

SB 19 -2 STAFF MEASURE SUMMARY

Senate Committee On Human Services

Prepared By: Jamie Hinsz, LPRO Analyst

Meeting Dates: 1/22, 2/28, 3/26

WHAT THE MEASURE DOES:

Requires Department of Human Services (DHS) and Oregon Health Authority to make licensing rules specific to Adult Foster Homes they each operate. Authorizes DHS to impose civil penalties for violations of programs or service delivery within its scope of responsibility. Modifies definitions of both "developmental disability" and "intellectual disability" by replacing criteria specified in statute with reference to criteria adopted via rulemaking. Adds to list of mandatory reporters of abuse: service providers paid with public funds pursuant to the individualized service plan of a child or adult with a developmental disability. Changes name of DHS Volunteer Program Donated Fund Account to Donated Fund Account and modifies use of funds.

ISSUES DISCUSSED:

- Eligibility criteria for services for individuals with intellectual or developmental disabilities

EFFECT OF AMENDMENT:

-2 Removes proposed language regarding civil penalties, definitions for 'developmental disability' and 'intellectual disability', and the Donated Fund Account. Modifies definitions of both "developmental disability" and "intellectual disability" consistent with federal definitions. Requires DHS to adopt rules for imposing civil penalties for violations of programs or service delivery within its scope of responsibility and specifies use of funds collected under such penalties. Changes name of DHS Volunteer Program Donated Fund Account to Donated Fund Account and clarifies use of funds.

Revenue: No revenue impact.

Fiscal: Has minimal fiscal impact.

BACKGROUND:

Senate Bill 19 is the omnibus bill for the Department of Human Services (DHS). It concerns several program administration and service issues.

DHS operates two programs providing Adult Foster Homes for older adults and individuals with physical, intellectual, or developmental disabilities. The Oregon Health Authority (OHA) operates one program providing Adult Foster Homes for individuals with mental illness. Adult Foster Homes are any setting in which residential care is provided in a home-like environment for five or fewer adults who are not related to the provider by blood or marriage. Senate Bill 19 requires both agencies to adopt program specific licensing regulations applicable to the Adult Foster Homes they administer.

Independent Providers for Aging and People with Disabilities and Developmental Disabilities are personal support workers, individuals who are paid as contractors, or self-employed individuals. Independent Providers are not explicitly included among Oregon's mandatory reporters of abuse, and they may avoid liability for failing to report suspected abuse or neglect of the individuals they serve. Senate Bill 19 adds Independent Providers who serve children or adults with developmental disabilities to the list of mandatory reporters of abuse.

Eligibility criteria for services for individuals with intellectual or developmental disabilities are highly specific. Senate Bill 19 removes the criteria for intellectual and developmental disabilities and authorizes DHS to adopt criteria in administrative rule. DHS' Office of Developmental Disability Services does not currently have distinct

This summary has not been adopted or officially endorsed by action of the committee.

SB 19 -2 STAFF MEASURE SUMMARY

enforcement authority with regard to non-residential service providers. Senate Bill 19 authorizes DHS to impose civil penalties for violations within programs it administers.

Finally, Senate Bill 19 changes the name of the Volunteer Program Donated Fund Account to the Donated Fund Account and modifies the use of funds consistent with current practice.

PRELIMINARY