

SB 1112 STAFF MEASURE SUMMARY

Senate Committee On Human Services

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Meeting Dates: 4/3

WHAT THE MEASURE DOES:

The measure specifies requirements for ODHS to admit a child in its care or custody in an inpatient or residential facility for treatment. The measure specifies additional requirements if the treatment will be out-of-state, with exceptions for long-term residential placements.

Detailed Summary:

- Specifies requirements for ODHS to admit a child in its care or custody for inpatient or residential treatment, including:
 - A licensed health professional conducts a thorough in-person evaluation that meets certain conditions and concludes that inpatient or residential treatment is medically necessary;
 - The facility providing treatment is licensed or certified by OHA, or its equivalent if in another state, and the provider is regulated by OHA or its equivalent;
 - OHA has approved the admission and authorized payment through the Medicaid state plan; and
 - The child is currently placed with a resource family and will be expected to return to that placement upon being discharged from the treatment facility.
- Specifies additional requirements for ODHS to admit a child in its care or custody for inpatient or residential treatment in an out-of-state facility, including:
 - The child's physician concludes that hospitalization is medically necessary and has ordered the treatment;
 - The treatment is not available in Oregon or the hospital is within 60 miles of the state border and is the closest available hospital;
 - ODHS provides the child's foster parent with supports that enable regular, in-person contact with the child while receiving treatment out-of-state.
- Clarifies that treatment in an inpatient or residential treatment facility does not constitute a placement and does not affect the child's status as a child in care.
- Creates exception for residential placements in which 24-hour care is provided and a child does not have an ongoing placement to which they will return upon discharge.
- Declares emergency, effective on passage.

REVENUE: May have revenue impact, but no statement yet issued

FISCAL: May have fiscal impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Under longstanding Oregon law, the Department of Human Services (ODHS) is authorized to purchase care and treatment that is out-of-state for eligible children for whom no appropriate in-state option is available ([ORS 418.500](#)). In recent years, placements of Oregon children in out-of-state child-caring agencies became the subject of investigation and review after reports of treatment of children in some out-of-state facilities ([Associated Press, 2019](#)). In an informational presentation given to the Senate Committee on Human Services in April 2019, the Department of Human Services (ODHS) reported that 84 youth in the Oregon foster system were placed

out-of-state ([ODHS, 2019](#)). In 2020, the legislature enacted [Senate Bill 1605](#), which, among other changes, prohibited ODHS from placing a child in an out-of-state child-caring agency unless the agency met certain standards, including that the agency be licensed by ODHS under Oregon law. Additionally, [Senate Bill 707 \(2021\)](#) required ODHS to notify children who were placed out-of-state and their representatives of their rights to seek civil remedy and provide records and information about the out-of-state facility where they were placed.

Enacted in 2018, the [Family First Prevention Services Act](#) made significant changes to the allowable uses of federal funds authorized under Title IV-E of the Social Security Act, including by authorizing the use of Qualified Residential Treatment Programs (QRTPs). QRTPs are intended to be short-term, clinical treatment providers for youth that focus on treating acute conditions with a goal of returning the youth to their family or previous placement. [Senate Bill 171 \(2019\)](#) implemented provisions for ODHS to contract with QRTPs into Oregon law.