under this section.

13 “(C) An ambulance service, as defined in ORS 682.025, that is transporting a child in an
14 ambulance for the purpose of obtaining medical care for the child.

15 “(D) A developmental disabilities residential facility if:

16 “(i) The facility is not primarily engaged in the provision of secure transportation ser-
17 vices;

18 “(ii) The child being transported or escorted resides in or is otherwise receiving services
19 from the facility; and

20 “(iii) The transportation or escort is provided consistent with the rules adopted by the
21 department under this section.

22 “(b) The licensing exemptions under paragraph (a)(B) and (D) of this subsection do not
23 apply if the child-caring agency or developmental disabilities residential facility is trans-
24 porting the child for the purposes of placing the child in a facility that is not licensed by the
25 department or in a hospital that is not licensed by the authority.

26 “(4)(a) A secure transportation services provider, including a provider that is described
27 in subsection (3) of this section, must display the disclosure described in ORS 418.359 (2) in
28 a conspicuous location in any advertisements or promotional materials for its secure trans-
29 portation services and in each vehicle it uses to provide its secure transportation services
30 if:

31 “(A) The provider is not licensed by the department under ORS 418.215 or 418.240 to
32 provide secure transportation services; and

33 “(B) The provider holds itself out as being an Oregon provider of secure transportation
34 services, including by registering in this state the vehicles it uses in the provision of its se-
35 cure transportation services or representing or otherwise indicating in advertisements or
36 promotional materials that the provider is based in this state, maintains a mailing address
37 in this state or is licensed, certified or otherwise authorized by the department or the au-
38 thority to provide secure transportation services or similar services in this state.

39 “(b) The disclosure under paragraph (a) of this subsection must also indicate that the
40 secure transportation services provider is not licensed by the department under ORS 418.215
41 or 418.240 to provide secure transportation services and, if applicable, the reason for the
42 provider’s licensing exemption under subsection (3) of this section.

43 “(c) If a provider that is required to make a disclosure under this subsection is author-
44 ized by the authority to provide secure transportation services, the provider’s disclosure
45 under this subsection may, consistent with rules adopted by the authority, also include a

1 **statement that the provider is authorized by the authority to provide secure transportation**
2 **services.**

3 **“(5) The department and the authority may adopt rules for the provision of secure**
4 **transportation services consistent with this section and ORS 418.205 to 418.327, 418.359 and**
5 **418.519 to 418.532.**

6 **“SECTION 15.** ORS 418.205 is amended to read:

7 “418.205. As used in ORS 418.205 to 418.327, 418.330, 418.470, 418.475, 418.950 to 418.970 and
8 418.992 to 418.998, unless the context requires otherwise:

9 “(1) ‘Child’ means an unmarried person under 21 years of age who resides in or receives care
10 or services from a child-caring agency.

11 “(2)(a) ‘Child-caring agency’ means:

12 “(A) [Means] Any private school, private agency, private organization or county program pro-
13 viding:

14 “(i) Day treatment for children with emotional disturbances;

15 “(ii) Adoption placement services;

16 “(iii) Residential care, including but not limited to foster care or residential treatment for chil-
17 dren;

18 “(iv) Residential care in combination with academic education and therapeutic care, including
19 but not limited to treatment for emotional, behavioral or mental health disturbances;

20 “(v) Outdoor youth programs; or

21 “(vi) Other similar care or services for children.

22 **“(B) Any private organization or person that provides secure transportation services as**
23 **defined in section 14 of this 2022 Act during any segment of a child’s trip to or from a**
24 **child-caring agency, certified foster home as defined in section 14 of this 2022 Act or devel-**
25 **opmental disabilities residential facility as defined in section 14 of this 2022 Act, if the route**
26 **of the child’s trip begins or ends in this state.**

27 “[B] (b) ‘Child-caring agency’ includes the following:

28 “[i] (A) A shelter-care home that is not a foster home subject to ORS 418.625 to 418.645;

29 “[ii] (B) An independent residence facility as described in ORS 418.475 that meets the stan-
30 dards established by the Department of Human Services by rule to be considered a child-caring
31 agency;

32 “[iii] (C) A private residential boarding school;

