

Requested by Representative MCLAIN

**PROPOSED AMENDMENTS TO
HOUSE BILL 2953**

1 On page 1 of the printed bill, line 2, delete “and 443.485” and insert “,
2 443.485, 443.490, 443.500 and 659A.340.”.

3 Delete lines 4 through 32 and delete page 2 and insert:

4 **“SECTION 1.** ORS 443.480 is amended to read:

5 “443.480. As used in ORS 443.480 to 443.500:

6 “(1) ‘Community-based structured housing **facility**’ means congregate
7 housing, [*excluding residential care or treatment*] **other than residential**
8 **facilities licensed under ORS 443.415**, where services and support are pro-
9 vided [*by the owner or operator of the facility to assist*] **to adult** residents
10 who have mental, emotional, behavioral or substance use disorders.

11 “(2) ‘Congregate housing’ means housing in which each **adult** resident has
12 a private or shared bedroom or living quarters and shares with other **adult**
13 residents a dining room, recreational room and other common areas.

14 “[*(3) ‘Elderly’ means an individual who is 62 years of age or older.*]

15 “[*(4) ‘Disability’ means a physical or mental impairment which for the in-*
16 *dividual constitutes or results in a functional limitation to one or more major*
17 *life activities.*]

18 “[*(5) ‘Residential care’ has the meaning given that term in ORS 443.400.*]

19 **“(3) ‘Services and support’ means living accommodations and ser-**
20 **vices other than treatment such as housekeeping, laundry, medication**
21 **monitoring, transportation or recreational opportunities.**

1 “[(6)] (4) ‘Treatment’ has the meaning given that term in ORS 443.400.

2 “**SECTION 2.** ORS 443.485 is amended to read:

3 “443.485. (1) Subject to ORS 443.490, [*the owner or operator of*] **a person**
4 **that owns or operates** a community-based structured housing facility of-
5 fered to the general public shall register with the [*Department of Human*
6 *Services or the*] Oregon Health Authority[, *as appropriate,*] the name and
7 address of the owner or operator if the facility:

8 “(a) Provides [*housing and meals*] **services and support** to two or more
9 [*adults who are elderly or have disabilities, as defined in ORS 443.480, and*
10 *who are*] **adult residents**, not related to the person by blood or marriage,
11 **who have mental, emotional, behavioral or substance use disorders;**
12 and

13 “(b) Is not licensed or registered under any other law of this state or city
14 or county ordinance or regulation.

15 “(2) The registration fee is \$20 annually.

16 “(3) The [*department and the*] authority shall establish by rule reasonable
17 and appropriate standards for the operation of facilities subject to ORS
18 443.480 to 443.500 [*that fall within their respective jurisdictions*]. The stan-
19 dards must be consistent with the residential nature of the facilities and
20 must address, at a minimum, the:

21 “(a) Physical properties of [*the*] **a facility**;

22 “(b) Storage, preparation and serving of food at [*the*] **a facility that**
23 **provides prepared meals;**

24 “(c) Storage, preparation and dispensing of medications and the assistance
25 provided by staff to **adult** residents in taking medications; and

26 “(d) Number, experience and training of the staff of [*the*] **a facility**.

27 “(4) The [*department or the*] authority shall provide evidence of the reg-
28 istration to the person. The evidence shall be posted in [*the*] **a facility**.

29 “(5) The [*department or the*] authority may impose a civil penalty not to
30 exceed \$200 for:

1 “(a) Operating without registration as required under this section; or

2 “(b) A violation of ORS 443.880 or 443.881.

3 “(6) The [*department or the*] authority may suspend or revoke registration
4 or deny the issuance of registration for violation of any statute, rule, ordi-
5 nance or regulation relating to the facility.

6 “[(7) *A facility may not be required to register with both the department*
7 *and the authority under this section. If a facility falls within the jurisdiction*
8 *of both the department and the authority, the Director of Human Services and*
9 *the Director of the Oregon Health Authority shall determine the agency re-*
10 *sponsible for registering the facility.*]

11 “[(8)] (7) Rules adopted under subsection (3) of this section must avoid
12 imposing on facilities regulated by federal agencies any reporting require-
13 ments or review processes that duplicate the reporting requirements or re-
14 view processes imposed by the federal agency.

15 “**SECTION 3.** ORS 443.490 is amended to read:

16 “443.490. If the [*Department of Human Services or the*] Oregon Health
17 Authority finds that another governmental entity’s standards for the opera-
18 tion of a facility subject to ORS 443.480 to 443.500 are substantially similar
19 or superior to those under ORS 443.485 (3), the [*department or the*] authority
20 may waive the requirements of ORS 443.485.

21 “**SECTION 4.** ORS 443.500 is amended to read:

22 “443.500. (1) The [*Department of Human Services or*] Oregon Health Au-
23 thority staff shall be permitted access to enter and investigate complaints
24 of abuse in all facilities registered under ORS 443.480 to 443.500 and to as-
25 certain [*the*] a facility’s compliance with applicable rules, statutes, ordi-
26 nances and regulations. If the [*department or the*] authority has reasonable
27 cause to believe any facility is operating without registration or is in vio-
28 lation of ORS 443.480 to 443.500, the [*department or the*] authority may apply
29 to the circuit court for a search warrant.

30 “(2) Upon complaint of any person:

1 “(a) The state or local fire inspectors shall be permitted access to enter
2 and inspect facilities registered under ORS 443.480 to 443.500 regarding fire
3 safety.

4 “(b) The state or local health officers shall be permitted access to enter
5 and inspect facilities registered under ORS 443.480 to 443.500 regarding
6 health and sanitation.

7 “(3) The owner or operator of a facility may not retaliate against any
8 individual who files a complaint or any witness or employee of a facility
9 interviewed about the complaint, including but not limited to retaliation by
10 restriction of a resident’s otherwise lawful access to the facility and, with
11 respect to an employee, retaliation by dismissal or harassment.

12 **“SECTION 5.** ORS 659A.340 is amended to read:

13 “659A.340. (1) As used in this section, ‘employer’ means:

14 “(a) An adult foster home as defined in ORS 443.705;

15 “(b) A child care provider as defined in ORS 329A.700;

16 “(c) A child-caring agency as defined in ORS 418.205;

17 “(d) A child-caring facility as defined in ORS 418.950;

18 “(e) Community-based structured housing **facility** as defined in ORS
19 443.480;

20 “(f) A facility as defined in ORS 430.735;

21 “(g) A foster home as defined in ORS 418.625;

22 “(h) A long term care facility as defined in ORS 442.015;

23 “(i) A residential facility as defined in ORS 443.400;

24 “(j) A youth care center as defined in ORS 420.855;

25 “(k) A youth offender foster home as defined in ORS 420.888; or

26 “(L) Any other entity that is licensed, certified or registered by a public
27 body, as defined in ORS 174.109, to provide care to children, youth, individ-
28 uals with disabilities or older adults.

29 “(2) It is an unlawful employment practice under ORS chapter 659A for
30 an employer to violate ORS 329A.348, 418.256, 418.644, 420.872, 420.891,

1 441.046, 443.453 or 443.766 or to interfere with an employee's good faith dis-
2 closure of information concerning the abuse or mistreatment of an individual
3 cared for by the employer, violations of licensing or certification require-
4 ments, criminal activity occurring at the workplace, violations of state or
5 federal laws or any practice that threatens the health and safety of the in-
6 dividual cared for by the employer to regulatory agencies, law enforcement
7 authorities or persons who are acting on behalf of the individual.

8 "(3) An employee or a volunteer may file a civil action under ORS
9 659A.885, alleging violation of this section."

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