

Updated list of amendment requests submitted for SB 1113

v.032925

Delete Sections 1-4 (A second amendment request will be forthcoming if school folks decide they want to have language in this bill)

Retain Section 5, with the following changes:

- Revise page 5, lines 32-36 to read:

“Secure escort” means escort services for a child who poses a risk of elopement or where restraint, as defined in ORS 418.519, may be utilized if the child’s actions create a reasonable risk of imminent serious bodily injury to the child or others during involuntary transport to a congregate care residential program, foster home or developmental disabilities program that is not a hospital or health care facility certified by the Oregon Health Authority”
- On page 5, at the end of line 42 add “while transporting a child in care to a congregate care residential program, foster home or developmental disabilities program that is not a hospital or health care facility certified by the Oregon Health Authority.”
- Add language to this section that reads: “A secure nonmedical transportation company may not be used to transport a child in care to a hospital, health care or treatment facility that is certified by or contracted with the Oregon Health Authority or its equivalent in another state.”

Retain Section 6 with the following changes

- Page 7, line 20 amend definition of chemical restraint to read:

“Chemical restraint” means a drug or medication administered by any means that is used on a child in care to control behavior or restrict freedom of movement **and that is not:**

Prescribed by a licensed physician or other qualified health professional acting under the professional’s scope of practice for standard treatment of the child in care’s medical or psychiatric condition; and
Administered as prescribed by a licensed physician or other qualified health professional acting under the professional’s scope of practice.

- In Section 6 (pages 7-8) add:
 - A restraint does not include:
 - Brief physical contact to promote student safety that does not involve a use of force;
 - Providing physical guidance, cuing or prompting with a light touch when teaching a skill, redirecting attention or providing comfort when those actions do not include the use of force and the child in care does not resist the physical contact;
 - Physically escorting the child in care by temporarily touching the child in care's hand, wrist, arm, shoulder or back or temporarily holding the child in care's hand, arm or shoulder for the purpose of inducing a child in care to walk to a safe location when these actions occur without the use of force or taking control of the child in care's movement.
 - Briefly lifting a child in care with the least amount of force necessary to remove the child in care from immediate danger such as, but not limited to, running into a street or body of water, touching an object that may cause burns, scalds or other injuries or climbing on an unsafe structure

Retain Section 8, but modify as follows

- Remove the language about foster parents on page 11, lines 19-34 and replace with:
 - A certified foster parent, a DHS employee or any other person not explicitly authorized by ORS 418.XXX to impose a restraint upon a child in care is not prohibited from using the least amount of force necessary upon a child in care in an emergency to protect oneself or others from an imminent unlawful assault as described in xxx, sexual contact as described in xxx or to interrupt a suicide attempt in process as long as a prohibited restraint is not utilized.
- Add language that clarifies that use of a prohibited restraint is a violation for which the Department may take a licensing action.

Retain Sections 9

Retain Section 10 with the following modifications (note: this is a change from what was on the table at the hearing and in response to the concerns shared at the hearing about the current carve out for SCIP and SAIP. This restores status quo):

- In line 20, insert “(4) or: before (5)
- Delete lines 22-24: The child caring agency is a Secure Children’s Inpatient Program or a Secure Adolescent Children’s program;
- In line 25, replace “child caring agency “ with “secure children’s inpatient program or a secure adolescent children’s program”

Retain Section 11, except:

- On page 13, after “prioritize” insert “through explicit policy”

Retain Section 14, except:

- On page 18, At the end of line 25, add “described in this subsection.”

Retain Section 21, except:

On page 29, lines 26-29, restore the original language and delete the new language.

Retain Section 22, except:

Page 30, lines 9-18: restore original language and remove new language

Retain Section 23, except:

Restore all references to “regulated entity” with “child caring agency”

On page 34, delete “suspend or revoke the regulated entity’s license, certificate, endorsement or other authorization” and replace with: “take appropriate action on the license of the child caring agency.”

Remove Section 24

Retain Section 26, except:

On page 37, after line 26 add language that exempts **out of state facilities** from the requirement to be incorporated in order to be licensed.

Restore the language on page 37, lines 33-36 except on line 35 delete “licensed by the department” and replace with “other than a foster care or adoption agency”

On page 38, line 45 delete “during secure transportation” and replace with “while receiving secure transportation services.”

On page 39, after line 15 add a new (e) that requires notification of the state protection and advocacy center of the out of state placement

On page 39, line 23, after “secure transportation” insert “services”

Sunset the provisions on page 40 lines 25-45 and page 41 lines 1-40 on August 1, 2027.

Retain Section 27 except:

Add language discussed with LoriAnne that would allow a medically necessary admission to an in-state SUD treatment facility that does not primarily serve individuals under the age of 21 (this is to address the issue in testimony of the individual that died the day before her 18th birthday awaiting treatment)