

Requested by Senator GELSER BLOUIN

**PROPOSED AMENDMENTS TO
SENATE BILL 1547**

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

3 After line 4, insert:

4

5

“RECORDED PROGRAMS”.

6

7 On page 18, after line 1, insert:

8

9

“SECURE TRANSPORTATION SERVICES PROVIDERS

10

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

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

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

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

20 **“(d) ‘Secure escort’ means escort services for a child who poses a**
21 **risk of elopement or where restraint or seclusion may be utilized if the**

1 **child poses a risk of injury to self or others, and as further defined**
2 **by the department by rule.**

3 **“(e) ‘Secure nonemergency medical transportation provider’ means**
4 **a private organization or person that provides nonemergency medical**
5 **secure transportation services subject to rules adopted by the Oregon**
6 **Health Authority.**

7 **“(f) ‘Secure transportation’ means the transport of a child in a ve-**
8 **hicle specifically equipped to prevent a passenger from exiting, eloping**
9 **or interfering with the operator of the vehicle, and as further defined**
10 **by the department by rule.**

11 **“(g) ‘Secure transportation services’ means the secure transporta-**
12 **tion or secure escort of children.**

13 **“(2) The department shall adopt rules consistent with this section**
14 **for the issuance, under ORS 418.215 and 418.240, of licenses to provide**
15 **secure transportation services to providers that are child-caring**
16 **agencies solely as the result of providing secure transportation ser-**
17 **vices as described in ORS 418.205 (2)(a)(B) and for the issuance of**
18 **supplemental licenses to child-caring agencies described in ORS 418.205**
19 **(2)(a)(A) that also provide secure transportation services as described**
20 **in ORS 418.205 (2)(a)(B).**

21 **“(3)(a) The following secure transportation services providers are**
22 **exempt from the requirements under ORS 418.215 and 418.240 to obtain**
23 **from the department a license or a supplemental license to provide**
24 **secure transportation services:**

25 **“(A) A secure nonemergency medical transportation provider.**

26 **“(B) A child-caring agency that is licensed, certified or otherwise**
27 **authorized by the department to provide or engage in the provision**
28 **of care or services to children if:**

29 **“(i) The agency is not primarily engaged in the provision of secure**
30 **transportation services;**

1 “(ii) The child being transported or escorted resides in or is other-
2 wise receiving services from the agency; and

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

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

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

9 “(i) The facility is not primarily engaged in the provision of secure
10 transportation services;

11 “(ii) The child being transported or escorted resides in or is other-
12 wise receiving services from the facility; and

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

15 “(b) The licensing exemptions under paragraph (a)(B) and (D) of
16 this subsection do not apply if the child-caring agency or develop-
17 mental disabilities residential facility is transporting the child for the
18 purposes of placing the child in a facility that is not licensed by the
19 department or in a hospital that is not licensed by the authority.

20 “(4)(a) A secure transportation services provider, including a pro-
21 vider that is described in subsection (3) of this section, must display
22 the disclosure described in ORS 418.359 (2) in a conspicuous location
23 in any advertisements or promotional materials for its secure trans-
24 portation services and in each vehicle it uses to provide its secure
25 transportation services if:

26 “(A) The provider is not licensed by the department under ORS
27 418.215 or 418.240 to provide secure transportation services; and

28 “(B) The provider holds itself out as being an Oregon provider of
29 secure transportation services, including by registering in this state
30 the vehicles it uses in the provision of its secure transportation ser-

1 vices or representing or otherwise indicating in advertisements or
2 promotional materials that the provider is based in this state, main-
3 tains a mailing address in this state or is licensed, certified or other-
4 wise authorized by the department or the authority to provide secure
5 transportation services or similar services in this state.

6 “(b) The disclosure under paragraph (a) of this subsection must also
7 indicate that the secure transportation services provider is not li-
8 censed by the department under ORS 418.215 or 418.240 to provide se-
9 cure transportation services and, if applicable, the reason for the
10 provider’s licensing exemption under subsection (3) of this section.

