

Requested by Senator GELSER BLOUIN

**PROPOSED AMENDMENTS TO
SENATE BILL 1532**

1 On page 1 of the printed bill, delete line 3 and insert “418.322, 419B.351,
2 427.005, 427.024, 427.026, 427.181, 427.191, 430.216 and 441.736; and declaring
3 an emergency.”.

4 On page 4, delete lines 40 through 45 and delete pages 5 through 15 and
5 insert:

6 **“SECTION 5.** ORS 427.005 is amended to read:

7 “427.005. As used in this chapter, **unless the context requires other-**
8 **wise:**

9 “(1) ‘Adaptive behavior’ means the effectiveness or degree with which an
10 individual meets the standards of personal independence and social respon-
11 sibility expected for age and cultural group.

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

15 “[2] (3) ‘Care’ means:

16 “(a) Supportive services, including, but not limited to, provision of room
17 and board;

18 “(b) Supervision;

19 “(c) Protection; and

20 “(d) Assistance in bathing, dressing, grooming, eating, management of
21 money, transportation or recreation.

1 “[3] (4) ‘Community developmental disabilities program director’ means
2 the director of a community developmental disabilities program described in
3 ORS 430.620 (1)(a) or (c).

4 “[4] (5) ‘Competitive integrated employment’ has the meaning given that
5 term in 29 U.S.C. 705.

6 “[5] (6) ‘Developmental disability’ means autism, cerebral palsy, epilepsy
7 or other condition diagnosed by a qualified professional that:

8 “(a) Originates before an individual is 22 years of age and is expected to
9 continue indefinitely;

10 “(b) Results in a significant impairment in adaptive behavior as measured
11 by a qualified professional;

12 “(c) Is not attributed primarily to other conditions including, but not
13 limited to, a mental or emotional disorder, sensory impairment, substance
14 abuse, personality disorder, learning disability or attention deficit
15 hyperactivity disorder; and

16 “(d) Requires supports similar to those required by an individual with an
17 intellectual disability.

18 “[6] (7) ‘Director of the facility’ means the person in charge of care,
19 treatment and training programs at a facility.

20 “(8) **‘Direct support professional’ means an individual who is hired,**
21 **employed, trained, paid and supervised by an agency to provide care**
22 **or employment services, as defined in ORS 427.101, to a client of the**
23 **agency.**

24 “[7] (9) ‘Facility’ means a group home, activity center, community men-
25 tal health clinic or other facility or program that the Department of Human
26 Services approves to provide necessary services to persons with intellectual
27 or developmental disabilities.

28 “[8] (10) ‘Incapacitated’ means a person is unable, without assistance,
29 to properly manage or take care of personal affairs, including but not limited
30 to financial and medical decision-making, or is incapable, without assistance,

1 of self-care.

2 “[9] (11) ‘Independence’ means the extent to which persons with intel-
3 lectual or developmental disabilities exert control and choice over their own
4 lives.

5 “[10] (12) ‘Integration’ means:

6 “(a) Use by persons with intellectual or developmental disabilities of the
7 same community resources that are used by and available to other persons;

8 “(b) Participation by persons with intellectual or developmental disabili-
9 ties in the same community activities in which persons without disabilities
10 participate, together with regular contact with persons without disabilities;
11 and

12 “(c) Residence by persons with intellectual or developmental disabilities
13 in homes or in home-like settings that are in proximity to community re-
14 sources, together with regular contact with persons without disabilities in
15 their community.

16 “[11)(a)] (13)(a) ‘Intellectual disability’ means an intelligence quotient
17 of 70 or below as measured by a qualified professional and existing concur-
18 rently with significant impairment in adaptive behavior, that is manifested
19 before the individual is 18 years of age.

20 “(b) An individual with intelligence quotients of 71 through 75 may be
21 considered to have an intellectual disability if there is also significant
22 impairment in adaptive behavior, as diagnosed and measured by a qualified
23 professional.

24 “(c) The impairment in adaptive behavior must be directly related to the
25 intellectual disability.

26 “[12] (14) ‘Minor’ means an unmarried person under 18 years of age.

27 “[13] (15) ‘Naturopathic physician’ has the meaning given the term in
28 ORS 685.010.

29 “[14] (16) ‘Physician’ means a person licensed by the Oregon Medical
30 Board to practice medicine and surgery.

1 “[(15)] (17) ‘Service coordination’ means person-centered planning, case
2 management, procuring, coordinating and monitoring of services under an
3 individualized support plan to establish desired outcomes, determine needs
4 and identify resources for a person with intellectual or developmental disa-
5 bilities and advocating for the person.

6 “[(16)] (18) ‘Training’ means:

7 “(a) The systematic, planned maintenance, development or enhancement
8 of self-care, social or independent living skills; or

9 “(b) The planned sequence of systematic interactions, activities, struc-
10 tured learning situations or education designed to meet each person’s speci-
11 fied needs in the areas of physical, emotional, intellectual and social growth.

12 “[(17)] (19) ‘Treatment’ means the provision of specific physical, mental,
13 social interventions and therapies that halt, control or reverse processes that
14 cause, aggravate or complicate malfunctions or dysfunctions.

15 **“SECTION 6. ORS 427.024, 427.181 and 427.191 and section 11 of this**
16 **2026 Act are added to and made a part of ORS chapter 427.**

17 **“SECTION 7. ORS 427.024 is amended to read:**

18 “427.024. (1) The Department of Human Services shall adopt rules to en-
19 sure fiscal transparency in the provision of community-based services to in-
20 dividuals with intellectual or developmental disabilities and to ensure
21 individuals with intellectual or developmental disabilities receive high qual-
22 ity services from [*providers that are licensed, certified or endorsed by the de-*
23 *partment to provide community-based services*] **agencies**. At a minimum, the
24 rules must establish, for [*providers of community-based services to individuals*
25 *with intellectual or developmental disabilities*] **agencies**:

26 “(a) Requirements to annually submit staffing data to a reporting survey
27 organization specified by the department;

28 “(b) Requirements to submit an annual report to the department that in-
29 cludes:

30 “(A) A disclosure of executive compensation and benefits;

1 “(B) A disclosure of starting, average and highest wages for direct support
2 professionals that are employed by, under contract with or otherwise engaged
3 with the [*provider*] **agency** to deliver community-based services to individ-
4 uals with intellectual or developmental disabilities;

5 “(C) A disclosure of the [*provider’s*] **agency’s** overhead expenses and ex-
6 penditures; and

7 “(D) Any other fiscal matters prescribed by the department;

8 “(c) Requirements to ensure that wages and health benefits paid to direct
9 support professionals delivering community-based supports reflect any in-
10 crease in rates approved by the Legislative Assembly for the purpose of im-
11 proving wages and health benefits;

12 “(d) Criteria for conditions under which [*a provider*] **an agency** may be
13 prohibited from applying for a license, certificate or endorsement;

14 “(e) Criteria for the inclusion of information about the organizational
15 history of an applicant for a new license, certification or endorsement, not
16 to exceed the 10 previous years; and

17 “(f) A process for the consideration of the regulatory and safety compli-
18 ance and operational experience of all [*providers*] **agencies** in this state or
19 in any other jurisdiction when issuing an initial license, certification or
20 endorsement or renewing a license, certification or endorsement.

