

SB 1521-10
(LC 78)
2/12/24 (LAS/ps)

Requested by Senator GELSER BLOUIN

**PROPOSED AMENDMENTS TO
SENATE BILL 1521**

1 On page 1 of the printed bill, line 2, after “individuals;” insert “creating
2 new provisions;” and delete “418.257” and insert “418.205, 418.210”.

3 Delete pages 3 and 4 and insert:

4 **“SECTION 2. Section 3 of this 2024 Act is added to and made a part
5 of ORS 418.205 to 418.327.**

6 **“SECTION 3. (1) For purposes of this section:**

7 **“(a) ‘Certified foster parent’ means a person whose home is a foster
8 home subject to ORS 418.625 to 418.645.**

9 **“(b)(A) ‘Placement safety or crisis supports’ means services for the
10 care or supervision of a child who is in the protective, temporary or
11 legal custody of the Department of Human Services under ORS chap-
12 ter 419B or 419C, regardless of the presence of a department employee
13 or certified foster parent, if the services are provided directly to the
14 child for the purpose of:**

15 **“(i) Ensuring the safety of the child and others when the child’s
16 needs or behaviors exceed the resources available in the child’s cur-
17 rent placement;**

18 **“(ii) Providing acute temporary lodging prevention supervision to
19 the child if the child is in substitute care, as defined in ORS 419A.004,
20 has needs or behaviors that exceed the resources available in the
21 child’s current placement and has been determined by the department,**

1 consistent with rules adopted by the department, to be at risk of ex-
2 periencing temporary lodging; or

3 “(iii) Providing daytime or nighttime care or supervision to the
4 child after the department has approved, consistent with rules adopted
5 by the department, the child for temporary lodging.

6 “(B) ‘Placement safety or crisis supports’ does not include:

7 “(i) Independent living program services;

8 “(ii) Mentoring;

9 “(iii) Services provided by a respite provider certified by the de-
10 partment;

11 “(iv) Services provided in a respite home certified by the depart-
12 ment;

13 “(v) Support or coaching services delivered to a child’s parents; or

14 “(vi) Services provided by a qualified mental health professional, a
15 qualified mental health associate or a licensed health care professional
16 acting within the scope of the professional’s license.

17 “(c) ‘Temporary lodging’ means time spent in a hotel, motel, inn,
18 short term rental or other setting approved by the department, con-
19 sistent with rules adopted by the department, due to a lack of appro-
20 priate placement in a foster home subject to ORS 418.625 to 418.645,
21 licensed child-caring agency or developmental disabilities residential
22 facility.

23 “(2) Notwithstanding ORS 418.015 and 418.495, the Department of
24 Human Services may enter into a contract for placement safety or
25 crisis supports only if the supports will be provided by a child-caring
26 agency licensed as required under ORS 418.215.

27 “SECTION 4. ORS 418.205 is amended to read:

28 “418.205. As used in ORS 418.205 to 418.327, 418.330, 418.470, 418.475,
29 418.950 to 418.970 and 418.992 to 418.998, unless the context requires other-
30 wise:

1 “(1) ‘Child’ means an unmarried person under 21 years of age who resides
2 in or receives care or services from a child-caring agency.

3 “(2)(a) ‘Child-caring agency’ means:

4 “(A) Any private school, private agency, private organization or county
5 program providing:

6 “(i) Day treatment for children with emotional disturbances;

7 “(ii) Adoption placement services;

8 “(iii) Residential care, including but not limited to foster care or resi-
9 dential treatment for children;

10 “(iv) Residential care in combination with academic education and
11 therapeutic care, including but not limited to treatment for emotional, be-
12 havioral or mental health disturbances;

13 “(v) Outdoor youth programs; [*or*]

14 “(vi) **Placement safety or crisis supports, as defined in section 3 (1)**
15 **of this 2024 Act, under a contract with the Department of Human**
16 **Services; or**

17 “[*vi*] (vii) Other similar care or services for children.

18 “(B) Any private organization or person that provides secure transporta-
19 tion services as defined in ORS 418.241 during any segment of a child’s trip
20 to or from a child-caring agency, certified foster home as defined in ORS
21 418.241 or developmental disabilities residential facility as defined in ORS
22 418.241, if the route of the child’s trip begins or ends in this state.

23 “(b) ‘Child-caring agency’ includes the following:

24 “(A) A shelter-care home that is not a foster home subject to ORS 418.625
25 to 418.645;

26 “(B) An independent residence facility as described in ORS 418.475 that
27 meets the standards established by the Department of Human Services by
28 rule to be considered a child-caring agency;

29 “(C) A private residential boarding school;

30 “(D) A child-caring facility as defined in ORS 418.950; and

1 “(E) A secure nonemergency medical transportation provider, as defined
2 in ORS 418.241.

3 “(c) ‘Child-caring agency’ does not include:

4 “(A) Residential facilities or foster care homes certified or licensed by the
5 Department of Human Services under ORS 443.400 to 443.455, 443.830 and
6 443.835 for children receiving developmental disability services;

7 “(B) Any private agency or organization facilitating the provision of re-
8 spite services for parents pursuant to a properly executed power of attorney
9 under ORS 109.056. For purposes of this subparagraph, ‘respite services’
10 means the voluntary assumption of short-term care and control of a minor
11 child without compensation or reimbursement of expenses for the purpose
12 of providing a parent in crisis with relief from the demands of ongoing care
13 of the parent’s child;

14 “(C) A youth job development organization as defined in ORS 344.415;

15 “(D) A shelter-care home that is a foster home subject to ORS 418.625 to
16 418.645;

17 “(E) A foster home subject to ORS 418.625 to 418.645;

