

Subject: Re: HB 4042 check in
Date: Thursday, February 26, 2026 at 10:36:38 AM Pacific Standard Time
From: Sen Gelsler Blouin
To: Ellen Miller, Sen Linthicum
CC: Mooney Emily, Stice Jeanine, Truong Kien, [redacted] Simon Fulford, Rep Kropf, Rep Hartman, Rep Pham H, Leah Tucker
Priority: High

Thank you, Ellen. I appreciate the follow up. I removed all committee members from this reply except for Vice Chair Linthicum due to quorum issues.

I want to be certain you saw the appropriate amendment, which is the -A12. That amendment has a new paragraph, but does not have a new subsection. Unless ALL the violations that currently mandate a notice of revocation or suspension are removed, it is not possible to remove that mandate for some violations without a second paragraph.

For easy comparison here is the current language compared to the language as it would read with the -A12. If there is part of this that is confusing, we can certainly have LC come to walk through it as well.

Current ORS 418.240 (2)	Proposed ORS 418.240 (2)
<p>(b) The department may suspend, revoke or place conditions on a license, certificate or authorization of a child-caring agency if the department finds the agency is not in full compliance with any one or more of the full compliance requirements listed in paragraph (a) of this subsection.</p> <p>(c) The department must take immediate steps to suspend or revoke the license, certificate or other authorization of a child-caring agency, if any of the following are found to exist:</p> <p>(A) There has been the death of a child as a result of abuse or neglect on the part of the agency or any of the agency's employees or agents.</p> <p>(B) There has been sexual or physical abuse or neglect of a child in the agency's care or custody that was known to the agency and the agency did not take immediate steps to report the abuse or neglect and to ensure the child's safety.</p> <p>(C) The agency failed to cooperate fully with any local, state or federal regulatory entity's investigation of the agency or the agency's operations or employees.</p> <p>(D) The agency failed to provide financial statements as required under ORS 418.255.</p>	<p>(b) The department may suspend, revoke or place conditions on a license, certificate or authorization of a child-caring agency if the department finds the agency is not in full compliance with any one or more of the full compliance requirements listed in paragraph (a) of this subsection.</p> <p>(c) The department must take immediate steps to suspend or revoke the license, certificate or other authorization of a child-caring agency, if any of the following are found to exist:</p> <p>(A) The agency failed to cooperate fully with any local, state or federal regulatory entity's investigation of the agency or the agency's operations or employees.</p> <p>(B) The agency facilitated the abuse of any child in the agency's care or custody or failed to take reasonable action to remedy, prevent or end the abuse of any child in the agency's care or custody, despite having knowledge that abuse of a child in the agency's care or custody was occurring.</p> <p>(C) There has been the death of a child as a result of abuse or neglect on the part of the agency or any of the agency's employees or agents.</p> <p>(d) The department must take immediate steps to suspend, [or] revoke or place conditions on the license, certificate or other authorization of a child-caring agency, if either of the following are found to exist:</p> <p>(A) The agency failed to provide financial statements as required under ORS 418.255.</p> <p>(B) The agency failed to provide reasonable access to a child in the agency's care or custody as required by ORS 418.305.</p>

If you are referring to the A12 amendment, am I correct in understanding that the Alliance would prefer to keep failure to report child abuse and failure to provide financial reports as violations requiring a mandatory revocation or suspension unless mandatory action is also removed for death, facilitated abuse or failure to cooperate with an investigation?

I just want it to be clear for the record that multiple efforts have been made in this and other sessions to move forward items that were requested as relief. In other sessions, as in this one, it seems these discussions have become an "all or nothing" approach. That approach rarely leads to success as most progress is made incrementally. In addition, we've been told that the language related to failure to report leads to overreporting and excessive investigations. I've not heard a single complaint about negative impacts related to mandatory actions related to death, facilitated abuse or failure to cooperate in an investigation.

Today's hearing will not start until 3:30pm. Please let me know if you have a change of heart as the fiscal will be ready to move this A12 amendment when we meet later today. Otherwise, we will make the record clear the amended bill is not moving forward at the request of the Alliance. Because we still have not received information about what exactly the other provisions of the bill do, what placements would be impacted, whether it relates to in state or out of state placements and what treatment would be offered, the base bill is not ready to go.

