

**A-Engrossed**  
**House Bill 2424**

Ordered by the House April 6  
Including House Amendments dated April 6

Sponsored by Representative NATHANSON, Senator PROZANSKI (Presession filed.)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Directs Department of Human Services, in consultation with Oregon Youth Authority and Oregon Health Authority, to develop child-caring agency grant and training program. Appropriates moneys to department for program.

*[Modifies unsubstantiated abuse reports involving child-caring agencies to include situations in which there is evidence that abuse of child in care occurred but that abuse was result of substandard care.]*

Establishes Child Welfare Cultural Equity Program within Department of Human Services to ensure access to diverse set of child welfare service providers consistent with cultural diversity needs of population being served. Appropriates moneys to department for program.

Creates qualified mental health associate incentive program within Oregon Health Authority. Appropriates moneys to authority for program.

Prescribes certain educational and training requirements for qualified mental health associates assisting child-caring agencies. Appropriates moneys to Oregon Health Authority.

**A BILL FOR AN ACT**

Relating to child welfare; creating new provisions; and amending ORS 418.205 and 676.450.

**Be It Enacted by the People of the State of Oregon:**

**CHILD SAFETY TRAINING**

**SECTION 1.** (1) As used in this section, "child" and "child-caring agency" have the meanings given those terms in ORS 418.205.

(2) The Department of Human Services, in consultation with the Oregon Youth Authority and the Oregon Health Authority, shall establish a child-caring agency grant and training program.

(3) The purpose of the grant and training program is to improve the safety and treatment outcomes of children receiving services from child-caring agencies, to increase regulatory compliance by service providers and to improve the recruitment and retention of well-trained and qualified service providers.

(4) The department may contract with a nonprofit organization to administer the program.

(5)(a) The administrator of the program may award grants in an amount not to exceed \$30,000 per grant recipient to child-caring agencies for the purpose of developing training programs to ensure compliance with the federal Family First Prevention Services Act and other quality improvement initiatives.

(b) In addition to awarding the grants described in paragraph (a) of this subsection, the

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 administrator of the program shall develop a statewide child-caring agency training program  
2 to support the implementation of the federal Family First Prevention Services Act.

3 (6) The administrator of the grant and training program shall submit biannual reports  
4 to the department describing the following:

5 (a) The number of grants awarded in the preceding six-month period;

6 (b) The aggregate amount of grant moneys awarded;

7 (c) The number of statewide trainings held by the administrator of the program; and

8 (d) The demonstrated outcomes of the grant and training program.

9 (7) The department may adopt any rules necessary to carry out the provisions of this  
10 section.

11 NOTE: Section 2 was deleted by amendment. Subsequent sections were not renumbered.

### 12 WORKFORCE DIVERSITY

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15 SECTION 3. (1) The Child Welfare Cultural Equity Program is established within the  
16 Department of Human Services. The purpose of the program is to ensure access to a diverse  
17 set of child welfare service providers consistent with the cultural diversity needs of the  
18 population being served.

19 (2) Under the program, the department may develop, or contract with nonprofit organ-  
20 izations to assist in developing:

21 (a) Methods for determining the cultural needs of the children receiving child welfare  
22 services from the department;

23 (b) Methods for incentivizing the recruitment and retention of a diverse set of child  
24 welfare service providers; and

25 (c) Best practices for connecting a child served by the department with service providers  
26 who meet the child's cultural diversity needs.

27 (3) The department may adopt rules to implement and carry out the provisions of this  
28 section.

### 29 STUDENT LOAN FORGIVENESS

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32 SECTION 4. (1) There is created in the Oregon Health Authority a qualified mental health  
33 associate incentive program for the purpose of providing loan repayment subsidies to quali-  
34 fied mental health associates who commit to serving children in child-caring agencies in this  
35 state. The authority shall prescribe by rule:

36 (a) Participant eligibility criteria, including the types of qualified mental health associ-  
37 ates who may participate in the program;

38 (b) The terms and conditions of participation in the program, including the duration of  
39 the term of any service agreement, which must be at least 24 months;

40 (c) If the funds allocated to the program from the Health Care Provider Incentive Fund  
41 established under ORS 676.450 are insufficient to provide assistance to all of the applicants  
42 who are eligible to participate in the program, the priority for the distribution of funds; and

43 (d) The financial penalties imposed on an individual who fails to comply with the terms  
44 and conditions of participation.

