

SB 792 A STAFF MEASURE SUMMARY**Carrier:** Rep. Neron**House Committee On Early Childhood and Human Services****Action Date:** 05/10/23**Action:** Do Pass the A-Eng bill.**Vote:** 6-0-4-0**Yeas:** 6 - Andersen, Hartman, Nelson, Neron, Nguyen H, Reynolds**Exc:** 4 - Cramer, Elmer, Hieb, Scharf**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Matthew Perreault, LPRO Analyst**Meeting Dates:** 5/8, 5/10**WHAT THE MEASURE DOES:**

Authorizes Department of Human Services (DHS) to establish and collect fees for license, certification, and endorsement applications from residential training homes and facilities, adult foster homes, and other providers of services for people with intellectual and developmental disabilities. Specifies uses for fees collected to cover costs of licensing, certification, and training. Directs DHS to adopt rules prescribing criteria for fee waiver or reduction and to review and adjust fees as necessary. Specifies providers that are subject to civil penalties for violations of rules or requirements and requires DHS to review and update civil penalties at least every five years. Provides that civil penalties collected are deposited into Long Term Care Ombudsman Account.

ISSUES DISCUSSED:

- Background of Senate Bill 1548 (2022)
- Fees required for certain types of facilities
- Requirements for operators to become licensed or certified
- Authority for agency to impose civil penalties
- Comparison with fee schedules in other states

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon law requires the Department of Human Services and the Oregon Health Authority to inspect, certify, license, and approve residential facilities that provide treatment and services to people with medical needs, mental or behavioral health conditions, and developmental disabilities. Providers of residential services for individual and developmental disabilities, including adult foster homes (ORS 443.735) and residential training homes and facilities (ORS 443.400), are subject to application fees for licensing and certification of \$50 per bed, which are prescribed in statute. Other types of developmental disabilities service providers, such as those that provide community living supports and employment services that are regulated by the department, are not subject to fees. In addition, DHS is empowered to impose civil penalties against providers who violate rules and statutes that govern services for people with intellectual and developmental disabilities (ORS 427.900). The penalty amounts vary according to the type of facility and the severity of the violation and are governed by several different statutes (ORS 443.455; ORS 441.731; ORS 441.710 to ORS 441.720).

A [report](#) from the department required by SB 1548 (2022), incorporating feedback from stakeholders, recommended that the department establish a fee schedule and expand it to incorporate all providers of developmental disability services, including those providing contracted services outside of residential facilities. The report also recommended updating the statutes governing civil penalties to consolidate the department's

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authority and clarify the facilities that are subject to such penalties.

Senate Bill 792 A modifies DHS's authority to establish and collect application fees for license, certification, and endorsement from providers of developmental disability services as well as civil penalties for statutory or regulatory violations from those providers.