

SB 757 STAFF MEASURE SUMMARY

Carrier: Sen. Anderson

Senate Committee On Human Services, Mental Health and Recovery

Action Date: 04/06/21

Action: Do pass.

Vote: 5-0-0-0

Yeas: 5 - Anderson, Gelser, Lieber, Robinson, Taylor

Fiscal: No fiscal impact

Revenue: No revenue impact

Prepared By: C. Ross, Counsel

Meeting Dates: 3/4, 3/25, 4/6

WHAT THE MEASURE DOES:

Adds to eligibility requirements for conditional enrollment in the Central Background Registry: requires completion of specified criminal background checks in Oregon and in state of residence if outside Oregon, in addition to pending completion of a federal criminal records check. Specifies that revocation of a person's registration or their removal from the Central Background Registry must be *for cause* for purposes of prohibiting the person from enrolling or providing child care. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Purpose of conditional enrollment (allowing individuals to work while waiting for background check completion, but no unsupervised access to children); length and impact of some wait times
- Administrative reasons for removal from Central Background Registry versus reasons that are relevant to child protection

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Office of Child Care (OCC) within the Early Learning Division (ELD) is required to maintain a Central Background Registry of regulated child care providers and program operators. Currently, a person may be enrolled conditionally if they are awaiting completion of a criminal background check by the Federal Bureau of Investigation and they are otherwise eligible.

Certain individuals are not eligible to enroll in the Central Background Registry and are barred from providing child care for a number of years following an adverse action against their registration. These exempt, prohibited persons are currently defined as those whose registration has been suspended, denied for cause, revoked, removed, subjected to emergency suspension, or surrendered during an investigation or when an administrative proceeding was initiated; or the person is subject to a cease and desist order. It is currently possible for a person to be barred from enrollment for purely administrative reasons.

Senate Bill 757 makes conditional enrollment in the Central Background Registry available only to persons waiting for completion of a federal background check who have also completed specified criminal background checks in Oregon and their state of residence if not Oregon. The measure also specifies that, for purposes of prohibiting an individual from enrolling in the Central Background Registry or providing child care, the revocation or removal of their registration must have been *for cause*, not merely for administrative reasons.