18 “(F) A facility that exclusively serves individuals 18 years of age and
19 older; [or]

20 “(G) A facility that primarily serves both adults and children but requires
21 that any child must be accompanied at all times by at least one custodial
22 parent or guardian;

23 **“(H) A private agency, private organization or individual that pro-
24 vides home and community-based services as described in ORS 427.007
25 to children with intellectual or developmental disabilities as author-
26 ized by an individualized service plan developed in accordance with
27 ORS 427.154;**

28 **“(I) A nurse licensed under ORS 678.010 to 678.410, or an individual
29 under delegation from a nurse licensed under ORS 678.010 to 678.410,
30 providing services to a medically complex child; or**

1 **“(J) A licensed health care provider solely providing care related to**
2 **the physical health of a medically complex child, if the provider is**
3 **practicing within the scope of the provider’s license.**

4 “(3) ‘Child-caring facility’ has the meaning given that term in ORS
5 418.950.

6 “(4)(a) ‘County program’ means any county operated program that pro-
7 vides care or services to children:

8 “(A) In the custody of the Department of Human Services or the Oregon
9 Youth Authority; or

10 “(B) Under a contract with the Oregon Health Authority.

11 “(b) ‘County program’ does not include any local juvenile detention fa-
12 cility that receives state services provided and coordinated by the Depart-
13 ment of Corrections under ORS 169.070.

14 “(5) ‘Governmental agency’ means an executive, legislative or judicial
15 agency, department, board, commission, authority, institution or
16 instrumentality of this state or of a county, municipality or other political
17 subdivision of this state.

18 “(6) ‘Independent residence facility’ means a facility as described in ORS
19 418.475.

20 “(7)(a) ‘Outdoor youth program’ means a program that provides, in an
21 outdoor living setting, services to children who have behavioral problems,
22 mental health problems or problems with abuse of alcohol or drugs.

23 “(b) ‘Outdoor youth program’ does not include any program, facility or
24 activity:

25 “(A) Operated by a governmental entity;

26 “(B) Operated or affiliated with the Oregon Youth Corps;

27 “(C) Licensed by the Department of Human Services under other author-
28 ity of the department; or

29 “(D) Operated by a youth job development organization as defined in ORS
30 344.415.

1 “(8) ‘Private’ means not owned, operated or administered by any govern-
2 mental agency or unit.

3 “(9) ‘Private residential boarding school’ means either of the following
4 as the context requires:

5 “(a) A child-caring agency that is a private school that provides residen-
6 tial care in combination with academic education and therapeutic care, in-
7 cluding but not limited to treatment for emotional, behavioral or mental
8 health disturbances; or

9 “(b) A private school providing residential care that is primarily engaged
10 in educational work under ORS 418.327.

11 “(10) ‘Proctor foster home’ means a foster home certified by a child-caring
12 agency under ORS 418.248 that is not subject to ORS 418.625 to 418.645.

13 “(11) ‘Provider of care or services for children’ means a person, entity or
14 organization that provides care or services to children, regardless of whether
15 the child is in the custody of the Department of Human Services, and that
16 does not otherwise meet the definition of, or requirements for, a child-caring
17 agency. ‘Provider of care or services for children’ includes a proctor foster
18 home certified by a child-caring agency under ORS 418.248.

19 “(12) ‘Qualified residential treatment program’ means a program described
20 in ORS 418.323.

21 “(13) ‘Shelter-care home’ has the meaning given that term in ORS 418.470.

22 “**SECTION 5.** ORS 418.210 is amended to read:

23 “418.210. **Except as otherwise specifically provided by statute, ORS**
24 **418.205 to 418.327 [shall] do not apply to:**

25 “(1) Homes established and maintained by fraternal organizations wherein
26 only members, their spouses and surviving spouses in marriages and children
27 are admitted as residents;

28 “(2) Any foster home that is subject to ORS 418.625 to 418.645;

29 “(3) Any child care facility that is subject to ORS 329A.030 and 329A.250
30 to 329A.450;

1 “(4) Any individual, or home of an individual, providing respite services,
2 as defined in ORS 418.205, for parents pursuant to a properly executed power
3 of attorney under ORS 109.056;

4 “(5) Any private agency or organization facilitating the provision of re-
5 spite services, as defined in ORS 418.205, for parents pursuant to a properly
6 executed power of attorney under ORS 109.056; or

7 “(6) A shelter-care home that is subject to ORS 418.625 to 418.645.

8 “(7) Any governmental entity, other than a county program, that is a
9 provider of care or services for children, including but not limited to the
10 Oregon Youth Authority.

11 **“SECTION 6. (1) Notwithstanding ORS 418.215, a private school,
12 private agency, private organization or county program that is a
13 child-caring agency solely because it provides placement safety or cri-
14 sis supports as described in ORS 418.205 (2)(a)(A)(vi), and that is not
15 already a licensed child-caring agency, may continue to provide such
16 placement safety or crisis supports without a license through Decem-
17 ber 31, 2024.**

18 **“(2) Notwithstanding section 3 of this 2024 Act, the Department of
19 Human Services may continue to contract with an unlicensed child-
20 caring agency described in subsection (1) of this section to provide
21 placement safety or crisis supports, as defined in section 3 (1) of this
22 2024 Act, through December 31, 2024.**

23 **“(3) An unlicensed child-caring agency that is providing supports
24 as authorized in this section is subject to all other laws applicable to
25 child-caring agencies in this state.**

26 **“SECTION 7. This 2024 Act being necessary for the immediate
27 preservation of the public peace, health and safety, an emergency is
28 declared to exist, and this 2024 Act takes effect on its passage.”.**

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