21 “(2) Rules adopted by the department must, to the greatest extent practi-
22 cable, consolidate new reporting requirements with existing reporting re-
23 quirements to avoid the need for [*providers*] **agencies** to make duplicative
24 reports of the same information.

25 “**SECTION 8.** ORS 427.026 is amended to read:

26 “427.026. (1) As used in this section:

27 “[*(a) ‘Agency’ means an entity that is certified and endorsed by the De-*
28 *partment of Human Services to provide services to individuals with intellectual*
29 *or developmental disabilities.*]

30 “[*(b)*] **(a) ‘Ownership interest’ means:**

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

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

6 “(C) Holding the position of an officer or director of an agency that is
7 organized as an entity;

8 “(D) Holding the position of a partner of an agency that is organized as
9 a partnership; or

10 “(E) Holding the position of a member of the board of directors of an
11 agency that has a board of directors.

12 “[(c)] (b) ‘Provider’ means:

13 “(A) An agency;

14 “(B) An adult foster home, as defined in ORS 443.705, that is licensed to
15 provide residential care to individuals with intellectual or developmental
16 disabilities; or

17 “(C) A developmental disability child foster home, as defined in ORS
18 443.830.

19 “[(d)] (c) ‘Responsible person’ means:

20 “(A) A person who exercises operational or managerial control over, who
21 has an ownership interest in or who directly or indirectly conducts the
22 day-to-day operations of an agency;

23 “(B) An owner, operator or resident manager of an adult foster home, as
24 defined in ORS 443.705, that is licensed to provide residential care to indi-
25 viduals with intellectual or developmental disabilities; or

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

28 “(2) The Department of Human Services may revoke the license, certif-
29 icate or endorsement of a provider and deny any new application for a li-
30 cense, certificate or endorsement submitted by the provider:

1 “(a) For at least 12 months if a responsible person denies the department
2 access to a facility or an individual receiving services or directs an employee
3 or substitute caregiver to deny the department access to a facility or an in-
4 dividual receiving services.

5 “(b) For at least 12 months if a responsible person alters, conceals, de-
6 stroys or otherwise manipulates records or directs an employee or substitute
7 caregiver to alter, conceal, destroy or otherwise manipulate records.

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

12 “(3) If the department finds that the operations of a provider put the
13 health, safety, rights or welfare of the individuals served by the provider at
14 risk, the department may revoke, suspend or impose conditions on the li-
15 cense, certificate or endorsement of the provider. A suspension or condition
16 imposed under this subsection may not be lifted until the department has
17 confirmed that all concerns have been remediated.

18 “**SECTION 9.** ORS 427.181 is amended to read:

19 “427.181. (1) As used in this section and ORS 410.855:

20 “(a) ‘Agency with choice services’ means support given to an individual
21 in self-directing the individual’s services or in managing staff who are pro-
22 viding in-home services and supports to the individual, using a person-
23 centered approach to ensure that the individual is at the center of the
24 decision-making process regarding what services are needed, including by
25 providing:

26 “(A) Training, coaching and other forms of support to the individual on:

27 “(i) Self-direction; and

28 “(ii) The roles and responsibilities of the individual and the agency with
29 choice services provider;

30 “(B) Training, coaching and other forms of support to the individual in

1 the overall management of staff providing direct support services to the in-
2 dividual, including in the recruitment, hiring, scheduling and training of
3 staff, performance assessments of staff and dismissal of staff; and

4 “(C) Other administrative and employment-related supports.

5 “(b) ‘Individual’ means a child or adult with an intellectual or develop-
6 mental disability who receives in-home services and supports through the
7 Department of Human Services.

8 “(2) The department shall contract with one or more endorsed organiza-
9 tions to deliver agency with choice services as a community-based services
10 option under ORS 427.007 (1)(d).

11 “(3) The department shall adopt by rule minimum qualifications for
12 agencies to be endorsed by the department to deliver agency with choice
13 services.

14 “(4) Minimum qualifications for agencies endorsed to deliver agency with
15 choice services include, but are not limited to:

16 “(a) The ability to provide support for individuals in directing the
17 individual’s direct support [*worker*] **professional** and the day-to-day services
18 of the direct support [*worker*] **professional**;

19 “(b) A commitment to work with a broad coalition of stakeholders in an
20 effort to understand the changing needs of the workforce and of individuals’
21 needs, rights and preferences; and

22 “(c) The ability to meet the state’s interest in preventing or mitigating
23 disruptions to individuals’ in-home services and supports.

24 “(5) The department may not endorse an agency to provide agency with
25 choice services if the owner of the agency or an executive officer of the
26 agency has been convicted of Medicaid fraud in any state within the 25-year
27 period prior to the certification.

28 “(6) For the purpose of monitoring and evaluating workforce capacity and
29 trends, an agency endorsed to provide agency with choice services must an-
30 nually provide to the department in the manner and at intervals specified

1 by the department by rule:

2 “(a) A list of direct support [*workers*] **professionals** for which the agency
3 billed the department for services provided through the agency with choice
4 model;

5 “(b) The zip codes where the direct support [*workers*] **professionals** pro-
6 vided services; and

7 “(c) Verification of the completion of training required for each direct
8 support [*worker*] **professional**.

9 **“SECTION 10.** ORS 427.191 is amended to read:

10 “427.191. (1) As used in this section:

11 “[*(a)*] ‘Agency’ means an agency that hires, trains and supervises direct
12 support professionals using state funds received from the Department of Hu-
13 man Services.]

14 “[*(b)*] (a) ‘Attendant care services’ means services provided directly to an
15 individual with a disability to assist with activities of daily living, instru-
16 mental activities of daily living and health-related tasks.

