SB 725-2 (LC 3356) 3/24/21 (LHF/ps)

Requested by Senator GELSER

PROPOSED AMENDMENTS TO SENATE BILL 725

1 On page 1 of the printed bill, delete lines 4 through 27 and insert:

<u>"SECTION 1.</u> (1) As used in this section, 'foreign corporation,'
'foreign nonprofit corporation' and foreign professional corporation'
have the meanings given those terms in ORS 60.001.

"(2) The Department of Human Services may not issue an initial 5 license, certification, endorsement or other initial authorization to a 6 sole proprietor who resides outside this state, a foreign corporation, a 7 foreign nonprofit corporation, a foreign professional corporation or a 8 limited liability company, or to any entity in which a sole proprietor 9 who resides outside this state, foreign corporation, foreign nonprofit 10 corporation, foreign professional corporation or limited liability com-11 pany has a financial interest, to: 12

"(a) Operate a group home, foster home or other residential setting
 for individuals with intellectual or developmental disabilities;

"(b) Administer a supported living program for individuals with in tellectual or developmental disabilities;

"(c) Deliver attendant care, relief or respite care, behavior support
 services or any other home and community-based services to an indi vidual receiving developmental disabilities services as defined in ORS
 427.101; or

²¹ "(d) Operate a support service brokerage, as defined in ORS 427.101.

1 "SECTION 2. (1) As used in this section:

"(a) 'Applicant' means a person applying for a license, certification
or endorsement or applying for the renewal of a license, certification
or endorsement to operate a program or provide services or residential
care to individuals with intellectual or developmental disabilities.

6 "(b) 'Developmental disability services' has the meaning given that 7 term in ORS 427.101.

8 "(c) 'Executive leadership team' includes a chief executive officer, 9 personnel directly reporting to a chief executive officer and other en-10 terprise level executives.

"(d) 'Provider' means a person that operates a program or provides
 services or residential care to individuals with intellectual or develop mental disabilities.

"(2) The Department of Human Services may not license, certify,
 endorse or renew the license, certification or endorsement of an ap plicant if:

"(a) The applicant's license, certification or endorsement to provide
 developmental disability services was revoked by the department
 within the previous 10 years;

"(b) The applicant's enrollment as a Medicaid provider was revoked
 in the previous 10 years; or

"(c) Except as provided in subsection (3) of this section, the applicant was any of the following for a provider that had its license, certification or endorsement revoked by the department within the previous 10 years:

"(A) A member of the provider's operations or executive leadership
 team;

28 "(B) A board member of the provider; or

"(C) An owner, president, executive director or other senior man ager of the provider.

1 "(3) The department may license, certify, endorse or renew the li-2 cense, certification or endorsement of an applicant described in sub-3 section (2)(c) of this section if the applicant:

"(a) At the time of the incident, condition or violation that caused or contributed to the revocation or within the period six months prior to the incident, condition or violation that caused or contributed to the revocation, was not directly responsible for the oversight of staff, the delivery of the program's services or the program site where the incident, condition or violation occurred;

10 "(b) Did not have knowledge of the incident, condition or violation 11 that caused or contributed to the revocation or had knowledge of the 12 incident, condition or violation that caused or contributed to the re-13 vocation but reported the incident, condition or violation to the ap-14 propriate authorities; and

"(c) Did not by action or omission impede any investigation or in quiry related to the incident, condition or violation that caused or
 contributed to the revocation.

18 "(4) A provider may not voluntarily relinquish the provider's li-19 cense, certification or endorsement in lieu of the provider's license, 20 certification or endorsement being revoked by the department if the 21 revocation is the result of a death or serious injury in a facility or 22 program operated by the provider.".

In line 28, after "to" insert "initial" and after "certifications" insert ", endorsements".

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