45 (2) Eligibility requirements adopted for the program:

1 (a) **Must allow qualified mental health associates to qualify for an incentive for multiyear**  
2 **periods.**

3 (b) **Must give preference to applicants:**

4 (A) **Who are willing to commit to completing trainings offered under section 1 of this 2021**  
5 **Act;**

6 (B) **Who have been recruited through the Child Welfare Cultural Equity Program estab-**  
7 **lished under section 3 of this 2021 Act;**

8 (C) **Who commit to serving with a child-caring agency that provides care to children re-**  
9 **ceiving child welfare services from the Department of Human Services or children who have**  
10 **been referred by state or local agencies or coordinated care organizations; or**

11 (D) **Who meet specific needs identified by the child-caring agency.**

12 (3) **The authority may enter into contracts with one or more public or private entities**  
13 **to administer the qualified mental health associate incentive program or parts of the pro-**  
14 **gram.**

15 (4) **The authority may receive gifts, grants or contributions from any source, whether**  
16 **public or private, to carry out the provisions of this section. Moneys received under this**  
17 **subsection shall be deposited in the Health Care Provider Incentive Fund established under**  
18 **ORS 676.450.**

19 **SECTION 5.** ORS 418.205, as amended by sections 15a and 15b, chapter 19, Oregon Laws 2020  
20 (first special session), is amended to read:

21 418.205. As used in ORS 418.205 to 418.327, 418.470, 418.475, 418.950 to 418.970 and 418.992 to  
22 418.998 **and section 4 of this 2021 Act**, unless the context requires otherwise:

23 (1) "Child" means an unmarried person under 21 years of age who resides in or receives care  
24 or services from a child-caring agency.

25 (2)(a) "Child-caring agency":

26 (A) Means any private school, private agency, private organization or county program providing:

27 (i) Day treatment for children with emotional disturbances;

28 (ii) Adoption placement services;

29 (iii) Residential care, including but not limited to foster care or residential treatment for chil-  
30 dren;

31 (iv) Residential care in combination with academic education and therapeutic care, including but  
32 not limited to treatment for emotional, behavioral or mental health disturbances;

33 (v) Outdoor youth programs; or

34 (vi) Other similar care or services for children.

35 (B) Includes the following:

36 (i) A shelter-care home that is not a foster home subject to ORS 418.625 to 418.645;

37 (ii) An independent residence facility as described in ORS 418.475;

38 (iii) A private residential boarding school; and

39 (iv) A child-caring facility as defined in ORS 418.950.

40 (b) "Child-caring agency" does not include:

41 (A) Residential facilities or foster care homes certified or licensed by the Department of Human  
42 Services under ORS 443.400 to 443.455, 443.830 and 443.835 for children receiving developmental  
43 disability services;

44 (B) Any private agency or organization facilitating the provision of respite services for parents  
45 pursuant to a properly executed power of attorney under ORS 109.056. For purposes of this subpar-

1 agraph, “respite services” means the voluntary assumption of short-term care and control of a minor  
2 child without compensation or reimbursement of expenses for the purpose of providing a parent in  
3 crisis with relief from the demands of ongoing care of the parent’s child;

4 (C) A youth job development organization as defined in ORS 344.415;

5 (D) A shelter-care home that is a foster home subject to ORS 418.625 to 418.645;

6 (E) A foster home subject to ORS 418.625 to 418.645;

7 (F) A facility that exclusively serves individuals 18 years of age and older; or

8 (G) A facility that primarily serves both adults and children but requires that any child must  
9 be accompanied at all times by at least one custodial parent or guardian.

10 (3) “Child-caring facility” has the meaning given that term in ORS 418.950.

11 (4)(a) “County program” means any county operated program that provides care or services to  
12 children in the custody of the Department of Human Services or the Oregon Youth Authority.

13 (b) “County program” does not include any local juvenile detention facility that receives state  
14 services provided and coordinated by the Department of Corrections under ORS 169.070.

15 (5) “Governmental agency” means an executive, legislative or judicial agency, department,  
16 board, commission, authority, institution or instrumentality of this state or of a county, municipality  
17 or other political subdivision of this state.

18 (6) “Independent residence facility” means a facility established or certified under ORS 418.475.

19 (7)(a) “Outdoor youth program” means a program that provides, in an outdoor living setting,  
20 services to children who have behavioral problems, mental health problems or problems with abuse  
21 of alcohol or drugs.

