

SB 809 A STAFF MEASURE SUMMARY

Carrier: Rep. Gorsek

House Committee On Rules

Action Date: 06/10/19

Action: Do Pass the A-Eng bill.

Vote: 7-0-0-0

Yeas: 7 - Boles, Holvey, Nosse, Smith Warner, Sprenger, Williamson, Wilson

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Josh Nasbe, Counsel

Meeting Dates: 6/6, 6/10

WHAT THE MEASURE DOES:

Requires Department of Human Services and Oregon Health Authority to prescribe by rule criteria to be considered in making fitness determination applicable to persons who provide direct care services and have been found to have committed abuse. Allows Department and Authority to conduct fitness determination following finding of abuse. Provides subject individuals with right to contested case hearing to challenge evaluation of fitness.

ISSUES DISCUSSED:

- Clarity through rulemaking process

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon law prohibits using public funds to employ individuals with certain criminal histories in capacities that involve direct contact with recipients of support services or residential care. The Department of Human Services (DHS), the Oregon Health Authority (OHA), home health agencies, and in-home care agencies conduct background checks on employees of residential facilities, adult foster homes, home care workers registering with the Home Care Commission, providers and volunteers in contact with patients in home health agencies and in-home care agencies, and any individual paid with public funds who is in contact with recipients of support services or residential care. DHS and OHA are also required to notify employers and employees in writing of any records of substantiated abuse committed by an employee of a home health agency, in-home care agency, adult foster home, or residential facility, regardless of whether criminal charges were filed.