

SB 792 -1, -2 STAFF MEASURE SUMMARY

Senate Committee On Human Services

Prepared By: Iva Sokolovska, LPRO Analyst

Meeting Dates: 3/15, 3/22

WHAT THE MEASURE DOES:

Requires the Department of Human Services to report on implementation of agency with choice model of developmental disability services by September 15, 2024. Sunsets January 2, 2025.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Replaces the measure. Directs the Department of Human Services to establish application fees for initial licenses and for renewals of licenses submitted by residential training homes and residential training facilities, adult foster homes, and other facilities and persons certified to provide developmental disability services. Directs DHS to use fees collected for the licensing and certification of said entities. Directs DHS to adopt rules for the waiver or reduction of any fees and review established fees at least every five years. Requires current application fee to be changed to new fees established by the department. Directs DHS to impose civil penalties for a violation of a statutory requirement or a rule adopted by the department applicable to the provision of services on any provider contracting with the department to provide intellectual or developmental disability services, including residential training homes, residential training facilities, adult foster homes, and persons certified to provide developmental disability services. Directs DHS to review established civil penalties at least every five years. Directs DHS to deposit collected civil penalties from a residential training facility or a residential training home in the Long Term Care Ombudsman Account. Directs the Director of Human Services to impose penalties on residential training facilities and residential training homes in specific circumstances.

-2 Replaces the measure.

Directs the Department of Human Services (DHS) to establish application fees for initial and renewal license, certification, and endorsement applications submitted by residential training homes and residential training facilities; adult foster homes; and other facilities and persons certified by the department to provide developmental disability services. Directs DHS to use collected fees for the licensing and certification of residential training homes and residential training facilities and facilities and persons certified. Directs DHS to deposit fees collected from adult foster homes to the Quality Care Fund. Directs DHS to adopt rules for the waiver or reduction of any fees and review established fees at least every five years. Directs DHS to modify fees for residential training homes and adult foster homes. Directs DHS to impose civil penalties for a violation by any provider contracting with DHS to provide intellectual or developmental disability services, including residential training homes, residential training facilities, adult foster homes, and persons certified to provide developmental disability services. Directs DHS to review established civil penalties at least every five years. Directs DHS to deposit collected civil penalties from a residential training facility or a residential training home in the Long Term Care Ombudsman Account. Directs the Director of Human Services to impose penalties on residential training facilities and residential training homes in specific circumstances.

BACKGROUND:

The Department of Human Services (DHS) and the Oregon Health Authority (OHA) receive applications for licensure to maintain and operate a residential facility that is not governmentally operated and charge an application fee. [The application fee](#) for a residential training facility or a residential treatment facility is \$60, the

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application fee for a residential training home is \$50, the application fee for a residential treatment home is \$30, the application fee for a residential care facility can range from \$2,000 to \$6,000, depending on the number of beds. After the application and application fee are received, the licensing agency conducts an in-person site inspection. The [application fee for an adult foster home](#) serving individuals with intellectual or developmental disabilities is \$50 per bed requested for licensing and \$20 per bed requested for licensing for an adult foster home not serving individuals with intellectual or developmental disabilities. The [Department of Human Services can impose civil penalties](#) on any provider contracting with the department to provide intellectual or developmental disability services for a violation of a statutory requirement or a rule adopted by the department applicable to the provision of services. Funds collected from civil penalties are deposited into the Department of Human Services Account and they can be used for system improvements and the implementation of policies. When DHS or OHA make a finding of abuse toward a resident of a residential facility, other than a residential care facility, and if the abuse resulted in the death, serious injury, rape or sexual abuse of a resident, DHS or OHA can [impose a civil penalty](#) of not less than \$2,500 for each occurrence of substantiated abuse, not to exceed \$15,000 in any 90-day period. Civil penalties recovered from a residential training facility, residential training home, residential treatment facility or residential treatment home are deposited in the Long Term Care Ombudsman Account.

Senate Bill 792 directs DHS to establish application fees for licensure and impose civil penalties for violations on residential training homes and residential training facilities, adult foster homes, and other facilities and persons certified to provide developmental disability services.