11 “(c) If a provider that is required to make a disclosure under this
12 subsection is authorized by the authority to provide secure transpor-
13 tation services, the provider’s disclosure under this subsection may,
14 consistent with rules adopted by the authority, also include a state-
15 ment that the provider is authorized by the authority to provide secure
16 transportation services.

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

20 “SECTION 15. ORS 418.205 is amended to read:

21 “418.205. As used in ORS 418.205 to 418.327, 418.330, 418.470, 418.475,
22 418.950 to 418.970 and 418.992 to 418.998, unless the context requires other-
23 wise:

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

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

27 “(A) [*Means*] Any private school, private agency, private organization or
28 county program providing:

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

30 “(ii) Adoption placement services;

1 “(iii) Residential care, including but not limited to foster care or resi-
2 dential treatment for children;

3 “(iv) Residential care in combination with academic education and
4 therapeutic care, including but not limited to treatment for emotional, be-
5 havioral or mental health disturbances;

6 “(v) Outdoor youth programs; or

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

8 **“(B) Any private organization or person that provides secure**
9 **transportation services as defined in section 14 of this 2022 Act during**
10 **any segment of a child’s trip to or from a child-caring agency, certified**
11 **foster home as defined in section 14 of this 2022 Act or developmental**
12 **disabilities residential facility as defined in section 14 of this 2022 Act,**
13 **if the route of the child’s trip begins or ends in this state.**

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

15 “[*i*] (A) A shelter-care home that is not a foster home subject to ORS
16 418.625 to 418.645;

17 “[*ii*] (B) An independent residence facility as described in ORS 418.475
18 that meets the standards established by the Department of Human Services
19 by rule to be considered a child-caring agency;

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

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

22 “[*v*] *A secure transportation services provider that transports or provides*
23 *escort services for children on the highways of this state along a route that*
24 *begins or ends in this state to or from a school, agency, organization or pro-*
25 *gram described in subparagraph (A) of this paragraph, if the school, agency,*
26 *organization or program is located in this state or in any other state.]*

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

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

30 “(A) Residential facilities or foster care homes certified or licensed by the

1 Department of Human Services under ORS 443.400 to 443.455, 443.830 and
2 443.835 for children receiving developmental disability services;

3 “(B) Any private agency or organization facilitating the provision of re-
4 spite services for parents pursuant to a properly executed power of attorney
5 under ORS 109.056. For purposes of this subparagraph, ‘respite services’
6 means the voluntary assumption of short-term care and control of a minor
7 child without compensation or reimbursement of expenses for the purpose
8 of providing a parent in crisis with relief from the demands of ongoing care
9 of the parent’s child;

10 “(C) A youth job development organization as defined in ORS 344.415;

11 “(D) A shelter-care home that is a foster home subject to ORS 418.625 to
12 418.645;

13 “(E) A foster home subject to ORS 418.625 to 418.645;

14 “(F) A facility that exclusively serves individuals 18 years of age and
15 older; or

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

19 “(3) ‘Child-caring facility’ has the meaning given that term in ORS
20 418.950.

21 “(4)(a) ‘County program’ means any county operated program that pro-
22 vides care or services to children:

23 “(A) In the custody of the Department of Human Services or the Oregon
24 Youth Authority; or

25 “(B) Under a contract with the Oregon Health Authority.

26 “(b) ‘County program’ does not include any local juvenile detention fa-
27 cility that receives state services provided and coordinated by the Depart-
28 ment of Corrections under ORS 169.070.

29 “(5) ‘Governmental agency’ means an executive, legislative or judicial
30 agency, department, board, commission, authority, institution or

1 instrumentality of this state or of a county, municipality or other political
2 subdivision of this state.

3 “(6) ‘Independent residence facility’ means a facility as described in ORS
4 418.475.

5 “(7)(a) ‘Outdoor youth program’ means a program that provides, in an
6 outdoor living setting, services to children who have behavioral problems,
7 mental health problems or problems with abuse of alcohol or drugs.

