

Requested by Senator GELSER BLOUIN

**PROPOSED AMENDMENTS TO
HOUSE BILL 4042**

1 On page 5 of the printed bill, delete lines 34 through 45 and delete page
2 6.

3 On page 7, delete lines 1 through 7 and insert:

4 **“SECTION 3.** ORS 418.529 is amended to read:

5 *“418.529. [(1)(a) The Department of Human Services shall adopt by rule*
6 *training standards and certification requirements regarding the placement of*
7 *a child in care in a restraint or involuntary seclusion, consistent with this*
8 *section.]*

9 *“[(b) The department shall designate two or three nationally recognized*
10 *providers of crisis intervention training that meet the department’s training*
11 *standards and whose certifications issued upon completion of the training*
12 *programs the department will recognize as satisfying the department’s certi-*
13 *fication requirements.]*

14 **“(1)(a) The Department of Human Services shall adopt by rule**
15 **training standards and certification requirements for a person to be**
16 **qualified and authorized to impose a restraint upon a child in care as**
17 **permitted under ORS 418.257 to 418.259.**

18 **“(b) The department shall designate at least two but no more than**
19 **four nationally recognized providers of training programs on the safe**
20 **and limited use of physical restraints in emergency situations whose**
21 **certifications of training and completion are the sole certifications the**

1 **department will recognize as satisfying the certification requirements**
2 **under this section.**

3 **“(c) The department may not designate any program under this**
4 **subsection that would promote or provide instruction or materials in**
5 **this state designed to prepare an individual to utilize any restraint**
6 **prohibited by statute.**

7 “(2) The department’s rules under this section must:

8 “(a) Ensure consistency of training and professional development across
9 all programs;

10 “(b) Require the teaching of techniques for nonviolent crisis intervention
11 that do not require restraint;

12 “(c) Focus on de-escalation and trauma-informed behavioral support as the
13 core of a training program;

14 “(d) Offer options for certification in skills that do not include the use
15 of restraint to improve agency-wide safety, culture and trauma-informed
16 practices;

17 “(e) Prioritize the reduction or elimination of the use of restraint and
18 involuntary seclusion;

19 “(f) Ensure that any physical intervention skills taught are trauma-
20 informed, age-appropriate and developmentally appropriate for children in
21 care, reduce the risk of physical or emotional harm and are consistent with
22 all state and federal laws;

23 “(g) Include training to identify the physical, psychological and emotional
24 risks for children and program staff related to the use of restraint and in-
25 voluntary seclusion;

26 “(h) Ensure fidelity of training through the publication of consistent
27 training materials and resources for certified instructors and certified pro-
28 gram staff;

29 “(i) Include requirements for instructor training and certification; and

30 “(j) Require regular, ongoing support to certified instructors, including

1 quality control, monitoring of outcomes and provision of information re-
2 garding networks for professional collaboration and support.

3 “(3) The department’s rules must require that training instructors:

4 “(a) Be certified to conduct the type of training the instructor is provid-
5 ing;

6 “(b) Complete a minimum of 26 hours of initial education with a focus
7 on de-escalation, nonviolent intervention and methods consistent with the
8 department’s rules for the use of [*physical intervention*] **restraint**;

9 “(c) Complete a minimum of 12 hours of continuing education every two
10 years;

11 “(d) Be recertified at least once every two years; and

12 “(e) Demonstrate written and physical competency before receiving certi-
13 fication or recertification.

14 “(4) The department’s rules must provide that an individual who places
15 a child in care in a program in a restraint must be certified in the use of the
16 specific type of restraint used. The department’s rules must describe the
17 minimum certification requirements, including:

18 “(a) Completion of a minimum of 12 hours of initial training in person
19 from an instructor certified as provided in subsection (3) of this section, in-
20 cluding at least six hours of training in positive behavior support, nonviolent
21 crisis intervention and other methods of nonphysical intervention to support
22 children in care in crisis;

23 “(b) Annual continuing education with a certified instructor; and

24 “(c) Demonstration of a mastery of the training program material both in
25 writing and by physical competency before receiving certification.

26 “(5) A certification issued under this section:

27 “(a) Must be personal to the individual certified by the training provider;

28 “(b) May be valid for no more than two years without recertification;

29 “(c) Must require annual continuing education to maintain;

30 “(d) Must require additional training to renew the certification;

1 “(e) Must be portable between employers; and
2 “(f) Must include:
3 “(A) The dates during which the certification is current;
4 “(B) The types of restraint in which the individual is certified, if any;
5 “(C) The types of training the individual is certified to conduct, if any;
6 “(D) Any special endorsements earned by the individual;
7 “(E) The level of training; and
8 “(F) The name of the certified instructor who conducted the training and
9 administered the assessment of proficiency.
10 “(6) An individual whose certification is consistent with the department’s
11 rules under this section shall maintain the documentation of the certification
12 and make that documentation available to the department upon request.
13 **“(7) Nothing in this section is intended to restrict a child-caring
14 agency, proctor foster home or developmental disabilities residential
15 facility from utilizing additional training on the prevention of crisis
16 situations and alternative responses to crisis situations that do not
17 involve the use of physical force.”.**

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