

## A-Engrossed Senate Bill 136

Ordered by the Senate April 18  
Including Senate Amendments dated April 18

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### SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

**Digest: The Act tells DHS when it may revoke the license of an IDD services provider. (Flesch Readability Score: 79.5).**

*[Digest: The Act allows DHS to deem an IDD services provider to be unqualified. (Flesch Readability Score: 63.4).]*

*[Authorizes the Department of Human Services to revoke a license, certificate or endorsement of a provider of community-based services to individuals with intellectual or developmental disabilities if the department deems the provider unqualified. Specifies the circumstances under which a provider shall be deemed unqualified.]*

**Requires the Department of Human Services, under specified circumstances, to revoke the license, certificate or endorsement of a provider of services to individuals with intellectual or developmental disabilities. Authorizes the department, under specified circumstances, to revoke, suspend or impose conditions on the license, certificate or endorsement of a provider.**

### A BILL FOR AN ACT

Relating to developmental disabilities services providers.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS chapter 427.**

**SECTION 2. (1) As used in this section:**

(a) "Agency" means an entity that is certified and endorsed by the Department of Human Services to provide services to individuals with intellectual or developmental disabilities.

(b) "Ownership interest" means:

(A) A direct or indirect ownership interest, or a combination of direct and indirect ownership interests, equal to five percent or more in an agency;

(B) An interest in any mortgage, deed of trust, note or other obligation secured by an agency if the interest equals at least five percent of the value of the property or assets of the agency;

(C) Holding the position of an officer or director of an agency that is organized as an entity;

(D) Holding the position of a partner of an agency that is organized as a partnership; or

(E) Holding the position of a member of the board of directors of an agency that has a board of directors.

(c) "Provider" means:

(A) An agency;

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (B) An adult foster home, as defined in ORS 443.705, that is licensed to provide residential  
2 care to individuals with intellectual or developmental disabilities; or

3 (C) A developmental disability child foster home, as defined in ORS 443.830.

4 (d) "Responsible person" means:

5 (A) A person who exercises operational or managerial control over, who has an owner-  
6 ship interest in or who directly or indirectly conducts the day-to-day operations of an agency;

7 (B) An owner, operator or resident manager of an adult foster home, as defined in ORS  
8 443.705, that is licensed to provide residential care to individuals with intellectual or devel-  
9 opmental disabilities; or

10 (C) An owner, operator or resident manager of a developmental disability child foster  
11 home, as defined in ORS 443.830.

12 (2) The Department of Human Services shall revoke the license, certificate or endorse-  
13 ment of a provider and deny any new application for a license, certificate or endorsement  
14 submitted by the provider:

15 (a) For at least 12 months if a responsible person denies the department access to a fa-  
16 cility or an individual receiving services or directs an employee or substitute caregiver to  
17 deny the department access to a facility or an individual receiving services.

18 (b) For at least 12 months if a responsible person alters, conceals, destroys or otherwise  
19 manipulates records or directs an employee or substitute caregiver to alter, conceal, destroy  
20 or otherwise manipulate records.

21 (c) For at least 36 months if a responsible person's persistent, egregious acts, failures  
22 to act or failures to adequately train or supervise employees or substitute caregivers led to,  
23 or reasonably would be expected to lead to, the death of or serious harm to an individual.

24 (3) If the department finds that the operations of a provider put the health, safety, rights  
25 or welfare of the individuals served by the provider at risk, the department may revoke,  
26 suspend or impose conditions on the license, certificate or endorsement of the provider. A  
27 suspension or condition imposed under this subsection may not be lifted until the department  
28 has confirmed that all concerns have been remediated.

29 (4) The department shall prescribe by rule when and for what length of time a provider  
30 may not hold a license, certificate or endorsement if the provider:

31 (a) Repeatedly violates an individual's rights;

32 (b) Fails to make a mandatory abuse report;

33 (c) Is the subject of repeated substantiated allegations of abuse;

34 (d) Fails to complete plans of correction in a timely fashion;

35 (e) Repeatedly fails to maintain appropriate, qualified staffing levels;

36 (f) Repeatedly fails to provide access to needed care or services;

37 (g) Repeatedly fails to document and report incidents as required by state or federal laws,  
38 rules or regulations;

39 (h) Repeatedly fails to provide adequate training to employees who are responsible for  
40 direct care; or

41 (i) Repeatedly fails to provide adequate supervision to employees who are responsible for  
42 direct care.