

Testimony Opposing Senate Bill 811

Submitted by Raluca Nicorici Stoica, President, Oregon Care Home Council

Dear Members of the Senate Committee on Human Services,

My name is Raluca Nicorici Stoica, and I am the President of the Oregon Care Home Council.

I am submitting this testimony in opposition to Senate Bill 811 in its current form, which introduces the term “substantial compliance” without clearly defining its scope and application. While existing regulations, such as ORS 441.736 and OAR 411-054-0005, offer a definition, the interpretation remains highly subjective. This lack of clarity creates significant challenges for adult care homes, which operate under a unique model distinct from larger residential care facilities.

Adult care homes provide a vital, highly individualized alternative to institutional settings, fostering a family-like environment with personalized care. Unlike larger long-term care facilities, adult care homes have smaller resident populations, allowing for a more intimate and tailored approach to caregiving. Applying a broad and ambiguous standard of “substantial compliance” to these settings leaves room for inconsistent enforcement, unnecessary regulatory burdens, and undue stress on providers who already strive to meet and exceed care standards.

Additionally, Senate Bill 811 fails to address the lack of standardized training for all licensing agency staff who conduct in-person inspections for the licensing and relicensing process. The absence of mandatory training on Oregon Administrative Rules (OARs) has resulted in discrepancies in how regulations are interpreted and enforced by different licensors across various counties. Inconsistencies in inspections create confusion and frustration among providers and can lead to unfair penalties or corrective actions based on subjective or misapplied interpretations of the law. To ensure fair and consistent enforcement, all licensors should be required to undergo comprehensive and uniform training that explicitly covers the relevant administrative rules and ensures standardized application statewide.

Furthermore, the licensing agency should not have the unilateral legal authority to adopt financial standards for applicants as it deems appropriate. The establishment of financial criteria must be based on clear, legislatively approved guidelines rather than arbitrary agency rulemaking. Granting the agency unchecked power to determine financial qualifications could result in unfair or inconsistent barriers to entry for prospective providers, ultimately limiting access to high-quality care.

Another major issue that Senate Bill 811 grants excessive and inappropriate authority to the licensing agency in areas that extend beyond its legal and professional expertise. Specifically, the agency does not possess legal knowledge or statutory authority to determine which criminal convictions or types of abuse should permanently prohibit a person from operating, working in, or residing in an adult foster home. Such determinations should be made through legislative processes, ensuring due process and fairness, rather than through agency discretion.

To ensure fair and effective oversight, I respectfully urge the committee to consider the following:

Clarify the Definition of Substantial Compliance – The bill must include a precise and well-defined standard, ensuring that it is consistently applied and appropriately tailored to different care settings.

Recognize the Uniqueness of Adult Care Homes – Regulations should acknowledge the distinct operational realities of adult care homes, preventing one-size-fits-all standards that disproportionately impact smaller providers.

Restrict Licensing Agency Overreach – The agency should not be granted legal authority to independently define disqualifying criminal convictions or financial eligibility standards without legislative oversight.

Mandate Licensors Training on Oregon Administrative Rules – All licensing staff conducting inspections must undergo standardized training to ensure consistent interpretation and enforcement of regulations statewide.

Increase Stakeholder Involvement – The voices of adult care home providers must be included in shaping compliance standards. Engaging with providers, our council specifically, will help ensure that the law supports high-quality care without imposing impractical or arbitrary regulatory expectations.

The Oregon Care Home Council is committed to advocating for policies that promote both quality care and fair treatment of the residents we care for and well as the providers.

I urge the committee to reconsider the provisions of Senate Bill 811 to prevent unintended consequences that could disrupt care for Oregon's most vulnerable populations.

Thank you for your time and consideration.

Sincerely,

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