

## SENATE AMENDMENTS TO SENATE BILL 136

By COMMITTEE ON HUMAN SERVICES

April 18

1 On page 1 of the printed bill, delete lines 4 through 27 and delete page 2 and insert:

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

3 **“SECTION 2. (1) As used in this section:**

4 **“(a) ‘Agency’ means an entity that is certified and endorsed by the Department of Human**  
5 **Services to provide services to individuals with intellectual or developmental disabilities.**

6 **“(b) ‘Ownership interest’ means:**

7 **“(A) A direct or indirect ownership interest, or a combination of direct and indirect**  
8 **ownership interests, equal to five percent or more in an agency;**

9 **“(B) An interest in any mortgage, deed of trust, note or other obligation secured by an**  
10 **agency if the interest equals at least five percent of the value of the property or assets of**  
11 **the agency;**

12 **“(C) Holding the position of an officer or director of an agency that is organized as an**  
13 **entity;**

14 **“(D) Holding the position of a partner of an agency that is organized as a partnership;**  
15 **or**

16 **“(E) Holding the position of a member of the board of directors of an agency that has a**  
17 **board of directors.**

18 **“(c) ‘Provider’ means:**

19 **“(A) An agency;**

20 **“(B) An adult foster home, as defined in ORS 443.705, that is licensed to provide resi-**  
21 **dential care to individuals with intellectual or developmental disabilities; or**

22 **“(C) A developmental disability child foster home, as defined in ORS 443.830.**

23 **“(d) ‘Responsible person’ means:**

24 **“(A) A person who exercises operational or managerial control over, who has an owner-**  
25 **ship interest in or who directly or indirectly conducts the day-to-day operations of an agency;**

26 **“(B) An owner, operator or resident manager of an adult foster home, as defined in ORS**  
27 **443.705, that is licensed to provide residential care to individuals with intellectual or devel-**  
28 **opmental disabilities; or**

29 **“(C) An owner, operator or resident manager of a developmental disability child foster**  
30 **home, as defined in ORS 443.830.**

31 **“(2) The Department of Human Services shall revoke the license, certificate or endorse-**  
32 **ment of a provider and deny any new application for a license, certificate or endorsement**  
33 **submitted by the provider:**

34 **“(a) For at least 12 months if a responsible person denies the department access to a**  
35 **facility or an individual receiving services or directs an employee or substitute caregiver to**

1 deny the department access to a facility or an individual receiving services.

2 “(b) For at least 12 months if a responsible person alters, conceals, destroys or otherwise  
3 manipulates records or directs an employee or substitute caregiver to alter, conceal, destroy  
4 or otherwise manipulate records.

5 “(c) For at least 36 months if a responsible person’s persistent, egregious acts, failures  
6 to act or failures to adequately train or supervise employees or substitute caregivers led to,  
7 or reasonably would be expected to lead to, the death of or serious harm to an individual.

8 “(3) If the department finds that the operations of a provider put the health, safety,  
9 rights or welfare of the individuals served by the provider at risk, the department may re-  
10 voke, suspend or impose conditions on the license, certificate or endorsement of the pro-  
11 vider. A suspension or condition imposed under this subsection may not be lifted until the  
12 department has confirmed that all concerns have been remediated.

13 “(4) The department shall prescribe by rule when and for what length of time a provider  
14 may not hold a license, certificate or endorsement if the provider:

15 “(a) Repeatedly violates an individual’s rights;

16 “(b) Fails to make a mandatory abuse report;

17 “(c) Is the subject of repeated substantiated allegations of abuse;

18 “(d) Fails to complete plans of correction in a timely fashion;

19 “(e) Repeatedly fails to maintain appropriate, qualified staffing levels;

20 “(f) Repeatedly fails to provide access to needed care or services;

21 “(g) Repeatedly fails to document and report incidents as required by state or federal  
22 laws, rules or regulations;

23 “(h) Repeatedly fails to provide adequate training to employees who are responsible for  
24 direct care; or

25 “(i) Repeatedly fails to provide adequate supervision to employees who are responsible for  
26 direct care.”.

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