17 “[*(c)*] (b) ‘Child’ means an individual under 18 years of age who:

18 “(A) Has a developmental or intellectual disability; or

19 “(B) Meets the eligibility criteria to receive services under the Medically
20 Fragile (Hospital) Model Waiver or the Medically Involved Children’s
21 Waiver approved by the Centers for Medicare and Medicaid Services under
22 42 U.S.C. 1396n(c).

23 “[*(d)*] (c) ‘Client’ means an individual who receives attendant care ser-
24 vices.

25 “[*(e)*] (d) ‘Client child’ means a child who receives attendant care services
26 from the child’s parent.

27 “[*(f)*] (e) ‘Developmental disability services’ has the meaning given that
28 term in ORS 427.101.

29 “[*(g)*] ‘Direct support professional’ means an individual who is hired, em-
30 ployed, trained, paid and supervised by an agency to provide attendant care

1 *services to a client of the agency.]*

2 “[*h*] (f) ‘Nonparent caregiver’ means a direct support professional, per-
3 sonal support worker or similar provider who is paid to provide attendant
4 care services to clients who are not the provider’s children.

5 “[*i*] (g) ‘Parent’ includes a:

6 “(A) Natural or adoptive parent of a child;

7 “(B) Stepparent of a child; and

8 “(C) Legal guardian of a child.

9 “[*j*](A) (h)(A) ‘Parent provider’ means a parent who is paid to provide
10 attendant care services to the parent’s minor child.

11 “(B) ‘Parent provider’ does not include a parent who is paid to provide
12 attendant care services to a child who is 18 years of age or older.

13 “[*k*](A) (i)(A) ‘Personal support worker’ means an individual who is
14 employed by a client or the client’s representative and paid to provide at-
15 tendant care services to the client.

16 “(B) ‘Personal support worker’ does not include a direct support profes-
17 sional.

18 “[*L*] (j) ‘State plan’ means Oregon’s state plan for medical assistance,
19 described in 42 U.S.C. 1396a, approved by the Centers for Medicare and
20 Medicaid Services.

21 “[*m*] (k) ‘Very high behavioral needs’ means a minor child’s extraor-
22 dinary needs for support due to the child’s behavioral condition as indicated
23 by a federally approved functional needs assessment adopted by the depart-
24 ment that assigns the child to the highest service level.

25 “[*n*] (L) ‘Very high medical needs’ means a minor child’s extraordinary
26 needs for support due to the child’s medical condition as indicated by a
27 federally approved functional needs assessment adopted by the department
28 that assigns the child to the highest service level.

29 “(2) Subject to rules adopted under subsection (8) of this section, to ORS
30 427.194 and to available funding, the department shall administer a program

1 to compensate parents to provide attendant care services to the parents'
2 children who have been assessed by the department to have very high med-
3 ical or very high behavioral needs.

4 “(3) To be eligible for the program described in this section:

5 “(a) A parent provider must be employed by an agency and not by the
6 child or the other parent of the child;

7 “(b) The parent provider may not be paid to provide attendant care ser-
8 vices to the client child by an agency that is owned by the parent, the child
9 or any family member or for which the parent or other family member serves
10 in any administrative or leadership capacity, including as a member of a
11 board of directors; and

12 “(c) The agency employing the parent provider to provide attendant care
13 services to the client child:

14 “(A) May not employ a parent provider as an independent contractor;

15 “(B) Shall pay parent providers overtime at the same rate and under the
16 same circumstances as direct support professionals who are not parent pro-
17 viders;

18 “(C) Except as authorized by the department by rule, may not pay pro-
19 viders of attendant care services, including parent providers, to provide ser-
20 vices to a minor child during school hours unless the minor child is
21 temporarily at home recovering from surgery or illness and the temporary
22 absence from school is recommended by the child’s health care provider; and

23 “(D) May not pay providers of attendant care services, including parent
24 providers, to provide services to a minor child during school hours due to
25 the determination of a school district or due to the choice of a parent of the
26 client child to:

27 “(i) Have the child regularly attend school less than the number of school
28 hours attended by students without disabilities who are in the same grade
29 and the same school district as the client child;

30 “(ii) Homeschool the client child; or

1 “(iii) Enroll the client child in a private school that offers fewer school
2 hours than the school hours offered by the local public school to the major-
3 ity of students in the same grade as the client child.

4 “(4) Subsection (3)(c)(D) of this section does not prohibit a school district
5 or other entity from compensating parents of students with disabilities for
6 providing support for educational activities that would otherwise be the re-
7 sponsibility of the school district.

8 “(5) A parent provider, during the hours that the parent provider is paid
9 to provide one-on-one attendant care services to the client child:

10 “(a) May not be responsible for a vulnerable adult who requires physical
11 care and monitoring;

12 “(b) May not be responsible for the care of a child, other than the client
13 child, who is under 10 years of age and shall have another caregiver imme-
14 diately available at all times to attend to the needs of the child; and

15 “(c) Unless they are included as a goal or service in the child’s individual
16 support plan and related to the child’s disability-related support needs, may
17 not perform tasks that are not for the primary benefit of the client child,
18 including but not limited to:

19 “(A) Grocery shopping for the household;

20 “(B) Housekeeping not required for the disability-related support needs
21 of the client child;

22 “(C) Remote work or operation of a home business; or

23 “(D) Transporting individuals other than the client child to or from ac-
24 tivities or appointments.

25 “(6) If required by the Centers for Medicare and Medicaid Services, the
26 department may require a parent provider to assign an alternative legal
27 representative for the client child to make decisions about or manage the
28 development and implementation of the client child’s individual support plan.
29 The assignment:

30 “(a) Must be on a form prescribed by the department; and

1 “(b) Must clearly state that the assignment is limited to decisions re-
2 garding the development and implementation of the child’s individual support
3 plan and does not limit the authority of the parent provider to make deci-
4 sions for the client child with respect to health care, education or religious
5 training.

6 “(7) A parent provider is subject to the requirements of mandatory re-
7 porting of abuse under ORS 124.060 and 419B.010, 24 hours per day, seven
8 days per week.