22 (b) “Outdoor youth program” does not include any program, facility or activity:

23 (A) Operated by a governmental entity;

24 (B) Operated or affiliated with the Oregon Youth Corps;

25 (C) Licensed by the Department of Human Services under other authority of the department; or

26 (D) Operated by a youth job development organization as defined in ORS 344.415.

27 (8) “Private” means not owned, operated or administered by any governmental agency or unit.

28 (9) “Private residential boarding school” means either of the following as the context requires:

29 (a) A child-caring agency that is a private school that provides residential care in combination  
30 with academic education and therapeutic care, including but not limited to treatment for emotional,  
31 behavioral or mental health disturbances; or

32 (b) A private school providing residential care that is primarily engaged in educational work  
33 under ORS 418.327.

34 (10) “Proctor foster home” means a foster home certified by a child-caring agency under ORS  
35 418.248 that is not subject to ORS 418.625 to 418.645.

36 (11) “Provider of care or services for children” means a person, entity or organization that  
37 provides care or services to children, regardless of whether the child is in the custody of the De-  
38 partment of Human Services, and that does not otherwise meet the definition of, or requirements for,  
39 a child-caring agency. “Provider of care or services for children” includes a proctor foster home  
40 certified by a child-caring agency under ORS 418.248.

41 (12) “Qualified residential treatment program” means a program described in section 12b, chap-  
42 ter 19, Oregon Laws 2020 (first special session).

43 (13) “Shelter-care home” has the meaning given that term in ORS 418.470.

44 **SECTION 6.** ORS 676.450 is amended to read:

45 676.450. The Health Care Provider Incentive Fund is established in the State Treasury, separate

1 and distinct from the General Fund. Interest earned by the Health Care Provider Incentive Fund  
2 shall be credited to the fund. The fund consists of moneys appropriated to the fund by the Legisla-  
3 tive Assembly and gifts, grants or other moneys contributed to the fund by any source, whether  
4 public or private. Moneys in the fund are continuously appropriated to the Oregon Health Authority  
5 to carry out ORS 676.454 and 676.467 and section 4 of this 2021 Act.

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7 **QUALIFIED MENTAL HEALTH ASSOCIATES**

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9 **SECTION 7.** A child-caring agency, as defined in ORS 418.205, may allow a person to serve  
10 as a qualified mental health associate designated to assist the child-caring agency if the  
11 person:

12 (1) Provides the child-caring agency with documentation showing that the person has  
13 completed an educational program for qualified mental health associates accredited by a na-  
14 tional accreditation organization approved by the Oregon Health Authority or the Depart-  
15 ment of Human Services by rule;

16 (2) Is actively enrolled in, or has completed, a registered apprenticeship program identi-  
17 fied by the authority by rule;

18 (3) Provides the child-caring agency with documentation showing that the person has  
19 completed a training program identified by the authority by rule; and

20 (4) Every two years completes 16 hours of continuing education approved by the author-  
21 ity.

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23 **APPROPRIATIONS**

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25 **SECTION 8.** (1) In addition to and not in lieu of any other appropriation, there is appro-  
26 priated to the Department of Human Services, for the biennium beginning July 1, 2021, out  
27 of the General Fund, the amount of \$1,250,000 for the purpose of carrying out the provisions  
28 of section 1 of this 2021 Act.

29 (2) In addition to and not in lieu of any other appropriation, there is appropriated to the  
30 Department of Human Services, for the biennium beginning July 1, 2021, out of the General  
31 Fund, the amount of \$2,500,000 for the purpose of carrying out the provisions of section 3  
32 of this 2021 Act.

33 (3) In addition to and not in lieu of any other appropriation, there is appropriated to the  
34 Oregon Health Authority, for the biennium beginning July 1, 2021, out of the General Fund,  
35 the amount of \$250,000, for deposit in the Health Care Provider Incentive Fund established  
36 in ORS 676.450, and which may be expended for the purpose of providing loan repayment  
37 subsidies to qualified mental health associates participating in the qualified mental health  
38 associate incentive program under section 4 of this 2021 Act.

39 (4) In addition to and not in lieu of any other appropriation, there is appropriated to the  
40 Oregon Health Authority, for the biennium beginning July 1, 2021, out of the General Fund,  
41 the amount of \$250,000 for the purpose of carrying out the provisions of section 7 of this 2021  
42 Act.

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44 **CAPTIONS**

1        **SECTION 9.** The unit captions used in this 2021 Act are provided only for the convenience  
2 of the reader and do not become part of the statutory law of this state or express any leg-  
3 islative intent in the enactment of this 2021 Act.

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