

SB 1113-2
(LC 4471)
4/2/25 (LAS/ps)

Requested by Senator GELSER BLOUIN

**PROPOSED AMENDMENTS TO
SENATE BILL 1113**

1 On page 1 of the printed bill, line 3, delete “339.285, 339.288, 339.291,
2 339.296.”.

3 In line 6, delete “418.992.”.

4 Delete lines 10 through 28 and delete pages 2 through 4.

5 On page 5, delete lines 1 through 20 and insert:

6 “**NOTE:** Sections 1 through 4 were deleted by amendment. Subsequent
7 sections were not renumbered.”.

8 Delete lines 32 through 36 and insert:

9 “(d) ‘Secure escort’ means an escort service for a child who poses a risk
10 of elopement or where restraint, as defined in ORS 418.519, may be utilized
11 if the child’s actions create a reasonable risk of imminent serious bodily in-
12 jury to the child or others during involuntary transport to a congregate care
13 residential program, foster home or developmental disabilities residential
14 facility that is not a hospital or health care facility certified by the Oregon
15 Health Authority.”.

16 In line 42, before the period insert “while transporting a child to a con-
17 gregate care residential program, foster home or developmental disabilities
18 residential facility that is not a hospital or health care facility”.

19 On page 7, after line 9, insert:

20 “(5) Secure nonmedical transportation services may not be used to trans-
21 port a child in care, as defined in ORS 418.257, to a hospital, health care or

1 treatment facility that is certified by or contracted with the authority or its
2 equivalent in another state.”.

3 In line 10, delete “(5)” and insert “(6)”.

4 Delete lines 20 and 21 and insert:

5 “(3) ‘Chemical restraint’ means a drug or medication administered by any
6 means that is used on a child in care to control behavior or restrict freedom
7 of movement and that is not:

8 “(a) Prescribed by a licensed physician or other qualified health profes-
9 sional acting under the professional’s scope of practice for standard treat-
10 ment of the child in care’s medical or psychiatric condition; and

11 “(b) Administered as prescribed by a licensed physician or other qualified
12 health professional acting under the professional’s scope of practice.”.

13 On page 8, delete lines 10 through 14 and insert:

14 “(b) ‘Restraint’ does not include:

15 “(A) Brief physical contact to promote the safety of a child in care that
16 does not involve a use of force;

17 “(B) Providing physical guidance, cuing or prompting with a light touch
18 when teaching a skill, redirecting attention or providing comfort if those
19 actions do not include the use of force and the child in care does not resist
20 the contact;

21 “(C) Physically escorting the child in care by temporarily touching the
22 child in care’s hand, wrist, arm, shoulder or back or temporarily holding the
23 child in care’s hand, arm or shoulder for the purpose of inducing the child
24 in care to walk to a safe location if these actions occur without the use of
25 force or taking control of the child in care’s movement;

26 “(D) Briefly lifting a child in care with the least amount of force neces-
27 sary to remove the child from immediate danger such as, but not limited to,
28 running into a street or body of water, touching an object that may cause
29 burns, scalds or other injuries or climbing on an unsafe structure; or

30 “(E) Physically assisting a child in care to complete a task if the child

1 in care does not resist the physical contact.”.

2 In line 40, before the period insert “except as provided in section 10 of
3 this 2025 Act”.

4 On page 11, line 9, delete “(a)(A) Except as provided in paragraph (b) of
5 this subsection,” and insert “(a)”.

6 In line 13, delete “(B)” and insert “(b)”.

7 In line 16, delete “(C)” and insert “(c)”.

8 Delete lines 19 through 34.

9 On page 12, delete lines 15 and 16 and insert:

10 “(5) A foster parent, employee of the Department of Human Services or
11 any other person not explicitly authorized under this section to impose a
12 restraint upon a child in care is not prohibited from using the least amount
13 of force necessary upon a child in care in an emergency, as long as a pro-
14 hibited restraint is not imposed, to protect oneself or others from an immi-
15 nent unlawful assault as described in ORS chapter 163, sexual contact as
16 described in ORS 167.002 or to interrupt a suicide attempt in progress.

17 **“SECTION 9. Sections 10 and 10a of this 2025 Act are added to and
18 made a part of ORS 418.519 to 418.532.”.**

19 In line 20, delete “(5)” and insert “(4)”.

20 Delete lines 22 through 24 and insert:

21 “(1) The child-caring agency is a secure children’s inpatient program or
22 a secure adolescent’s inpatient program;”.