33 “[iv] (D) A child-caring facility as defined in ORS 418.950; and

34 “[v] *A secure transportation services provider that transports or provides escort services for chil-*
35 *dren on the highways of this state along a route that begins or ends in this state to or from a school,*
36 *agency, organization or program described in subparagraph (A) of this paragraph, if the school,*
37 *agency, organization or program is located in this state or in any other state.]*

38 **“(E) A secure nonemergency medical transportation provider, as defined in section 14 of**
39 **this 2022 Act.**

40 “[b] (c) ‘Child-caring agency’ does not include:

41 “(A) Residential facilities or foster care homes certified or licensed by the Department of Human
42 Services under ORS 443.400 to 443.455, 443.830 and 443.835 for children receiving developmental
43 disability services;

44 “(B) Any private agency or organization facilitating the provision of respite services for parents
45 pursuant to a properly executed power of attorney under ORS 109.056. For purposes of this subpar-

1 agraph, 'respite services' means the voluntary assumption of short-term care and control of a minor
2 child without compensation or reimbursement of expenses for the purpose of providing a parent in
3 crisis with relief from the demands of ongoing care of the parent's child;

4 "(C) A youth job development organization as defined in ORS 344.415;

5 "(D) A shelter-care home that is a foster home subject to ORS 418.625 to 418.645;

6 "(E) A foster home subject to ORS 418.625 to 418.645;

7 "(F) A facility that exclusively serves individuals 18 years of age and older; or

8 "(G) A facility that primarily serves both adults and children but requires that any child must
9 be accompanied at all times by at least one custodial parent or guardian.

10 "(3) 'Child-caring facility' has the meaning given that term in ORS 418.950.

11 "(4)(a) 'County program' means any county operated program that provides care or services to
12 children:

13 "(A) In the custody of the Department of Human Services or the Oregon Youth Authority; or

14 "(B) Under a contract with the Oregon Health Authority.

15 "(b) 'County program' does not include any local juvenile detention facility that receives state
16 services provided and coordinated by the Department of Corrections under ORS 169.070.

17 "(5) 'Governmental agency' means an executive, legislative or judicial agency, department,
18 board, commission, authority, institution or instrumentality of this state or of a county, municipality
19 or other political subdivision of this state.

20 "(6) 'Independent residence facility' means a facility as described in ORS 418.475.

21 "(7)(a) 'Outdoor youth program' means a program that provides, in an outdoor living setting,
22 services to children who have behavioral problems, mental health problems or problems with abuse
23 of alcohol or drugs.

24 "(b) 'Outdoor youth program' does not include any program, facility or activity:

25 "(A) Operated by a governmental entity;

26 "(B) Operated or affiliated with the Oregon Youth Corps;

27 "(C) Licensed by the Department of Human Services under other authority of the department;

28 or

29 "(D) Operated by a youth job development organization as defined in ORS 344.415.

30 "(8) 'Private' means not owned, operated or administered by any governmental agency or unit.

31 "(9) 'Private residential boarding school' means either of the following as the context requires:

32 "(a) A child-caring agency that is a private school that provides residential care in combination
33 with academic education and therapeutic care, including but not limited to treatment for emotional,
34 behavioral or mental health disturbances; or

35 "(b) A private school providing residential care that is primarily engaged in educational work
36 under ORS 418.327.

37 "(10) 'Proctor foster home' means a foster home certified by a child-caring agency under ORS
38 418.248 that is not subject to ORS 418.625 to 418.645.

39 "(11) 'Provider of care or services for children' means a person, entity or organization that
40 provides care or services to children, regardless of whether the child is in the custody of the De-
41 partment of Human Services, and that does not otherwise meet the definition of, or requirements for,
42 a child-caring agency. 'Provider of care or services for children' includes a proctor foster home
43 certified by a child-caring agency under ORS 418.248.

44 "(12) 'Qualified residential treatment program' means a program described in ORS 418.323.

45 "[13] 'Secure transportation services provider' means a private organization or person that pro-

1 *vides secure transportation or secure escort services for children to or from a school, agency, organiza-*
2 *tion or program described in subsection (2)(a)(A) of this section, if the school, agency, organization*
3 *or program is located in this state or in any other state.]*

4 “[14] (13) ‘Shelter-care home’ has the meaning given that term in ORS 418.470.

