

HB 3333 A STAFF MEASURE SUMMARY

House Committee On Rules

Action Date: 05/11/23

Action: Do pass with amendments and be referred to Ways and Means. (Printed A-Eng.)

Vote: 7-0-0-0

Yeas: 7 - Breese-Iverson, Fahey, Kropf, Nosse, Scharf, Valderrama, Wallan

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: Matthew Perreault

Meeting Dates: 4/27, 5/11

WHAT THE MEASURE DOES:

Directs System of Care Advisory Council (SOCAC) to study application of just culture model in investigative processes of child-caring agencies. Directs council to report on findings and recommendations to interim legislative committees first by December 1, 2023, and second by September 15, 2024. Sunsets January 2, 2025. Defines "just culture model" as culture in which a person is not punished for actions taken that are commensurate with training and experience, but negligence, violations, and destructive acts are not tolerated. Directs SOCAC to provide grants for training on just culture model to Department of Human Services investigators. Directs SOCAC to provide grants for training on trauma-informed practices and clinical best practices to residential care providers. Establishes System of Care Advisory Council Training Fund in State Treasury. Appropriates unspecified General Fund moneys to Oregon Health Authority to deposit in fund for grant program implementation. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Investigations conducted by Department of Human Services
- Ability of System of Care Advisory Council to provide training
- Fiscal impact of measure
- Impact of COVID-19 public health emergency on child care supply

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

Child-caring agencies are organizations that provide specialized care or treatment for children, including day treatment facilities for behavioral challenges, adoption placement agencies, residential care, and outdoor youth programs. The Department of Human Services (DHS) is required to respond to any report, allegation, or information pertaining to the suspected abuse of a child in the care of a child-caring agency and, following a screening, open an investigation to determine whether the suspected abuse is substantiated, unsubstantiated, or inconclusive. The department's Office of Training, Investigations, and Safety (OTIS) conducts the screenings and investigations, which are administrative processes rather than judicial or criminal processes, although the department must also report any possible crime to an appropriate law enforcement agency. In 2022, OTIS conducted investigations of 1,458 individuals and found substantiated allegations for 336 of those individuals, about 23 percent, according to the office's [interactive data tracking tool](#). The three most common types of alleged abuse were sexual abuse, neglect, and physical abuse.

The System of Care Advisory Council was established in 2019 by Senate Bill 1, which emerged out of a 2018 work group convened by the Governor, President of the Senate, and Chief Justice of the Supreme Court to address

HB 3333 A STAFF MEASURE SUMMARY

systemic challenges in addressing the needs of children with mental or behavioral health needs across the state's juvenile justice, child welfare, and health care systems. The 25-member council consists of representatives from across state government as well as health care organizations and providers, advocates, and members of the public with lived experiences in these systems. The council maintains a [data dashboard](#) and is responsible for coordinating and [reporting](#) on efforts to improve outcomes for youth across the systems of care.

Just culture models have been adopted in several workplaces in recent years, including in health care and manufacturing settings. The just culture model is intended to analyze errors committed by individuals at an organizational level in order to determine whether those individuals acted in good faith according to their training. According to the model, if an error is the result of insufficient training, then it is the organization, rather than an individual, who is at fault for the error, and the proper remedy would be improved training rather than punitive action against that individual.

House Bill 3333 A directs the System of Care Advisory Council to study the application of a just culture model in DHS investigations of child-caring agencies and establishes a grant program to train DHS investigators and employees of child-caring agencies in this model.