

LC 2419  
2025 Regular Session  
11/26/24 (RH/ps)

# D R A F T

## SUMMARY

Digest: The Act allows DHS to deem an IDD services provider to be unqualified. (Flesch Readability Score: 63.4).

Authorizes the Department of Human Services to revoke a license, certificate or endorsement of a provider of community-based services to individuals with intellectual or developmental disabilities if the department deems the provider unqualified. Specifies the circumstances under which a provider shall be deemed unqualified.

## 1 A BILL FOR AN ACT

2 Relating to developmental disabilities services providers.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2025 Act is added to and made a part**  
5 **of ORS chapter 427.**

6 **SECTION 2. (1) As used in this section, “excluded provider list”**  
7 **means the comprehensive listing maintained by the United States De-**  
8 **partment of Health and Human Services’ Office of Inspector General**  
9 **of providers that are excluded from participation in federal health care**  
10 **programs.**

11 **(2) The Department of Human Services may revoke the license,**  
12 **certificate or endorsement of a provider of community-based services**  
13 **to individuals with intellectual or developmental disabilities if the de-**  
14 **partment deems the provider to be unqualified.**

15 **(3) The department shall deem a provider to be unqualified:**

16 **(a) For at least 12 months if a manager or resident manager of the**  
17 **provider is placed on the excluded provider list while employed by the**  
18 **provider.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

- 1       **(b) For at least 12 months if the provider denies the department or**  
2       **a community developmental disabilities program access to records, a**  
3       **facility or an individual receiving services.**
- 4       **(c) For at least 24 months if the provider alters, conceals, destroys**  
5       **or otherwise manipulates records.**
- 6       **(d) For at least 24 months if the provider is found to have commit-**  
7       **ted a serious health or safety violation three or more times in any**  
8       **18-month period.**
- 9       **(e) At all times if the provider engages in financial mismanagement**  
10      **or fraud.**
- 11      **(f) At all times if the owner of the provider or a member of the**  
12      **provider's governing board or executive team, or a family member of**  
13      **the owner or member of the governing board or executive team, has:**
- 14       **(A) Been placed on the preclusion list;**
- 15       **(B) Been found to have committed Medicaid fraud within the pre-**  
16      **ceding 10 years;**
- 17       **(C) Had revoked a license, certificate or endorsement for the pro-**  
18      **vision of care or services to children, adults with physical disabilities**  
19      **or developmental disabilities or older adults within the preceding 10**  
20      **years; or**
- 21       **(D) Voluntarily surrendered a license, certificate or endorsement**  
22      **for the provision of care or services to children, adults with physical**  
23      **disabilities or developmental disabilities or older adults while under**  
24      **investigation for fraud, maltreatment, financial mismanagement,**  
25      **criminal activity or other licensing violations within the preceding**  
26      **seven years.**
- 27      **(4) If the department has reasonable cause to believe that the op-**  
28      **erations of a provider put the health, safety, rights or welfare of the**  
29      **individuals served by the provider at risk, the department shall deem**  
30      **the provider to be unqualified for a length of time as determined by**  
31      **the department. The provider may not be deemed qualified until the**

1 **department has confirmed that all concerns have been remediated.**

2       **(5) The department shall prescribe by rule when and for what length**

3 **of time a provider may be deemed unqualified if the provider:**

4       **(a) Repeatedly violates an individual's rights;**

5       **(b) Fails to make a mandatory abuse report;**

6       **(c) Is the subject of repeated substantiated allegations of abuse;**

7       **(d) Fails to complete plans of correction in a timely fashion;**

8       **(e) Repeatedly fails to maintain appropriate, qualified staffing lev-**

9 **els;**

10      **(f) Repeatedly fails to provide access to needed care or services; or**

11      **(g) Repeatedly fails to document and report incidents as required**

12 **by state or federal law.**

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