5 “**SECTION 16.** ORS 418.359 is amended to read:

6 “418.359. (1) A person or organization that makes a referral or recommendation related to the
7 use of a secure transportation services provider to transport a child to a [*school, agency, organiza-*
8 *tion or program described in ORS 418.205 (2)(a)(A)*] **child-caring agency, certified foster home or**
9 **developmental disabilities residential facility** must provide the written [*referral*] disclosure de-
10 scribed in subsection (2) of this section if the child to be [*transferred*] **transported** is a resident of
11 this state or if the [*school, agency, organization or program*] **child-caring agency, certified foster**
12 **home or developmental disabilities residential facility** to which the secure transportation ser-
13 vices provider will deliver the child is located in this state.

14 “(2) The [*referral*] disclosure under this section must state:

15 “

16 _____
17 “**Except as specifically exempted under section 14 of this 2022 Act, [ORS 418.215 requires]**
18 a secure transportation services provider that transports children to or from a [*school, agency, or-*
19 *ganization or program*] **child-caring agency, certified foster home or developmental disabilities**
20 **residential facility** along **any portion of** a route that begins or ends in Oregon **is required** to be
21 licensed by the Department of Human Services **under ORS 418.215 or 418.240.**

22 “

23 _____
24 “[3] As used in this section, ‘child’ and ‘secure transportation services provider’ have the meanings
25 given those terms in ORS 418.205.]

26 “(3) As used in this section, ‘certified foster home,’ ‘child-caring agency,’ ‘developmental
27 disabilities residential facility’ and ‘secure transportation services’ have the meanings given
28 those terms in section 14 of this 2022 Act.

29 “**SECTION 17.** ORS 418.992 is amended to read:

30 “418.992. (1) In addition to any other liability or penalty provided by law, the Director of Human
31 Services may impose a civil penalty:

32 “(a) On a child-caring agency that is subject to ORS 418.205 to 418.327, 418.470, 418.475 or
33 418.950 to 418.970 for any of the following:

34 “[a] (A) Violation of any of the terms or conditions of a license, certificate or other authori-
35 zation issued under ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970.

36 “[b] (B) Violation of any rule adopted by, or general order of, the Department of Human Ser-
37 vices that pertains to a child-caring agency.

38 “[c] (C) Violation of any final order of the director that pertains specifically to the child-caring
39 agency.

40 “[d] (D) Violation of the requirement to have a license, certificate or other authorization under
41 ORS 418.205 to 418.327, 418.470, 418.475 or 418.950 to 418.970.

42 “(b) On a secure transportation services provider, as defined in section 14 of this 2022
43 Act, that violates the disclosure requirement described in section 14 of this 2022 Act.

44 “(2) The director shall impose a civil penalty not to exceed \$500, unless otherwise required by
45 law, on any child-caring agency for falsifying records, reports, documents or financial statements or

1 for causing another person to do so.

2 “(3) The director shall impose a civil penalty of not less than \$250 nor more than \$500, unless
3 otherwise required by law, on a child-caring facility that assumes care or custody of, or provides
4 care or services to, a child knowing that the child’s care needs exceed the license, certificate or
5 authorization classification of the child-caring agency if the assumption of care or custody, or pro-
6 vision of care or services, places that child’s health, safety or welfare at risk.

7 “(4) Unless the health, safety or welfare of a child is at risk, the director in every case shall
8 prescribe a reasonable time for elimination of a violation:

9 “(a) Not to exceed 45 days after first notice of a violation; or

10 “(b) In cases where the violation requires more than 45 days to correct, such time as is specified
11 in a plan of correction found acceptable by the director.

12 “(5) A civil penalty imposed under this section may be remitted or reduced upon such terms and
13 conditions as the director considers proper and consistent with the public health and safety.

14 “(6) The department shall adopt rules establishing objective criteria for the imposition and
15 amount of civil penalties under ORS 418.992 to 418.998.

16 “**SECTION 18.** ORS 418.322 is amended to read:

17 “418.322. (1) As used in this section:

18 “(a) ‘Congregate care residential setting’ means any setting that cares for more than one child
19 or ward and is not a setting described in ORS 418.205 [(2)(b)(A)] **(2)(c)(A)**, (D), (E) or (F) or (10).

20 “(b) ‘Sex trafficking’ means the recruitment, harboring, transportation, provision, obtaining, pa-
21 tronizing or soliciting of a person under 18 years of age for the purpose of a commercial sex act,
22 as defined in ORS 163.266, or the recruitment, harboring, transportation, provision or obtaining of
23 a person over 18 years of age using force, fraud or coercion for the purpose of a commercial sex
24 act, as defined in ORS 163.266.

