

## HB 3168 STAFF MEASURE SUMMARY

### House Committee On Early Childhood and Human Services

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**Sub-Referral To:** Joint Committee On Ways and Means

**Meeting Dates:** 3/4, 3/25

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#### WHAT THE MEASURE DOES:

The measure directs the Department of Human Services (DHS) to require agencies to implement enhanced staffing ratios for individuals residing in residential training facilities and homes when the individual requires specific staffing ratios, or when the agency receives an exceptional service rate for the care of the individual. The measure requires residential training homes or facilities that serve a high-needs resident to provide a staff safety plan to DHS.

#### Detailed Summary:

- Defines agency, attendant care services, exceptional service rate, residential training facility and residential training home.
- Directs DHS to adopt rules to require an agency to implement enhanced staffing ratios when an individual resides in a residential training home or facility and:
  - The agency receives an exceptional service rate for the provision of attendant care services to the individual at a staff-to-individual ratio of one to one, two to one, or three to one; or
  - The individual requires a specific staffing ratio or pattern according to criteria prescribed by the department.
- Requires a residential training home or facility that serves a high needs resident to provide a staff safety plan that addresses emergency protocols, staff-to-supervisor ratios, and other staff safety issues to DHS.
- Becomes operative January 1, 2026, and permits DHS to take actions prior to the operative date to implement the requirements of the act.
- Takes effect on the 91<sup>st</sup> day following adjournment sine die.

**REVENUE:** *No revenue impact*

**FISCAL:** *Fiscal impact issued.*

#### ISSUES DISCUSSED:

- Current use of enhanced funding.
- Differences between ODDS facilities and other DHS facilities.
- Employee unions.
- Safety plans in other facilities.
- Number of facilities that currently exist.

#### EFFECT OF AMENDMENT:

No amendment.

#### BACKGROUND:

Residential training homes and facilities provide supportive living environments to individuals with intellectual or developmental disabilities (IDDs) who require 24-hour support, supervision, and training ([ORS 443.400](#)). [The Office of Developmental Disabilities Services](#) (ODDS), an office of the Department of Human Services (DHS), endorses, certifies, and licenses agencies that provide these services to children and adults with IDD. Individual Support Plans (ISPs) are developed for individuals with IDD. These plans include written details on the supports,

activities, and resources required by each individual and are reviewed at least on an annual basis ([OAR 411-317-0000](#)).

Individuals also complete the [Oregon Needs Assessment \(ONA\)](#) which is used to determine a person's service group. [Service groups](#) are based on an individual's needs and age, and range from "very low" to "very high." Individuals in the "very high" group may have very high general support needs, behavioral support needs, or medical support needs. Service groups provide a method to determine the number of service hours a person requires but does not determine the type of services a person receives.

[According to ODDS](#), all staffing ratios above 1:1 require exceptions. Local Case Management Entities (CMEs) or ODDS may issue exceptions if an individual requires staff ratios exceeding 1:1, or if an individual requires additional staff hours exceeding those assigned in their service group level, if certain criteria are met ([ODDS, 2024](#)). ONA scoring may provide indicators that suggest whether staffing greater than 1:1 is necessary but does not mandate increased staffing. An ISP team may identify a need for additional staffing even if the ONA does not indicate the additional staffing need, and the team may submit a request to ODDS for additional staffing. Under [OAR 411-450-0060](#), staffing ratios greater than 1:1 must be included in the ISP.