

## SB 265 A STAFF MEASURE SUMMARY

### Senate Committee On Human Services, Mental Health and Recovery

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**Action Date:** 04/08/21

**Action:** Do pass with amendments and requesting referral to Ways and Means. (Printed A-Engrossed.)

**Vote:** 4-1-0-0

**Yeas:** 4 - Anderson, Gelser, Lieber, Taylor

**Nays:** 1 - Robinson

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

**Prepared By:** C. Ross, Counsel

**Meeting Dates:** 3/11, 4/8

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#### WHAT THE MEASURE DOES:

Directs the Department of Human Services (DHS) to ensure that personnel in residential programs serving publicly placed youth are certified in nonviolent crisis intervention as soon as practicable. Requires DHS to provide three levels of certification for trainees, a stipend, and reimbursement of expenses to attend training. Directs DHS to ensure a minimum of 20 instructors are certified by July 1, 2022. Requires instructors to commit to providing three trainings per year for at least two years. Requires DHS to fund a residential program in an amount sufficient to train two additional staff persons for every one staff person a residential program pays to train. Requires recipient program to submit a plan to DHS to maintain current and future certifications. Directs DHS to report to the legislature by October 1, 2021, and January 1, April 1, and July 1 of 2022. Appropriates \$750,000 from General Fund to the Emergency Board for allocation to DHS. Declares emergency, effective on passage.

#### ISSUES DISCUSSED:

- Companion measure to Senate Bill 710; provisions of Senate Bill 710
- Scope of respective relating clauses

#### EFFECT OF AMENDMENT:

Replaces the measure.

#### BACKGROUND:

Unnecessary and improper use of restraint and involuntary seclusion in residential facilities and child caring agencies can traumatize and physically injure the individual subject to restraint, as well as the person applying the restraint. Use of restraint and involuntary seclusion are currently regulated primarily through rules promulgated by the Oregon Health Authority (OHA) and the Department of Human Services (DHS). If enacted, Senate Bill 710, introduced during the 2021 regular session, would centralize and codify such rules, make them more robust, clarify exceptions, and make them applicable to providers of secure transportation services that are currently unregulated.

The use of restraint or involuntary seclusion, when narrowly allowed, as described in Senate Bill 710, depend on and require properly trained and certified personnel. Senate Bill 265 A is a companion to Senate Bill 710, establishing specifics with respect to training and certification, and making an appropriation of \$750,000. It requires DHS to ensure that personnel in residential programs serving publicly placed youth are certified as soon as practicable in nonviolent crisis intervention, including ensuring that a minimum of 20 instructors are certified by July 1, 2022.