23 In line 25, delete “child-caring agency” and insert “secure children’s in-
24 patient program or secure adolescent’s inpatient program”.

25 After line 43, insert:

26 **“SECTION 10a. Inappropriate use of restraint or involuntary seclu-
27 sion. The imposition of a restraint or involuntary seclusion on a child
28 in care in violation of ORS 418.521 or 418.523 or section 10 of this 2025
29 Act by a regulated entity, as defined in ORS 418.257, is a licensing vi-
30 olation and may constitute grounds for the revocation, suspension or**

1 **placing of conditions on the regulated entity’s license, certificate,**
2 **endorsement or authorization.”.**

3 On page 13, line 29, after “Prioritize” insert “through explicit policy”.

4 On page 14, line 5, after “that” insert “, except as specifically provided
5 in ORS 418.257 to 418.259,”.

6 On page 18, line 25, before the period insert “described in this
7 subsection”.

8 On page 29, lines 26 through 29, restore the bracketed material and delete
9 the boldfaced material.

10 On page 30, lines 13 through 17, restore the bracketed material and delete
11 the boldfaced material.

12 Delete pages 33 through 36.

13 On page 37, delete lines 1 through 15 and insert:

14 **“SECTION 23.** ORS 418.260 is amended to read:

15 *“418.260. [(1) If the Department of Human Services receives a report or*
16 *otherwise becomes aware that any suspected or founded abuses, deficiencies,*
17 *violations or failures to comply with the full compliance requirements de-*
18 *scribed in ORS 418.240 are occurring in a child-caring agency, whether as a*
19 *part of the inspections undertaken pursuant to ORS 418.255 or otherwise, the*
20 *department shall immediately notify appropriate personnel within the depart-*
21 *ment, including but not limited to employees responsible for licensing, certify-*
22 *ing or authorizing child-caring agencies, who shall investigate and take*
23 *appropriate action without undue delay, with primary concern given to the*
24 *health, safety and welfare of the children for whom the child-caring agency is*
25 *responsible. The department may notify law enforcement agencies as necessary*
26 *to coordinate and assist in the investigation and enforcement of corrective*
27 *actions undertaken by the department. If the child-caring agency is known or*
28 *found to serve children also served by the Oregon Youth Authority, county*
29 *juvenile departments or developmental disabilities services within the depart-*
30 *ment, the department shall notify those entities of the report or suspected or*

1 *founded abuses, deficiencies, violations or failures.]*

2 *“(2) If the department finds, after investigation by the department or law*
3 *enforcement agencies, that the abuses, deficiencies, violations or failures to*
4 *comply are founded, the department may suspend, revoke or place conditions*
5 *on the license, certificate or other authorization of the child-caring agency. The*
6 *conditions placed on a license, certificate or authorization may include, but*
7 *are not limited to, placing full or partial restrictions on admission of children,*
8 *temporary suspension, limitation of operations subject to an intent to revoke*
9 *or limitation of operations subject to correction of violations as specified in a*
10 *plan of correction. If the department imposes a plan of correction, and the*
11 *corrections are not made within 45 days from the effective date of the plan of*
12 *correction, the department may immediately suspend or revoke the license,*
13 *certificate or authorization of the child-caring agency. The department shall*
14 *immediately notify any governmental agency that has a contract with the*
15 *child-caring agency to provide care or services to a child of any suspension or*
16 *revocation of, or conditions placed on, the license, certificate or other authori-*
17 *zation of the child-caring agency.]*

18 **“(1) In addition to the complete and detailed review of each appli-**
19 **cation for an initial or renewed license, certification, endorsement or**
20 **other authorization of a child-caring agency, the Department of Hu-**
21 **man Services shall monitor the ongoing regulatory compliance of the**
22 **child-caring agency, including by responding to and assessing reports**
23 **or allegations of noncompliance.**

24 **“(2) If the department becomes aware by any means of an actual**
25 **or suspected failure of a child-caring agency to maintain substantial**
26 **regulatory compliance or full compliance with requirements related to**
27 **the health, safety, welfare or rights of children in care, the depart-**
28 **ment shall immediately:**

29 **“(a) Ensure that the individuals with the department responsible for**
30 **monitoring the child-caring agency are notified; and**

1 **“(b) Ensure that the individuals notified under paragraph (a) of this**
2 **subsection conduct a complete and detailed assessment to determine**
3 **whether the child-caring agency is in compliance.**

4 **“(3) If the department finds the child-caring agency is not in com-**
5 **pliance, the department shall take immediate and appropriate action**
6 **to ensure the child-caring agency comes into compliance. These**
7 **actions may include, but need not be limited to, one or more of the**
8 **following:**