Sara

Senator Sara Gelsler Blouin
 Senate Majority Whip, Oregon State Senate
 Chair Senate Human Services Committee

503-986-1708 | sen.saragelsler@oregonlegislature.gov
 900 Court Street, NE Salem, OR 97301

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From: Ellen Miller <ellen@bauoregon.com>
Date: Thursday, February 26, 2026 at 8:49 AM
To: Sen Gelsler Blouin <Sen.SaraGelslerBlouin@oregonlegislature.gov>, Sen Reynolds <Sen.LisaReynolds@oregonlegislature.gov>, Prozanski Sen <Sen.FloydProzanski@oregonlegislature.gov>, Sen Drazan <Sen.ChristineDrazan@oregonlegislature.gov>, Sen Linthicum <Sen.DianeLinthicum@oregonlegislature.gov>
Cc: Mooney Emily <Emily.Mooney@oregonlegislature.gov>, Stice Jeanine <Jeanine.Stice@oregonlegislature.gov>, Truong Kien <Kien.Truong@oregonlegislature.gov>, "vera@oregonalliance.org" <vera@oregonalliance.org>, Simon Fulford <sfulford@pcreek.org>, Rep Kropf <Rep.JasonKropf@oregonlegislature.gov>, Rep Hartman <Rep.AnnessaHartman@oregonlegislature.gov>, Rep Pham H <Rep.HaiPham@oregonlegislature.gov>, Leah Tucker <leah@bauoregon.com>
Subject: Re: HB 4042 check in

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Chair Gelsler Blouin and members of the Senate Human Services Committee,

Thank you for your efforts to keep HB 4042A alive. Unfortunately, we cannot support this amendment. Our general position remains that we need regulatory reform that clarifies the statute. The -A12 rewrites mandated enforcement language and adds a new enforcement subsection with the intent of giving relief. Any relief that could be gained by this new subsection is lost in the added complexity of the statute.

We continue to support the base bill.

Thank you for your time and consideration.

Sincerely,

Ellen Miller
On behalf of the [Oregon Alliance of Children's Programs](#)

From: Sen Gelsler Blouin <Sen.SaraGelslerBlouin@oregonlegislature.gov>
Date: Wednesday, February 25, 2026 at 11:25 AM
To: Ellen Miller <ellen@bauoregon.com>, vera@oregonalliance.org, Simon Fulford <sfulford@pcreek.org>, Rep Kropf <Rep.JasonKropf@oregonlegislature.gov>, Rep Hartman <Rep.AnnessaHartman@oregonlegislature.gov>, Rep Pham H <Rep.HaiPham@oregonlegislature.gov>
Cc: Mooney Emily <Emily.Mooney@oregonlegislature.gov>, Sen Linthicum <Sen.DianeLinthicum@oregonlegislature.gov>, Stice Jeanine <Jeanine.Stice@oregonlegislature.gov>, Truong Kien <Kien.Truong@oregonlegislature.gov>
Subject: HB 4042 check in

Good morning!

I wanted to check in as I requested one more amendment for HB 4042. I will send it your way once I receive it but wanted to make you aware of what it will contain so you have time to consider and discuss. I'm happy to move the bill forward with either that amendment, but I cannot move the base bill forward.

The intent of this amendment is to ensure the modest change you requested and has been present in every proposal can move forward. That is that there is not a mandatory license revocation or suspension for failure to report child abuse. I agree that this doesn't make sense and I am concerned it may result in overreporting. This seems like an easy fix that we can and should get done as it can provide relief now and it is not confusing.

With the new amendment (I believe it would be the -11), the following would result in the mandatory notice of revocation and suspension:

- The agency failed to cooperate fully with any local, state or federal regulatory entity's investigation of the agency or the agency's operations or employees.
- The agency facilitated the abuse of any child in the agency's care or custody or failed to take reasonable action to remedy, prevent or end the abuse of any child in the agency's care or custody, despite having knowledge that abuse of a child in the agency's care or custody was occurring.
- There has been the death of a child as a result of abuse or neglect on the part of the agency or any of the agency's employees or agents.

The violations that require a **condition**, revocation or suspension would be:

- The agency failed to provide financial statements as required under ORS 418.255.
- The agency failed to provide reasonable access to a child in the agency's care or custody as required by ORS 418.305.

Failure to report abuse would no longer be subject to a mandatory license action. Licensing action in these situations would be entirely discretionary to the Department depending on the circumstances.

This amendment would also delete Section 2 and Section 3. This means this regulatory relief would be the only provision in the measure.

Given that both the sponsor and the opponents of the bill requested (significant) changes to the car seat language, it is not ready to go. In addition, because there is not clarity about exactly what the placement section of the base bill is intended to do, what types of placements/facilities would be impacted, what youth would be impacted, what services could be accessed that aren't accessible today, whether this would allow placement in adult settings, whether this would allow placement in settings not licensed as a child serving program and whether it refers only to in state placements or also refers to out of state placements, that section is not ready to move forward.

I don't think anyone disagrees with eliminating the mandatory suspension/revocation for failure to report or failure to provide financial statements. I also want to

clarify, for the record, that I raised these concerns on the record in the House and even provided the amendments to accomplish them. None of the concerns that I raised on this side are different from those raised on the House side.

Please let me know if you would be supportive of moving HB 4042 forward with the coming -A11 amendment or if you would prefer the bill simply not move forward. I hope to move it forward but will certainly follow your wishes.

Sincerely,
Sara

Senator Sara Gelser Blouin
Senate Majority Whip, Oregon State Senate
Chair Senate Human Services Committee

503-986-1708 | sen.saragelser@oregonlegislature.gov
900 Court Street, NE Salem, OR 97301

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