9 “(8) The department shall adopt rules for the program described in this
10 section using an advisory committee appointed under ORS 183.333 that re-
11 presents the interests of parents, children with developmental or intellectual
12 disabilities, adults with disabilities, agencies, organizations of direct support
13 professionals and personal support workers and organizations that advocate
14 for persons with disabilities. The rules must include all of the following:

15 “(a) Strategies to safeguard nonparent caregivers and avoid the displace-
16 ment of nonparent caregivers by parent providers;

17 “(b) Requirements for agencies to demonstrate consistent efforts to re-
18 cruit, train and retain nonparent caregivers;

19 “(c) Training requirements for:

20 “(A) Parent providers regarding federal and state administrative rules
21 regulating home-based and community-based services, including the impact
22 of the rules on parent-child relationships with respect to discipline, super-
23 vision, physical intervention and self-determination of client children during
24 the hours that the parent provider is being paid to provide attendant care
25 services;

26 “(B) Client children to learn to advocate for themselves with respect to
27 choosing and managing direct support professionals before and after reaching
28 18 years of age; and

29 “(C) Community developmental disability programs related to the em-
30 ployment of parent providers, including on how to support families to man-

1 age issues concerning conflicts of interest, provider recruitment and
2 retention and the empowerment of the client child to have a meaningful
3 voice in the selection of the client child’s direct support professionals;

4 “(d) A process for a client child to object to the hiring of any caregiver,
5 including the child’s parent, or to raise concerns about a provider’s
6 caregiving;

7 “(e) Procedures to ensure that the program described in this section is
8 implemented consistently and equitably throughout this state;

9 “(f) A requirement that any appeal related to the requirements of or
10 benefits under the program is the sole responsibility of the central office
11 staff of the department; and

12 “(g) Other requirements that the department deems necessary to carry out
13 the provisions of this section.

14 “(9) The department may adopt rules necessary to manage the cost, size
15 and growth rate of the program described in this section that are necessary
16 to protect the eligibility for and levels of services under programs serving
17 individuals receiving developmental disability services provided for in the
18 state plan, including the development of criteria to limit the number of
19 children eligible to participate in the program.

20 “(10) Annually, the department shall report to the interim committees of
21 the Legislative Assembly related to human services or, if the Legislative
22 Assembly is in session, to the committees of the Legislative Assembly related
23 to human services, in the manner provided in ORS 192.245, updates on the
24 program described in this section, including:

25 “(a) The number of client children receiving attendant care services, the
26 number of children receiving the services from parent providers and the
27 number of children receiving the services from nonparent caregivers;

28 “(b) The number of hours of attendant care services provided by parent
29 providers and number of hours of attendant care services provided by non-
30 parent caregivers;

1 “(c) A comparison of the cost per child of providing attendant care ser-
2 vices by parent providers under the program with the cost per child of pro-
3 viding attendant care services by nonparent caregivers; and

4 “(d) A report on the adequacy of the direct care workforce in this state
5 to provide services to all children with developmental disability services who
6 are eligible for attendant care services.

7 **“SECTION 11. In setting agency payment rates, the Department of**
8 **Human Services shall adopt a differentiated rate model for an agency**
9 **that employs a direct support professional who resides with a client.**
10 **The differentiated rate model adopted under this section:**

11 **“(1) Shall reflect the reduced overhead costs to the agency as a re-**
12 **sult of the direct support professional residing with the client;**

13 **“(2) May not reduce the hours of service for which the client is el-**
14 **igible; and**

15 **“(3) May not reduce the wages of the direct support professional.**

16

17 **“PLACEMENT DECISIONS**

18

19 **“SECTION 12. Sections 13 to 15 of this 2026 Act are added to and**
20 **made a part of ORS 418.205 to 418.327.**

21 **“SECTION 13. Out-of-state placement exceptions. (1) Notwith-**
22 **standing ORS 418.321, if there is reason to know, as described in ORS**
23 **419B.636, that a child is an Indian child, the Department of Human**
24 **Services may place the child in an out-of-state placement without re-**
25 **quiring the placement to be licensed by or under a contract described**
26 **in ORS 418.321 with the department if:**

27 **“(a) The placement complies with the placement preferences under**
28 **ORS 419B.654;**

29 **“(b) The placement is operated by an Indian organization or is li-**
30 **censed, approved or certified through the process established by the**

1 **child’s tribe; and**

2 **“(c)(A) The placement is affirmatively requested by the child’s**
3 **tribe; or**

4 **“(B) The department has consulted with the child’s tribe regarding**
5 **the placement and the tribe does not object to the placement.**

6 **“(2) ORS 418.321 does not apply to the department’s placement of a**
7 **child in an out-of-state child-caring agency if:**

8 **“(a) The placement is for the purpose of placing the child or ward**
9 **in a relative foster home or pre-adoptive family placement that has**
10 **been selected and approved by the department;**

11 **“(b) The department retains the sole authority to approve the foster**
12 **care or pre-adoptive placement of the child;**

13 **“(c) The child is not placed in a congregate care residential setting,**
14 **as defined in ORS 418.322; and**

15 **“(d) The placement complies with the requirements of the Inter-**
16 **state Compact on the Placement of Children.**

17 **“SECTION 14. Access to out-of-state eating disorder program. (1)**
18 **Except as provided in subsection (3) of this section, ORS 418.321 does**
19 **not apply to the Department of Human Services’ admission of a child**
20 **in an out-of-state inpatient or residential eating disorder treatment**
21 **program if:**

22 **“(a) The child is diagnosed with an eating disorder;**

23 **“(b) The child’s treating provider is not employed by or contracted**
24 **with by the department;**

25 **“(c) The child’s treating provider determines that the child requires**
26 **admission to an inpatient or residential eating disorder treatment**
27 **program because the child’s needs related to the eating disorder can-**
28 **not be met on an outpatient or partial hospitalization basis;**

29 **“(d) No suitable inpatient or residential eating disorder treatment**
30 **program is available in this state;**

1 **“(e) The Oregon Health Authority has enrolled the inpatient or**
2 **residential eating disorder treatment program as a provider in the**
3 **state medical assistance program;**

4 **“(f) The inpatient or residential eating disorder treatment program**
5 **is regulated and in good standing with the authority and any entity**
6 **regulating child-caring agencies in the state in which the facility is**
7 **located;**

8 **“(g) The inpatient or residential eating disorder treatment program**
9 **provides on-site nursing services 24 hours per day, seven days per**
10 **week;**

11 **“(h) The responsible Medicaid entity has approved the services and**
12 **treatment to be provided to the child;**

13 **“(i) The child’s admission to the inpatient or residential eating**
14 **disorder treatment program is approved by the court prior to the child**
15 **leaving this state or, if the time it would take for the court to approve**
16 **the admission would threaten the child’s life, the child’s admission is**
17 **approved by the court as soon as practicable after the child leaves this**
18 **state; and**

19 **“(j) The admission has been approved by the director of the division**
20 **of the department that administers the state child welfare program**
21 **or the director’s designee and by the director of the division of the**
22 **authority that administers the state medical assistance program or the**
23 **director’s designee.**

24 **“(2) When a child has been admitted for treatment to an out-of-**
25 **state inpatient or residential eating disorder treatment program under**
26 **this section:**

27 **“(a) A Department of Human Services employee must make an in-**
28 **person visit to the program and certify the program as substantially**
29 **compliant with the licensing requirements for child-caring agencies**
30 **that would apply if the program was providing services in this state;**

1 “(b) A department employee who is familiar to the child shall visit
2 the child in person at least twice per month while the child is admitted
3 to the program;

4 “(c) The child’s caseworker or the caseworker’s supervisor shall
5 have weekly contact with the child, either by telephone, in person or
6 through an electronic platform; and

7 “(d) The department shall provide necessary supports to the child’s
8 family or foster family to participate in the child’s treatment, includ-
9 ing through the purchase of transportation or lodging, as appropriate.