9 **“(a) Revoking or temporarily suspending a license, certificate,**
10 **endorsement or authorization;**

11 **“(b) Placing conditions on the license, certificate, endorsement or**
12 **other authorization, including but not limited to placing a full or**
13 **partial restriction on the admission of children;**

14 **“(c) Imposing a limitation of operations subject to an intent to re-**
15 **voke;**

16 **“(d) Imposing a limitation of operations subject to a correction of**
17 **the violations as specified in a place of correction;**

18 **“(e) Subjecting the child-caring agency to enhanced oversight, in-**
19 **cluding on-site supervision by the department;**

20 **“(f) Requiring additional training for the employees or agents of the**
21 **child-caring agency; or**

22 **“(g) Imposing fines or civil penalties.**

23 **“(4) When determining the action to take in response to noncom-**
24 **pliance of a child-caring agency, the department shall:**

25 **“(a) Ensure all necessary actions are taken to protect the health,**
26 **safety, rights and welfare of children in care and the general public;**

27 **“(b) Consider whether the violation is temporary or systemic;**

28 **“(c) Consider whether this is a repeat violation or part of a pattern**
29 **of frequent or ongoing violations;**

30 **“(d) Consider the timeliness and thoroughness of the child-caring**

1 **agency’s cooperation with the department in its thorough assessment**
2 **of the concerns; and**

3 **“(e) Consider any unique circumstances, other than system capac-**
4 **ity, that impact the noncompliance.**

5 **“(5) If the department imposes a plan of correction, and the cor-**
6 **rections are not made within 45 days from the effective date of the**
7 **plan of correction, the department may immediately take appropriate**
8 **action on the child-caring agency’s license, certification, endorsement**
9 **or authorization.**

10 **“(6) The department may not take action to suspend or revoke a**
11 **child-caring agency’s license, certification, endorsement or authori-**
12 **zation unless:**

13 **“(a) The violation or violations pose an imminent risk to the health,**
14 **safety, rights or welfare of children in care, the general public or staff**
15 **of the facility;**

16 **“(b) The violation or violations are part of a pattern of frequent or**
17 **repeated noncompliance;**

18 **“(c) The department first took less punitive actions and the child-**
19 **caring agency failed to comply or failed to maintain compliance; or**

20 **“(d) The suspension or revocation is otherwise authorized or re-**
21 **quired by state or federal law.**

22 **“[(3)] (7) If the department determines at any time during or after an in-**
23 **vestigation that the abuses, deficiencies, violations or failures to comply are**
24 **or threaten a serious danger to any child or to the public, or place a child**
25 **at risk with respect to the child’s health, safety or welfare, the department**
26 **may immediately suspend or revoke the child-caring agency’s license, certif-**
27 **icate, endorsement or authorization, subject to the provisions of ORS**
28 **chapter 183.**

29 **“(8) The department shall immediately notify the parents or guardians**
30 **privately obtaining services or care for their children from the child-**

1 **caring agency and** any governmental agency that has a contract with the
2 child-caring agency to provide care or services to a child of any suspension
3 or revocation of the license, certificate, **endorsement** or other authorization
4 of the child-caring agency under this subsection and of any conditions placed
5 on the child-caring agency's license, certificate, **endorsement** or authori-
6 zation pursuant to ORS 418.240. The department shall immediately report the
7 alleged deficiencies or violations to the governmental agency and the gov-
8 erning board responsible for the oversight of the child-caring agency.

9 “[~~(4)~~] **(9)** If the department determines that the abuses, deficiencies, vio-
10 lations or failures to comply are founded and the department imposes a plan
11 of correction that the child-caring agency does not comply with in the time
12 allotted for correction, the department shall immediately **post notice of the**
13 **failure to comply on the department's website and** notify the following
14 of the failure of the child-caring agency to comply with the plan of cor-
15 rection:

16 “[*(a) The Legislative Assembly or the interim committees of the Legislative*
17 *Assembly relating to child welfare.*]

18 “[*(b)*] **(a)** Members of the governing board responsible for the child-caring
19 agency.

20 “[*(c)*] **(b)** Any governmental agency that has a contract with the child-
21 caring agency to provide care or services to a child.

