

## HB 4115 -1 STAFF MEASURE SUMMARY

### House Committee On Behavioral Health

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**Prepared By:** Brian Niebuurt, LPRO Analyst

**Sub-Referral To:** Joint Committee On Ways and Means

**Meeting Dates:** 2/3

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#### WHAT THE MEASURE DOES:

The measure modifies or imposes new requirements related to the use and applicability of criminal records checks for specified caregivers and behavioral health providers.

#### Detailed Summary:

Extends the period for which background checks performed by the Oregon Department of Human Services (ODHS) and the Oregon Health Authority (OHA) for specified caregivers from 18 months to three years. Prohibits ODHS or OHA from requiring a new criminal records check solely on the basis that the individual is changing employer or care setting. Requires ODHS and OHA to notify caregiver facilities and organizations within 90 day of measure's effective date of new records check validity length. Requires OHA to communicate to behavioral health providers and agencies processes for updating contact information and circumstances requiring a new background check. Requires coordinated care organizations (CCOs) to reimburse behavioral health providers back to the provider's medical assistance program enrollment application date. Prohibits CCOs from requiring a new credentialing application base solely on the provider's change of employer. Takes effect on 91<sup>st</sup> day following adjournment sine die.

Fiscal impact: *May have fiscal impact, but no statement yet issued*

Revenue impact: *May have revenue impact, but no statement yet issued*

#### ISSUES DISCUSSED:

#### EFFECT OF AMENDMENT:

-1 **Replaces the measure.** Adds definitions. Modifies circumstances in which extended three year validity of criminal records check does not apply. Expands prohibition on use of public funds to include persons who have contact with residential facility or adult foster home residents. Modifies ODHS and OHA criminal records check processes.

#### BACKGROUND:

Background checks are a commonly used tool use to help screen individuals for certain employment opportunities, such as those working with youth or other vulnerable populations. Certain governmental agencies are authorized to request that the Oregon State Policy conduct a criminal records check on "subject individuals" seeking employment providing specified services, including care or placement services for children, and elderly and disabled individuals. [ORS 181A.190](#). The Oregon Department of Human Services (ODHS) is required to utilize the criminal records information to determine the fitness of the individual to work as an employee, contractor or volunteer.

House Bill 4115 modifies or imposes new requirements related to the use and applicability of criminal records checks for specified caregivers and behavioral health providers.