10 “(3) The department may place a child in an out-of-state inpatient
11 or residential eating disorder treatment program as described in this
12 section only if the program has agreed, by entering into a contract
13 with the department, to comply with, at a minimum, all of the re-
14 quirements described in ORS 418.321 (3)(b)(C) to (G) and (K) to (O).

15 “(4) ORS 418.215 (2) does not apply to an out-of-state inpatient or
16 residential eating disorder treatment program into which a child is
17 admitted under this section.

18 “SECTION 15. Accompaniment of child in care in an out-of-state
19 placement. (1) If the Department of Human Services places a child in
20 an out-of-state child-caring agency, a department child welfare ser-
21 vices employee must accompany the child when the child is trans-
22 ported to the initial out-of-state placement, any time the child is
23 moved to a new placement and any time the child is moved by secure
24 transport.

25 “(2) Notwithstanding subsection (1) of this section, if a child placed
26 in an out-of-state child-caring agency requires secure transport from
27 an out-of-state location due to an emergency, a department child
28 welfare services employee is not required to accompany the child if the
29 time it would take for the employee to travel to the child’s out-of-state
30 location would pose a risk to the health, safety or welfare of the child.

1 **If a department child welfare services employee does not accompany**
2 **a child transported to an alternate out-of-state placement, as provided**
3 **in this subsection, the child welfare services employee must imme-**
4 **diately travel to meet the child at the new out-of-state facility.**

5 **“(3) As used in this section, ‘out-of-state child-caring agency’ has**
6 **the meaning given that term in ORS 418.321.**

7 **“SECTION 16.** ORS 418.321 is amended to read:

8 **“418.321. (1) Except as provided in section 13 of this 2026 Act, and**
9 subject to ORS 418.322, the Department of Human Services may place a child
10 in an out-of-state child-caring agency only if:

11 **“(a) The [out-of-state child-caring] agency is licensed to provide or engage**
12 **in the provision of care or services by the department under ORS 418.205 to**
13 **418.327 and complies with the licensing requirements under ORS 418.215;**

14 **“(b) The department has a current contract with the [child-caring] agency;**
15 **and**

16 **“(c) The department’s contract with the [child-caring] agency meets the**
17 **[criteria] requirements under subsection (3) of this section.**

18 **“(2) If an out-of-state child-caring agency is required to be licensed**
19 **by the department under this section:**

20 **“(a) The department shall license [an out-of-state child-caring] the agency**
21 **pursuant to the same licensure requirements the department would impose**
22 **if the [out-of-state child-caring] agency was located in this state.**

23 **“(b) Notwithstanding paragraph (b) of Article V of the Interstate Compact**
24 **on the Placement of Children and ORS 417.230, the department may not del-**
25 **egate the department’s licensing, visitation, inspection, investigation or**
26 **supervision of [an out-of-state child-caring agency licensed by the department**
27 **to provide care or services to an Oregon child] the agency.**

28 **“(3) If the department is required under this section to have a con-**
29 **tract with an out-of-state child-caring agency:**

30 **“(a) The department shall review the [department’s contract with an out-**

1 *of-state child-caring agency prior to placing a child with the child-caring*
2 *agency]* **contract prior to placing a child with the agency.**

3 “(b) The contract must, at a minimum, meet the following [*criteria*] **re-**
4 **quirements:**

5 “(A) At the time the contract is executed, the [*child-caring*] agency must
6 provide the department with a current list of every entity for which the
7 [*child-caring*] agency is providing placement services.

8 “(B) No later than 15 days after accepting placement of a child from a
9 new entity, the [*child-caring*] agency must notify the department in writing
10 of the [*child-caring*] agency’s association with the new entity. The notice
11 must include the name and contact information of the new entity and the
12 name and contact information of an individual associated with the new en-
13 tity.

14 “(C) The [*child-caring*] agency must make mandatory reports of child
15 abuse, as defined in ORS 418.257 and 419B.005, involving Oregon children
16 both to the centralized child abuse reporting system described in ORS 418.190
17 and as required under the laws of the state in which the [*child-caring*]
18 agency is located.

19 “(D) The [*child-caring*] agency must allow the department full access to
20 the [*child-caring*] agency’s facilities, residents, records and personnel as
21 necessary for the department to conduct child abuse investigations and li-
22 censing activities or investigations.

23 “(E) The [*child-caring*] agency must notify the department in writing no
24 later than three business days after any state determines that an allegation
25 of child abuse or a license violation involving the [*child-caring*] agency is
26 founded, regardless of whether the child abuse or violation involves an
27 Oregon child.

28 “(F) The [*child-caring*] agency must notify the department in writing no
29 later than three business days after the [*child-caring*] agency receives notice
30 from any other state imposing a restriction on placement of children with

1 the [*child-caring*] agency, suspending or revoking the [*child-caring*] agency’s
2 license with that state or indicating the state’s intent to suspend or revoke
3 the [*child-caring*] agency’s license with that state.

4 “(G) The [*child-caring*] agency must notify the department immediately,
5 verbally and in writing:

6 “(i) Any time a child from any state who is in the care of the
7 [*child-caring*] agency dies, is sexually assaulted or suffers serious physical
8 injury; or

9 “(ii) When the [*child-caring*] agency becomes aware of any criminal in-
10 vestigation, arrest or criminal charges involving an agency staff member if
11 the alleged offense involved a child or could have reasonably posed a risk
12 to the health, safety or welfare of a child.

