



# Oregon

Kate Brown, Governor



**Oregon Department of Human Services**

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February 8, 2021

Senator Sara Gelser, Chair

Senator Dick Anderson, Vice-Chair

Members of the Senate Human Services, Mental Health and Recovery Committee

From: Jeff Akin, Background Check Unit Administrator, Oregon Department of Human Services

Re: Senate Bill (SB) 280 Public Hearing,

**Introduction:**

Senate Bill 280 makes technical fixes to the statutory language created by Senate Bill 725 which passed in the 2019 Legislative Session.

**Background:**

SB 725 (2019) amended ORS 443.004 (Criminal records check required for employees and volunteers providing direct care) prohibiting the Oregon Department of Human Services (ODHS) and the Oregon Health Authority (OHA) from completing a criminal records check on the individuals described in ORS 443.004 more often than once in a two-year period, with some exceptions.

The Background Check Unit (BCU), serving ODHS and OHA, maintains the Long-Term Care Registry under ORS 443.006 (Criminal background check registry). The Long-Term Care Registry provides a ready to work registry of individuals eligible to work in positions providing care to Oregonians, allows portability for providers, smoother credentialing and prevents duplicative background checks. Approval on the registry lasts two years, and BCU begins rechecking these individuals prior to their expiration to ensure Oregonians continue to receive care and providers can continue to work.

**What this bill does:**

SB 280 seeks to adjust the 2019 change in statute and allow no more than one criminal records check in an 18-month period, to allow the recheck of individuals prior to their expiration on the Long-Term Care Registry. SB 280 also enables BCU to determine by rule the instances that would be burdensome for an individual to wait the 18-month period for a new criminal records check.

SB 725 (2019) also amended ORS 181A.195 prohibiting ODHS and OHA from considering certain convictions, charges, arrests, deferred sentences, conditional discharges, pending indictments and diversion programs for certain individuals undergoing fitness determinations. This 2019 change in statute states that convictions under ORS 813.010 (DUII) may be not considered unless there is more than one conviction in a five-year period. SB 280 goes further to include ORS 830.325 (Operating a boat while under the influence of intoxicating liquor, cannabis or controlled substance) and equivalent crimes in other jurisdictions.

**“Assisting People to Become Independent, Healthy and Safe”**

Chair Gelser  
Vice-Chair Anderson  
Members of the Senate Human Services, Mental Health and Recovery Committee  
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**Summary:**

SB 280 addresses statutory changes needed to the language created by SB 725 (2019) by mitigating the impact to the Long-Term Care Registry, enabling individuals to receive a more frequent criminal records checks when needed, and ensuring that convictions for DUII and boating under the influence are considered equally for convictions in Oregon and other jurisdictions.

**For more information please contact:**

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