22 “[**(c)**] **The parents or guardians of any child in care that is privately**
23 **placed in the child-caring agency by the parents or guardians.**

24 “[~~(5)~~] **(10)** Any employee of the department that has reasonable cause to
25 believe that a child-caring agency has [*committed an abuse or*] incurred a
26 deficiency or violation, or that grounds for immediate suspension or revoca-
27 tion of a license, certificate, **endorsement** or authorization exist under ORS
28 418.240, and that such abuse, deficiency, violation or grounds is or threatens
29 a danger to any child at the child-caring agency or to the public, or places
30 a child at risk with respect to the child's health, safety or welfare, [*is re-*

1 *quired to]* **shall** immediately inform the Director of Human Services, the
2 director’s designee or such other personnel in the department designated to
3 receive such information. Upon receipt of an employee report under this
4 subsection, the director and department personnel shall immediately [*com-*
5 *mence an investigation and]* take all reasonably prudent and necessary
6 actions to ensure the health, safety and welfare of children at the child-
7 caring agency. Failure to commence an investigation and take actions as
8 required by this subsection constitutes official misconduct in the second de-
9 gree under ORS 162.405.

10 **“(11) An employee’s duty to report under this section is in addition**
11 **to, and not in lieu of, the employee’s duty to report suspected abuse**
12 **under ORS 419B.010.**

13 **“(12) The department shall post a notice of any actions taken under**
14 **subsection (3) of this section on its website that provides information**
15 **to the public about the licensure of child-caring agencies. The notice**
16 **must remain posted for not less than 24 months.**

17 **“(13) If the noncompliance involved the use of restraint or seclusion**
18 **or the sufficiency of an emergency preparedness plan at a nonhospital**
19 **facility providing psychiatric inpatient services for individuals under**
20 **21 years of age, the department shall immediately notify the individual**
21 **at the Oregon Health Authority responsible for conducting health care**
22 **regulation surveys for the Centers for Medicare and Medicaid Services.**

23 **“NOTE: Section 24 was deleted by amendment. Subsequent sections were**
24 **not renumbered.”.**

25 In line 30, restore the bracketed material.

26 In line 32, delete the period and insert “, however, the department may
27 waive the requirement under ORS 418.240 that the out-of-state child-caring
28 agency be incorporated under the laws of any state or be a county program.

29 **“(b) Notwithstanding paragraph (b) of Article V of the Interstate Compact**
30 **on the Placement of Children and ORS 417.230, the department may not del-**

1 egate the department’s licensing, visitation, inspection, investigation or
2 supervision of an out-of-state child-caring agency, other than a foster care
3 or adoption agency, to provide care or services to an Oregon child.”.

4 On page 38, line 22, restore “agency”.

5 On page 39, after line 15, insert:

6 “(e) Require the department to notify the state protection and advocacy
7 system under ORS 192.517 of the out-of-state placement.”.

8 In line 23, delete the boldfaced material and insert “secure nonmedical
9 transportation services, as defined in ORS 418.241,”.

10 On page 40, line 7, after “418.322” insert a comma and delete the rest of
11 the line.

12 In line 12, after the semicolon insert “or”.

13 In line 24, delete the semicolon and insert a period.

14 Delete lines 25 through 45.

15 On page 41, delete lines 1 through 40.

16 In line 41, delete “(9)” and insert “(8)”.

17 On page 42, after line 3, insert:

18 **“SECTION 26a. Temporary provisions regarding out-of-state place-**
19 **ments. (1) Notwithstanding ORS 418.322, the Department of Human**
20 **Services may place a child in an out-of-state congregate care facility**
21 **without requiring the facility to obtain a license as described in ORS**
22 **418.321 (1) or (2), if:**

23 **“(a) A physician or psychiatrist who has personally assessed and**
24 **examined the child determines the child requires residential treatment**
25 **for substance use disorder, a residential treatment program is not**
26 **available in this state and:**

27 **“(A) The facility is licensed, certified or otherwise approved by the**
28 **substance abuse agency in the state in which the facility provides care**
29 **or services for inclusion in the most recent edition of the National**
30 **Directory of Drug and Alcohol Abuse Treatment Programs;**

1 **“(B) The congregate care facility is a stand-alone facility that only**
2 **provides substance use disorder services;**

3 **“(C) The placement is medically necessary and appropriate;**

4 **“(D) The Oregon Health Authority has authorized admission and**
5 **authorized payment through the Oregon Medicaid program; and**

6 **“(E) The placement is approved by the court, following an oppor-**
7 **tunity for objections by any of the parties, including the child, to be**
8 **heard; or**

9 **“(b) The congregate care facility is a psychiatric residential treat-**
10 **ment facility and:**