13 “(H) Except with respect to protected information described in ORS
14 418.256 (5), the [*child-caring*] agency may not ask or require an employee or
15 volunteer to sign a nondisclosure or other agreement prohibiting the em-
16 ployee or volunteer from the good faith disclosure of information concerning
17 the abuse or mistreatment of a child who is in the care of the [*child-caring*]
18 agency, violations of licensing or certification requirements, criminal activ-
19 ity at the [*child-caring*] agency, violations of state or federal laws or any
20 practice that threatens the health and safety of a child in the care of the
21 [*child-caring*] agency.

22 “(I) The [*child-caring*] agency must ensure staffing ratio and staff training
23 and education requirements that meet, at a minimum, the standards set by
24 the department by rule for intensive behavioral support services.

25 “(J) The [*child-caring*] agency must meet all of the program, discipline,
26 behavior support, supervision and child rights requirements adopted by the
27 department by rule for behavioral rehabilitation services provided in this
28 state.

29 “(K) The [*child-caring*] agency may not practice conversion therapy, as
30 defined in ORS 675.850.

1 “(L) The [*child-caring*] agency must identify a child by the child’s pre-
2 ferred name and pronouns and may not implement a dress code that prohibits
3 or requires clothing on the basis of biological sex.

4 “(M) Genetic testing, including testing for psychopharmacological pur-
5 poses, must be approved by a court and may not be included as a standing
6 order for a child in care.

7 “(N) Neither the [*child-caring*] agency nor its contractors or volunteers
8 may use chemical or mechanical restraints on a child, including during se-
9 cure transport.

10 “(O) The [*child-caring*] agency must ensure that the use of any
11 psychotropic medications for a child placed with the [*child-caring*] agency
12 by the department is in compliance with ORS 418.517 and any rules regarding
13 psychotropic medications adopted by the department.

14 “(4) The department shall develop rules outlining a process for review of
15 the out-of-state placement of a child who is identified as a child with an in-
16 tellectual or developmental disability or who is suspected of having an in-
17 tellectual or developmental disability. At a minimum, the rules must:

18 “(a) Identify a process for expediting review of the child’s eligibility for
19 developmental disability services.

20 “(b) Require that a multidisciplinary [*review*] team, including administra-
21 tors in the developmental disability services program, review the placement
22 before the child is placed out-of-state.

23 “(c) Require that a multidisciplinary team, including administrators in
24 the developmental disability services program, monitor the progress of the
25 child in the out-of-state placement.

26 “(d) Require that contracts for placement of the child ensure that the
27 child has the same rights and protections that the child would have if the
28 child was placed in this state.

29 “[*(5)(a) A department child welfare services employee must accompany a*
30 *child who is placed in an out-of-state child-caring agency any time the child*

1 *is transported to an initial out-of-state placement, any time the child is moved*
2 *to a new placement and any time the child is moved by secure transport.]*

3 “[(b) Notwithstanding paragraph (a) of this subsection, if a child placed in
4 an out-of-state child-caring agency requires secure transport from the out-of-
5 state placement due to an emergency, a department child welfare services em-
6 ployee is not required to accompany the child if the time it would take for the
7 employee to travel to the child’s out-of-state location would pose a risk to the
8 health, safety or welfare of the child. If a department child welfare services
9 employee does not accompany a child transported to an alternate out-of-state
10 placement, as provided in this paragraph, the child welfare services employee
11 must immediately travel to meet the child at the new out-of-state facility.]

12 “[6(a)] (5)(a) As used in this subsection, ‘juvenile offender’ means a
13 person under 18 years of age who has or is alleged to have committed an act
14 that is a violation, or, if done by an adult, would constitute a violation, of
15 a law or ordinance of the United States or a county or city in this state.

16 “(b) Except as provided in paragraph (c) of this subsection, the depart-
17 ment may not place a child in an out-of-state child-caring agency if the
18 [child-caring] agency provides care to juvenile offenders.

19 “(c) The department may place a child in an out-of-state child-caring
20 agency that provides care to juvenile offenders **only** if:

21 “(A) The [child-caring] agency is a qualified residential treatment pro-
22 gram licensed by the department;

23 “(B) The [child-caring] agency maintains site-specific accreditation from
24 a nationally recognized organization;

25 “(C) The child being placed is a juvenile offender; and

26 “(D) Prior to the hearing to approve the placement, the court and all
27 parties to the dependency case have been informed of the nature of the ser-
28 vices offered by the program and of the population served by the program,
29 and the court, having considered the nature of the services and composition
30 of the facility population and the report of the qualified individual, has

1 found that placement in the facility is the least restrictive setting available
2 to appropriately meet the child’s treatment needs.

3 **“(6) As used in this section, ‘out-of-state child-caring agency’ means**
4 **a provider of children’s care or services in a state other than Oregon**
5 **that would be required to be licensed, certified or otherwise authorized**
6 **by the department under ORS 418.240 if the provider provided the care**
7 **or services in this state.**

8 **“SECTION 17.** ORS 418.205 is amended to read:

9 “418.205. As used in ORS 418.205 to 418.327, 418.330, 418.470, 418.475,
10 418.950 to 418.970 and 418.992 to 418.998, unless the context requires other-
11 wise:

12 “(1) ‘Child’ means an unmarried person under 21 years of age who resides
13 in or receives care or services from a child-caring agency.

14 “(2)(a) ‘Child-caring agency’ means:

15 “(A) Any private school, private agency, private organization or county
16 program providing:

17 “(i) Day treatment for children with emotional disturbances;

18 “(ii) Adoption placement services;

19 “(iii) Residential care, including but not limited to foster care or resi-
20 dential treatment for children;

21 “(iv) Residential care in combination with academic education and
22 therapeutic care, including but not limited to treatment for emotional, be-
23 havioral or mental health disturbances;

24 “(v) Outdoor youth programs; or

25 “(vi) Other similar care or services for children.

26 “(B) Any private organization or person that provides secure transporta-
27 tion services as defined in ORS 418.241 during any segment of a child’s trip
28 to or from a child-caring agency, certified foster home as defined in ORS
29 418.241 or developmental disabilities residential facility as defined in ORS
30 418.241, if the route of the child’s trip begins or ends in this state.

1 “(b) ‘Child-caring agency’ includes the following:

2 “(A) A shelter-care home that is not a foster home subject to ORS 418.625
3 to 418.645;

4 “(B) An independent residence facility as described in ORS 418.475 that
5 meets the standards established by the Department of Human Services by
6 rule to be considered a child-caring agency;

7 “(C) A private residential boarding school;

8 “(D) A child-caring facility as defined in ORS 418.950; and

9 “(E) A secure nonemergency medical transportation provider, as defined
10 in ORS 418.241.