25 “(2) The Department of Human Services may place a child or ward in a congregate care resi-
26 dential setting only if the setting is:

27 “(a) A child-caring agency, as defined in ORS 418.205, a hospital, as defined in ORS 442.015, or
28 a rural hospital, as defined in ORS 442.470; and

29 “(b) A qualified residential treatment program described in ORS 418.323.

30 “(3) Notwithstanding subsection (2) of this section, the department may place a child or ward
31 in a child-caring agency that is not a qualified residential treatment program if:

32 “(a) The child-caring agency is providing prenatal, postpartum or parenting supports to the child
33 or ward.

34 “(b) The child or ward is placed in an independent residence facility described in ORS 418.475
35 that is licensed by the department as a child-caring agency.

36 “(c) The child or ward is, or is at risk of becoming, a victim of sex trafficking and the child-
37 caring agency is providing high-quality residential care and supportive services to the child or ward.

38 “(d) The Oregon Health Authority has approved the placement as medically necessary and the
39 child-caring agency:

40 “(A) Is a residential care facility;

41 “(B) Is licensed by the authority and maintains site-specific accreditation from a nationally re-
42 cognized organization to provide psychiatric treatment to children; and

43 “(C) Has an active provider agreement with the Oregon Medicaid program.

44 “(e) The child-caring agency is an adolescent residential drug and alcohol treatment program
45 licensed or certified by the State of Oregon to provide residential care, and the court has approved,

1 or approval is pending for, the placement in the child-caring agency of each child or ward over
2 whom the department retains jurisdiction.

3 “(f) The placement with the child-caring agency is for the purpose of placing the child or ward
4 in a proctor foster home.

5 “(g) The child-caring agency is a residential care facility licensed by the department that pro-
6 vides short-term assessment and stabilization services.

7 “(h) The child-caring agency is a shelter-care home, as defined in ORS 418.470, that provides
8 short-term assessment and stabilization services.

9 “(i) The child-caring agency is a homeless, runaway or transitional living shelter licensed by the
10 department that provides short-term assessment and stabilization services.

11 “(j) The ward is 18 years of age or older and the child-caring agency is a residential treatment
12 facility or a residential home licensed or certified by the department or the Oregon Health Author-
13 ity.

14 “(4) The department may not place a child or ward in a residential care facility or shelter-care
15 home described in subsection (3)(g) or (h) of this section:

16 “(a) For more than 60 consecutive days or 90 cumulative days in a 12-month period; or

17 “(b) If the residential care facility or shelter-care home also serves youths or adjudicated youths
18 served by the county juvenile department or adjudicated youths committed to the custody of the
19 Oregon Youth Authority by the court.

20 “(5) The department may not place a child or ward in a homeless, runaway or transitional living
21 shelter described in subsection (3)(i) of this section for more than 60 consecutive or 90 cumulative
22 days in any 12-month period.

23 “(6) Calculations of the number of days a child or ward is placed in a shelter-care home under
24 subsection (3)(h) of this section or a homeless, runaway or transitional living shelter under sub-
25 section (3)(i) of this section exclude the days the child or ward is in the shelter-care home or shelter
26 if the child or ward:

27 “(a) Accessed the shelter-care home or shelter without the support or direction of the depart-
28 ment; and

29 “(b) Is homeless or a runaway, as defined by the department by rule.

30 “(7)(a) Nothing in this section prohibits the Oregon Youth Authority from placing an adjudicated
31 youth committed to its custody in a placement that is not a qualified residential treatment program.

32 “(b) Nothing in this section prohibits the Oregon Youth Authority or a county juvenile depart-
33 ment from placing an adjudicated youth or a youth served by the Oregon Youth Authority or the
34 county juvenile department in shelter care or detention under ORS chapter 419C.

35
36 “MISCELLANEOUS”.

37
38 In line 2, delete “14.” and insert “19.”

39 After line 11, insert:

40 “**SECTION 20. The unit captions used in this 2022 Act are provided only for the conven-
41 ience of the reader and do not become part of the statutory law of this state or express any
42 legislative intent in the enactment of this 2022 Act.**”

43 In line 12, delete “15.” and insert “21.”
44