11 **“(A) The child has been diagnosed by a physician with a psychiatric**
12 **condition as described in the Diagnostic and Statistical Manual of**
13 **Mental Disorders published by the American Psychiatric Association;**

14 **“(B) Community-based alternatives, including the full array of**
15 **home and community-based services offered under the Oregon**
16 **Medicaid program, have been offered to the child in care;**

17 **“(C) A team that includes a physician with competence in diagnosis**
18 **and treatment of mental illness, has knowledge of the child in care’s**
19 **situation, including personally examining and interviewing the child**
20 **in care, certifies in writing that:**

21 **“(i) Ambulatory care resources available in the community do not**
22 **meet the treatment needs of the child;**

23 **“(ii) The child is in need of inpatient psychiatric services because**
24 **proper treatment of the child’s psychiatric condition requires services**
25 **on an inpatient basis under the direction of a physician; and**

26 **“(iii) The services can reasonably be expected to improve the child**
27 **in care’s condition or prevent further regression so that services will**
28 **no longer be needed;**

29 **“(D) The facility is a stand-alone facility providing inpatient psy-**
30 **chiatric services to individuals under 21 years of age;**

1 **“(E) The facility convenes a treatment team composed of individ-**
2 **uals employed by or contracted with the facility that develops and**
3 **implements a plan of care and a discharge plan no later than 14 days**
4 **after admission that includes, at a minimum, the following individuals**
5 **who are employed by or contracted with the facility:**

6 **“(i) A board eligible or board certified psychiatrist;**

7 **“(ii) A clinical psychologist who has a doctoral degree and a physi-**
8 **cian licensed to practice medicine or osteopathic medicine;**

9 **“(iii) A physician licensed to practice medicine or osteopathic med-**
10 **icine with specialized training and experience in the diagnosis and**
11 **treatment of mental diseases, and a psychologist who has a master’s**
12 **degree in clinical psychology or who has been certified by the state or**
13 **by the state psychological association; and**

14 **“(iv) At least one of the following:**

15 **“(I) A psychiatric social worker;**

16 **“(II) A registered nurse with specialized training or one year’s ex-**
17 **perience in treating individuals with mental illness;**

18 **“(III) An occupational therapist who is licensed, if required by the**
19 **state, and who has specialized training or one year of experience in**
20 **treating individuals with mental illness; or**

21 **“(IV) A psychologist who has a master’s degree in clinical psychol-**
22 **ogy or who has been certified by the state or by the state psychological**
23 **association;**

24 **“(F) The placement is approved by the Oregon Health Authority and**
25 **will be paid for by the Oregon Medicaid program;**

26 **“(G) The facility has an active provider agreement with the au-**
27 **thority; and**

28 **“(H) The court has approved the placement after providing an op-**
29 **portunity for any objections from the parties to the case, including**
30 **from the child in care, to be heard.**

1 **“(2) Notwithstanding subsection (1) of this section or ORS 418.521**
2 **(7), if, in any 12-month period, the department places more than one**
3 **child in the a given out-of-state congregate care facility described in**
4 **subsection (1) of this section or ORS 418.521 (7), the department shall**
5 **require that the facility obtain a license as described ORS 418.321 (1)**
6 **and (2). However, the department may waive the requirement under**
7 **ORS 418.240 that the facility be incorporated under the laws of any**
8 **state or be a county program.**

9 **“SECTION 26b. Section 26a of this 2025 Act is repealed on August**
10 **1, 2027.”.**

11 On page 43, after line 5, insert:

12 “(4) Notwithstanding subsection (2) or (3) of this section, the department
13 may place a child or ward in a congregate care setting that is not a child-
14 caring agency or qualified residential treatment program if:

15 “(a) The child or ward is 18 years of age or older;

16 “(b) A physician or psychiatrist who has personally assessed and exam-
17 ined the child or ward determines the child or ward requires residential
18 treatment for a substance use disorder;

19 “(c) The congregate care residential setting is licensed, certified or oth-
20 erwise approved by the Oregon Health Authority to provide substance use
21 disorder treatment;

22 “(d) The congregate care residential setting primarily serves individuals
23 who are 21 years of age or older; and

24 “(e) The admission is medically necessary and appropriate.”.

25 In line 6, delete “(4)” and insert “(5)”.

26 In line 12, delete “(5)” and insert “(6)”.

27 In line 15, delete “(6)” and insert “(7)”.

28 In line 22, delete “(7)(a)” and insert “(8)(a)” and delete “(4)(a) or (5)” and
29 insert “(5)(a) or (6)”.

30 In line 31, delete “(8)(a)” and insert “(9)(a)”.