8 “(b) ‘Outdoor youth program’ does not include any program, facility or
9 activity:

10 “(A) Operated by a governmental entity;

11 “(B) Operated or affiliated with the Oregon Youth Corps;

12 “(C) Licensed by the Department of Human Services under other author-
13 ity of the department; or

14 “(D) Operated by a youth job development organization as defined in ORS
15 344.415.

16 “(8) ‘Private’ means not owned, operated or administered by any govern-
17 mental agency or unit.

18 “(9) ‘Private residential boarding school’ means either of the following
19 as the context requires:

20 “(a) A child-caring agency that is a private school that provides residen-
21 tial care in combination with academic education and therapeutic care, in-
22 cluding but not limited to treatment for emotional, behavioral or mental
23 health disturbances; or

24 “(b) A private school providing residential care that is primarily engaged
25 in educational work under ORS 418.327.

26 “(10) ‘Proctor foster home’ means a foster home certified by a child-caring
27 agency under ORS 418.248 that is not subject to ORS 418.625 to 418.645.

28 “(11) ‘Provider of care or services for children’ means a person, entity or
29 organization that provides care or services to children, regardless of whether
30 the child is in the custody of the Department of Human Services, and that

1 does not otherwise meet the definition of, or requirements for, a child-caring
2 agency. ‘Provider of care or services for children’ includes a proctor foster
3 home certified by a child-caring agency under ORS 418.248.

4 “(12) ‘Qualified residential treatment program’ means a program described
5 in ORS 418.323.

6 “[13] ‘Secure transportation services provider’ means a private organization
7 or person that provides secure transportation or secure escort services for
8 children to or from a school, agency, organization or program described in
9 subsection (2)(a)(A) of this section, if the school, agency, organization or pro-
10 gram is located in this state or in any other state.]

11 “[14] (13) ‘Shelter-care home’ has the meaning given that term in ORS
12 418.470.

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

14 “418.359. (1) A person or organization that makes a referral or recom-
15 mendation related to the use of a secure transportation services provider to
16 transport a child to a [*school, agency, organization or program described in*
17 *ORS 418.205 (2)(a)(A)*] **child-caring agency, certified foster home or de-**
18 **velopmental disabilities residential facility** must provide the written [*re-*
19 *ferral*] disclosure described in subsection (2) of this section if the child to
20 be [*transferred*] **transported** is a resident of this state or if the [*school,*
21 *agency, organization or program*] **child-caring agency, certified foster**
22 **home or developmental disabilities residential facility** to which the se-
23 cure transportation services provider will deliver the child is located in this
24 state.

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

26 “
27 **“Except as specifically exempted under section 14 of this 2022 Act,**
28 [*ORS 418.215 requires*] a secure transportation services provider that trans-
29 ports children to or from a [*school, agency, organization or program*] **child-**
30 **caring agency, certified foster home or developmental disabilities**

1 **residential facility** along **any portion of** a route that begins or ends in
2 Oregon **is required** to be licensed by the Department of Human Services
3 **under ORS 418.215 or 418.240.**

4 “
5 *“[(3) As used in this section, ‘child’ and ‘secure transportation services*
6 *provider’ have the meanings given those terms in ORS 418.205.]*

7 **“(3) As used in this section, ‘certified foster home,’ ‘child-caring**
8 **agency,’ ‘developmental disabilities residential facility’ and ‘secure**
9 **transportation services’ have the meanings given those terms in sec-**
10 **tion 14 of this 2022 Act.**

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

12 “418.992. (1) In addition to any other liability or penalty provided by law,
13 the Director of Human Services may impose a civil penalty:

14 **“(a)** On a child-caring agency that is subject to ORS 418.205 to 418.327,
15 418.470, 418.475 or 418.950 to 418.970 for any of the following:

16 *“[(a)]* **(A)** Violation of any of the terms or conditions of a license, certifi-
17 cate or other authorization issued under ORS 418.205 to 418.327, 418.470,
18 418.475 or 418.950 to 418.970.

19 *“[(b)]* **(B)** Violation of any rule adopted by, or general order of, the De-
20 partment of Human Services that pertains to a child-caring agency.