11 “(c) ‘Child-caring agency’ does not include:

12 “(A) Residential facilities or foster care homes certified or licensed by the
13 Department of Human Services under ORS 443.400 to 443.455, 443.830 and
14 443.835 for children receiving developmental disability services;

15 “(B) Any private agency or organization facilitating the provision of re-
16 spite services for parents pursuant to a properly executed power of attorney
17 under ORS 109.056. For purposes of this subparagraph, ‘respite services’
18 means the voluntary assumption of short-term care and control of a minor
19 child without compensation or reimbursement of expenses for the purpose
20 of providing a parent in crisis with relief from the demands of ongoing care
21 of the parent’s child;

22 “(C) A youth job development organization as defined in ORS 344.415;

23 “(D) A shelter-care home that is a foster home subject to ORS 418.625 to
24 418.645;

25 “(E) A foster home subject to ORS 418.625 to 418.645;

26 “(F) A facility that exclusively serves individuals 18 years of age and
27 older; or

28 “(G) A facility that primarily serves both adults and children but requires
29 that any child must be accompanied at all times by at least one custodial
30 parent or guardian.

1 “(3) ‘Child-caring facility’ has the meaning given that term in ORS
2 418.950.

3 “(4)(a) ‘County program’ means any county operated program that pro-
4 vides care or services to children:

5 “(A) In the custody of the Department of Human Services or the Oregon
6 Youth Authority; or

7 “(B) Under a contract with the Oregon Health Authority.

8 “(b) ‘County program’ does not include any local juvenile detention fa-
9 cility that receives state services provided and coordinated by the Depart-
10 ment of Corrections under ORS 169.070.

11 “(5) ‘Governmental agency’ means an executive, legislative or judicial
12 agency, department, board, commission, authority, institution or
13 instrumentality of this state or of a county, municipality or other political
14 subdivision of this state.

15 “(6) ‘Independent residence facility’ means a facility as described in ORS
16 418.475.

17 “(7)(a) ‘Outdoor youth program’ means a program that provides, in an
18 outdoor living setting, services to children who have behavioral problems,
19 mental health problems or problems with abuse of alcohol or drugs.

20 “(b) ‘Outdoor youth program’ does not include any program, facility or
21 activity:

22 “(A) Operated by a governmental entity;

23 “(B) Operated or affiliated with the Oregon Youth Corps;

24 “(C) Licensed by the Department of Human Services under other author-
25 ity of the department; or

26 “(D) Operated by a youth job development organization as defined in ORS
27 344.415.

28 “(8) ‘Out-of-state child-caring agency’ has the meaning given that
29 term in ORS 418.321.

30 “[8] (9) ‘Private’ means not owned, operated or administered by any

1 governmental agency or unit.

2 “[9] (10) ‘Private residential boarding school’ means either of the fol-
3 lowing as the context requires:

4 “(a) A child-caring agency that is a private school that provides residen-
5 tial care in combination with academic education and therapeutic care, in-
6 cluding but not limited to treatment for emotional, behavioral or mental
7 health disturbances; or

8 “(b) A private school providing residential care that is primarily engaged
9 in educational work under ORS 418.327.

10 “[10] (11) ‘Proctor foster home’ means a foster home certified by a
11 child-caring agency under ORS 418.248 that is not subject to ORS 418.625 to
12 418.645.

13 “[11] (12) ‘Provider of care or services for children’ means a person,
14 entity or organization that provides care or services to children, regardless
15 of whether the child is in the custody of the Department of Human Services,
16 and that does not otherwise meet the definition of, or requirements for, a
17 child-caring agency. ‘Provider of care or services for children’ includes a
18 proctor foster home certified by a child-caring agency under ORS 418.248.

19 “[12] (13) ‘Qualified residential treatment program’ means a program
20 described in ORS 418.323.

21 “[13] (14) ‘Shelter-care home’ has the meaning given that term in ORS
22 418.470.

23 **“SECTION 18.** ORS 419B.351 is amended to read:

24 “419B.351. (1) The Department of Human Services shall move the court
25 for approval of a placement no later than 30 days following the date the
26 department placed, or will place, a child or ward in a qualified residential
27 treatment program described in ORS 418.323.

28 “(2)(a) The motion for approval of the placement must include, at a min-
29 imum:

30 “(A) The date of the placement;

1 “(B) To the extent practicable, the parties’ placement preferences; and

2 “(C) A copy of the child’s or ward’s independent assessment described in
3 ORS 418.324.

4 “(b) Notwithstanding paragraph (a)(C) of this subsection, if the inde-
5 pendent assessment is not completed at the time the department files the
6 motion under subsection (1) of this section, the department may file the mo-
7 tion under this section without the assessment and shall supplement the
8 motion with a copy of the completed assessment immediately following the
9 department’s receipt of the completed assessment.

10 “(3) The department shall provide an exact copy of the motion to each
11 of the parties listed in ORS 419B.875.

12 “(4) Upon receipt of a motion under this section, the court shall schedule
13 a hearing to occur no later than 60 days following the date the child or ward
14 is placed in the qualified residential treatment program.

15 “(5)(a) The court shall enter an order approving or disapproving the
16 placement and make specific determinations regarding the following:

17 “(A) Whether the needs of the child or ward can be met through place-
18 ment in a foster family home or in a proctor foster home as defined in ORS
19 418.205.

20 “(B) If the court determines that the needs of the child or ward cannot
21 be met through placement in a foster family home or proctor foster home,
22 whether placement of the child or ward in the qualified residential treatment
23 program:

24 “(i) Provides the least restrictive setting to provide the most effective and
25 appropriate level of care for the child or ward; and

26 “(ii) Is consistent with the child’s or ward’s case plan.

27 “(b) In addition to the determinations under paragraph (a) of this sub-
28 section, if the motion is for approval of the placement of a child or ward in
29 an out-of-state child-caring agency that serves juvenile offenders, [*as defined*
30 *in ORS 418.321 (6)*] **as those terms are defined in ORS 418.321**, the court

1 may not approve the placement unless the court finds that the child or
2 ward's placement in the out-of-state child-caring agency is the least restric-
3 tive setting available to meet the child or ward's treatment needs, taking
4 into consideration all of the following:

5 “(A) The nature of the services offered by the child-caring agency;

6 “(B) The population served by the child-caring agency;

7 “(C) The percentage of the child-caring agency's population that is juve-
8 nile offenders; and

9 “(D) Whether the child-caring agency is required to file a report under
10 the Prison Rape Elimination Act of 2003, 34 U.S.C. 30301 et seq.

