

FISCAL IMPACT OF PROPOSED LEGISLATION**Measure: SB 792 - A**

82nd Oregon Legislative Assembly – 2023 Regular Session

Legislative Fiscal Office

Only Impacts on Original or Engrossed Versions are Considered Official

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Measure Description:

Requires Department of Human Services to report to interim committees of Legislative Assembly related to health, no later than September 15, 2024, on implementation of agency with choice.

Government Unit(s) Affected:

Department of Human Services, Judicial Department, Department of Justice

Summary of Fiscal Impact:

Costs related to the measure are anticipated to be minimal - See explanatory analysis.

Analysis:

SB 792-A requires the Department of Human Services (DHS) to establish application, certification, endorsement fees as well as initial and renewal license fees for residential training homes and facilities, adult foster homes and other facilities or persons certified by the department to provide developmental disability services. Fees collected for residential training homes and facilities as well as individuals and facilities certified by DHS are to be deposited in the Department of Human Services Account and used for licensing and certification of these entities. Fees collected for adult foster homes will be deposited in the Quality Care Fund. DHS is granted rulemaking authority to determine waiver or reduction of fees criteria. The measure requires DHS review fees at least every five years. The measure modifies DHS's collection of civil penalties from providers of intellectual and developmental disability services and requires civil penalties recovered from a residential training facility or a residential training home to be deposited in the Long Term Care Ombudsman Account.

Although the measure is anticipated to have a minimal impact on the agency, the measure would require rulemaking on the part of the agency that would include the creation and collection of fees. The amount of those fees would be set by rule and the fee amount would require subsequent approval by the legislature, in accordance with ORS 291.055.

The fiscal impact of this measure on the Oregon Judicial Department (OJD) and the Department of Justice is minimal. The measure allows DHS to impose civil penalties on residential training homes and facilities, adult foster homes and other facilities or persons certified by DHS to provide developmental disability services. Any person affected by agency orders resulting from this bill would have the right to appeal to the Oregon Court of Appeals, and possibly the Oregon Supreme Court. Also, the bill may result in additional claims filed in circuit courts. However, OJD anticipates the agency can absorb caseload increases within existing resources.

LFO notes that the deposit of civil penalties in the Long Term Care Ombudsman Account or any account or fund outside of the General Fund may cause an adverse financial incentive regarding the department's assessment of such penalties.