21 *“[(c)]* **(C)** Violation of any final order of the director that pertains spe-
22 cifically to the child-caring agency.

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

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

29 **“(2)** The director shall impose a civil penalty not to exceed \$500, unless
30 otherwise required by law, on any child-caring agency for falsifying records,

1 reports, documents or financial statements or for causing another person to
2 do so.

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

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

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

13 “(b) In cases where the violation requires more than 45 days to correct,
14 such time as is specified in a plan of correction found acceptable by the di-
15 rector.

16 “(5) A civil penalty imposed under this section may be remitted or reduced
17 upon such terms and conditions as the director considers proper and con-
18 sistent with the public health and safety.

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

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

22 “418.322. (1) As used in this section:

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

26 “(b) ‘Sex trafficking’ means the recruitment, harboring, transportation,
27 provision, obtaining, patronizing or soliciting of a person under 18 years of
28 age for the purpose of a commercial sex act, as defined in ORS 163.266, or
29 the recruitment, harboring, transportation, provision or obtaining of a person
30 over 18 years of age using force, fraud or coercion for the purpose of a

1 commercial sex act, as defined in ORS 163.266.

2 “(2) The Department of Human Services may place a child or ward in a
3 congregate care residential setting only if the setting is:

4 “(a) A child-caring agency, as defined in ORS 418.205, a hospital, as de-
5 fined in ORS 442.015, or a rural hospital, as defined in ORS 442.470; and

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

7 “(3) Notwithstanding subsection (2) of this section, the department may
8 place a child or ward in a child-caring agency that is not a qualified resi-
9 dential treatment program if:

10 “(a) The child-caring agency is providing prenatal, postpartum or parent-
11 ing supports to the child or ward.

12 “(b) The child or ward is placed in an independent residence facility de-
13 scribed in ORS 418.475 that is licensed by the department as a child-caring
14 agency.

15 “(c) The child or ward is, or is at risk of becoming, a victim of sex traf-
16 ficking and the child-caring agency is providing high-quality residential care
17 and supportive services to the child or ward.

18 “(d) The Oregon Health Authority has approved the placement as med-
19 ically necessary and the child-caring agency:

20 “(A) Is a residential care facility;

21 “(B) Is licensed by the authority and maintains site-specific accreditation
22 from a nationally recognized organization to provide psychiatric treatment
23 to children; and

24 “(C) Has an active provider agreement with the Oregon Medicaid pro-
25 gram.

26 “(e) The child-caring agency is an adolescent residential drug and alcohol
27 treatment program licensed or certified by the State of Oregon to provide
28 residential care, and the court has approved, or approval is pending for, the
29 placement in the child-caring agency of each child or ward over whom the
30 department retains jurisdiction.

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

3 “(g) The child-caring agency is a residential care facility licensed by the
4 department that provides short-term assessment and stabilization services.

5 “(h) The child-caring agency is a shelter-care home, as defined in ORS
6 418.470, that provides short-term assessment and stabilization services.

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

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

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

16 “(a) For more than 60 consecutive days or 90 cumulative days in a
17 12-month period; or

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

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

25 “(6) Calculations of the number of days a child or ward is placed in a
26 shelter-care home under subsection (3)(h) of this section or a homeless, run-
27 away or transitional living shelter under subsection (3)(i) of this section ex-
28 clude the days the child or ward is in the shelter-care home or shelter if the
29 child or ward:

30 “(a) Accessed the shelter-care home or shelter without the support or di-

1 rection of the department; and

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

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

6 “(b) Nothing in this section prohibits the Oregon Youth Authority or a
7 county juvenile department from placing an adjudicated youth or a youth
8 served by the Oregon Youth Authority or the county juvenile department in
9 shelter care or detention under ORS chapter 419C.

10

11

“MISCELLANEOUS”.

12

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

14 After line 11, insert:

15 **“SECTION 20. The unit captions used in this 2022 Act are provided
16 only for the convenience of the reader and do not become part of the
17 statutory law of this state or express any legislative intent in the
18 enactment of this 2022 Act.”.**

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

20