11 “(c) The court may receive testimony, reports or other material relating
12 to the child's or ward's mental, physical and social history and prognosis
13 without regard to the competency or relevancy of the testimony, reports or
14 other material under the rules of evidence.

15 “(6) The court shall enter an order under subsection (5) of this section
16 no later than 60 days following the date the child or ward is placed in the
17 qualified residential treatment program.

18 “(7) If the court enters an order disapproving the child's or ward's place-
19 ment, the department shall move the child or ward to a placement that pro-
20 vides care, supervision and services that are consistent with the court's order
21 no later than 30 days following the date the court enters the order.

22 **“SECTION 19.** ORS 418.322 is amended to read:

23 “418.322. (1) As used in this section:

24 “(a) ‘Congregate care residential setting’ means any setting that cares for
25 more than one child or ward and is not a setting described in ORS 418.205
26 (2)(c)(A), (D), (E) or (F) or [(10)] (11).

27 “(b) ‘Sex trafficking’ means the recruitment, harboring, transportation,
28 provision, obtaining, patronizing or soliciting of a person under 18 years of
29 age for the purpose of a commercial sex act, as defined in ORS 163.266, or
30 the recruitment, harboring, transportation, provision or obtaining of a person

1 over 18 years of age using force, fraud or coercion for the purpose of a
2 commercial sex act, as defined in ORS 163.266.

3 “(2) The Department of Human Services may place a child or ward in a
4 congregate care residential setting only if the setting is:

5 “(a) A child-caring agency, as defined in ORS 418.205, a hospital, as de-
6 fined in ORS 442.015, or a rural hospital, as defined in ORS 442.470; and

7 “(b) A qualified residential treatment program described in ORS 418.323.

8 “(3) Notwithstanding subsection (2) of this section, the department may
9 place a child or ward in a child-caring agency that is not a qualified resi-
10 dential treatment program if:

11 “(a) The child-caring agency is providing prenatal, postpartum or parent-
12 ing supports to the child or ward.

13 “(b) The child or ward is placed in an independent residence facility de-
14 scribed in ORS 418.475 that is licensed by the department as a child-caring
15 agency.

16 “(c) The child or ward is, or is at risk of becoming, a victim of sex traf-
17 ficking and the child-caring agency is providing high-quality residential care
18 and supportive services to the child or ward.

19 “(d) The Oregon Health Authority has approved the placement as med-
20 ically necessary and the child-caring agency:

21 “(A) Is a residential care facility;

22 “(B) Is licensed by the authority and maintains site-specific accreditation
23 from a nationally recognized organization to provide psychiatric treatment
24 to children; and

25 “(C) Has an active provider agreement with the Oregon Medicaid pro-
26 gram.

27 “(e) The child-caring agency is an adolescent residential drug and alcohol
28 treatment program licensed or certified by the State of Oregon to provide
29 residential care, and the court has approved, or approval is pending for, the
30 placement in the child-caring agency of each child or ward over whom the

1 department retains jurisdiction.

2 “(f) The placement with the child-caring agency is for the purpose of
3 placing the child or ward in a proctor foster home.

4 “(g) The child-caring agency is a residential care facility licensed by the
5 department that provides short-term assessment and stabilization services.

6 “(h) The child-caring agency is a shelter-care home, as defined in ORS
7 418.470, that provides short-term assessment and stabilization services.

8 “(i) The child-caring agency is a homeless, runaway or transitional living
9 shelter licensed by the department that provides short-term assessment and
10 stabilization services.

11 “(j) The ward is 18 years of age or older and the child-caring agency is
12 a residential treatment facility or a residential home licensed or certified by
13 the department or the Oregon Health Authority.

14 “(4) The department may not place a child or ward in a residential care
15 facility or shelter-care home described in subsection (3)(g) or (h) of this sec-
16 tion:

17 “(a) For more than 60 consecutive days or 90 cumulative days in a
18 12-month period; or

19 “(b) If the residential care facility or shelter-care home also serves youths
20 or adjudicated youths served by the county juvenile department or adjudi-
21 cated youths committed to the custody of the Oregon Youth Authority by the
22 court.

23 “(5) The department may not place a child or ward in a homeless, runa-
24 way or transitional living shelter described in subsection (3)(i) of this section
25 for more than 60 consecutive or 90 cumulative days in any 12-month period.

26 “(6) Calculations of the number of days a child or ward is placed in a
27 shelter-care home under subsection (3)(h) of this section or a homeless, run-
28 away or transitional living shelter under subsection (3)(i) of this section ex-
29 clude the days the child or ward is in the shelter-care home or shelter if the
30 child or ward:

1 “(a) Accessed the shelter-care home or shelter without the support or di-
2 rection of the department; and

3 “(b) Is homeless or a runaway, as defined by the department by rule.

4 “(7)(a) Nothing in this section prohibits the Oregon Youth Authority from
5 placing an adjudicated youth committed to its custody in a placement that
6 is not a qualified residential treatment program.

7 “(b) Nothing in this section prohibits the Oregon Youth Authority or a
8 county juvenile department from placing an adjudicated youth or a youth
9 served by the Oregon Youth Authority or the county juvenile department in
10 shelter care or detention under ORS chapter 419C.

11

12 **“RESTRAINT AND SECLUSION OF CHILDREN IN CARE**

13

14 **“SECTION 20. Substantiation exception for lapsed certification. (1)**
15 **The Department of Human Services may not substantiate an**
16 **allegation of abuse against an individual under ORS 418.259 arising out**
17 **of the individual’s restraint of a child in care in violation of ORS**
18 **418.521 or 418.523 for the sole reason that the individual’s certification**
19 **issued under ORS 418.529 is not current.**

20 **“(2) As used in this section:**

21 **“(a) ‘Child in care’ has the meaning given that term in ORS 418.257.**

22 **“(b) ‘Restraint’ has the meaning given that term in ORS 418.519.**

23

24 **“MISCELLANEOUS**

25

26 **“SECTION 21. Captions. The unit and section captions used in this**
27 **2026 Act are provided only for the convenience of the reader and do**
28 **not become part of the statutory law of this state or express any leg-**
29 **islative intent in the enactment of this 2026 Act.**

30 **“SECTION 22. Effective date. This 2026 Act being necessary for the**

1 **immediate preservation of the public peace, health and safety, an**
2 **emergency is declared to exist, and this 2026 Act takes effect on its**
3 **passage.”.**

4
