

SB 105 A STAFF MEASURE SUMMARY

House Committee On Early Childhood and Human Services

Prepared By: Matthew Perreault, LPRO Analyst

Meeting Dates: 5/10, 5/15

WHAT THE MEASURE DOES:

Adds unlawful restraint, seclusion, or infliction of corporal punishment on adult with developmental disability by public education program to definition of "abuse" for purposes of investigations conducted by Department of Human Services.

REVENUE: No revenue impact

FISCAL: Has minimal fiscal impact

SENATE VOTE: Ayes, 19; Nays, 9; Excused, 2

ISSUES DISCUSSED:

- Alignment of definitions of "abuse" to include individuals over and under age 18
- Laws and regulations governing restraint and seclusion
- Training of staff

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In 2011, the legislature enacted House Bill 2939, which limited the allowable uses of restraint and seclusion on students in public education settings. That bill expressly prohibited the use of chemical, mechanical, and prone restraints and specified that physical restraint is only allowed when less restrictive interventions are not possible to protect against imminent harm. The law was later modified by Senate Bill 963 (2019), which prohibited supine restraint and further specified the allowable and prohibited actions in such situations. Only trained staff may engage in restraint and seclusion of a student, and public education providers are required to report annually to the Oregon Department of Education and notify the Department of Human Services (DHS) of instances that result in serious injury or death.

Oregon law requires individuals in certain professions, including public officials, attorneys, medical professionals, and caregivers, to report instances of suspected abuse, including abuse against individuals with intellectual or developmental disabilities, and prescribes a process for DHS to investigate complaints and issue administrative findings (ORS 430.735 to 430.765).

Senate Bill 105 A adds unlawful restraint, seclusion, or infliction of corporal punishment against adult with developmental disability by public education program to the definition of "abuse" for purposes of investigations conducted by Department of Human Services.