

Comparison of elements of 418.260

<b>Provision</b>	<b>Current Law</b>	<b>SB 1534</b>	<b>HB 3835 (2025)</b>
<b>Review of application</b>	Not stated in this portion of statute	Complete and detailed review of each application for an initial license or a license renewal	Not stated
<b>Ongoing monitoring</b>	Inspection undertaken pursuant to ORS 418.255	Monitor the ongoing compliance of the CCA by, at a minimum, responding to and assessing reports or allegations of noncompliance  <i>(Note: ODHS is currently required to respond to and assess reports or allegations of noncompliance)</i>	Inspection undertaken pursuant to ORS 418.255
<b>How Department receives information that requires action</b>	Receives a report or otherwise becomes aware	Becomes aware by any means	Receives a report or otherwise becomes aware
<b>What information requires action</b>	Any suspected or founded abuses, deficiencies, violations or failures to comply with the full compliance requirements described in ORS 418.240 are occurring in a child caring agency	Any actual or suspected failure of a CCA to maintain substantial regulatory compliance or full compliance with requirements related to the health, safety, welfare or rights of children in care	Any suspected or founded abuses, deficiencies, violations or failures to comply with the full compliance requirements described in ORS 418.240 are occurring in a child caring agency
<b>Timeline for action</b>	Immediately	Immediately	Immediately

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Based on SB 1534 with the -3 Amendments

<p><b>Notifications required</b></p>	<p>Appropriate personnel within the department, including but not limited to employees responsible for licensing, certifying or authorizing child-caring agencies.</p> <p>If the CCA is known or found to serve children also served by OYA, county juvenile departments or DD services within the department, the department shall notify those entities of the report or suspected or founded abuses, deficiencies, violations or failures.</p> <p>The Department MAY notify law enforcement agencies as necessary to coordinate and assist in the investigation and enforcement of corrective actions</p>	<p>Individuals in the department responsible for monitoring the CCA</p> <p>(Other notifications in current statute removed unless the violations are found to have occurred)</p>	<p>Same as current law</p>
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	<p>undertaken by the department.</p> <p>Department shall notify any governmental agency that has a contract with the CCA of any suspension or revocation or conditions placed on the license, certificate or other authorization</p>		
<b>Action required after notification</b>	<p>Investigate and take appropriate action without undue delay, with primary concern given to the health, safety and welfare of the children for whom the child-caring agency is responsible.</p>	<p>Immediately conduct a complete and detailed assessment to determine whether the CCA is in compliance</p>	<p>Investigate and take appropriate action without undue delay, with primary concern given to the health, safety and welfare of the children for whom the child-caring agency is responsible.</p>

<b>Follow up to assessment/investigation</b>	<b>Current Law</b>	<b>SB 1534</b>	<b>HB 3835 (2025)</b>
<b>What is the scope of true allegations that require further action</b>	If abuses, deficiencies or failures to comply are founded by the department or law enforcement agencies	If the department finds the CCA is not in compliance	If abuses, deficiencies, violations or failures to comply seriously endanger the health, safety or welfare of any child or the public, or threaten to do so
<b>Actions to be taken:</b>	May suspend, revoke or place conditions on the license	Take immediate and appropriate action to ensure that the CCA comes into compliance	May suspend, revoke or place conditions on the license
<b>Revoke license, certificate or other authorization</b>	Revocation permitted	Revocation permitted- but with new sideboards ensuring revocation only in specified circumstances	Revocation permitted
<b>Temporarily suspend license, certificate or other authorization</b>	Temporary suspension permitted	Temporary suspension permitted	Temporary Suspension permitted
<b>Place conditions on license, certificate or other authorization, including but not limited to placing a full or partial restriction on the admission of children</b>	Conditions that may include placing full or partial restrictions on admission	Conditions that may include placing a full or partial restriction on the admission of children	Conditions that may include placing full or partial restrictions on admission
<b>Imposing a limitation of operations subject to an intent to revoke</b>	Impose a limitation of operations subject to an intent to revoke	Impose a limitation of operations subject to an intent to revoke	Impose a limitation of operations subject to an intent to revoke
<b>Limitation of operations</b>	NA	Imposing a limitation of operations subject to a	NA

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		correction of the violations as specified in a plan of correction	
<b>Enhanced oversight</b>	NA	Subjecting the child-caring agency to enhanced oversight	NA
<b>Training</b>	NA	Require additional training for the employees or agents of the child-caring agency	NA
<b>Fines or Civil Penalties</b>	NA in this section of law, but permitted under other part of statute	Imposing fines or civil penalties	NA in this section of law, but permitted under other part of statute
<b>Plan of Correction</b>	<b>Current Law</b>	<b>SB 1534</b>	<b>HB 3835</b>
<b>Time to cure deficiency</b>	45 days from the effective date of the plan of correction	45 days from effective date of plan of correction	45 days from the effective date of the plan of correction
<b>Action Department may take if deficiency not timely cured</b>	May immediately suspend or revoke the license	May immediately take appropriate action on the agency's license, certificate or other authorization	May immediately suspend or revoke the license

Considerations when determining action to take for noncompliance	Current Law	SB 1534	HB 3835 (2025)
	Not addressed	Ensure all necessary actions are taken to protect the health, safety, rights and welfare of children in care and the general public	Not addressed
	NA	Consider whether the violation is temporary or systemic	NA
	NA	Consider whether this is a repeat violation or part of a pattern of frequent or ongoing violations	NA
	NA	Consider the timeliness and thoroughness of the CCA's cooperation with the department in its thorough assessment of the concerns	NA
	NA	Consider any unique circumstances, other than system capacity, that impact the noncompliance	NA

<b>Limitations on authority to suspend or revoke a license, certification or authorization</b>	<b>Current Law</b>	<b>SB 1534</b>	<b>HB 3835 (2025)</b>
<b>Why license can be suspended or revoked</b>	Not addressed	The department may not take action to suspend or revoke a CCA license, certification or authorization unless:	Not addressed
	NA	The violation or violations pose an imminent risk to the health, safety, rights or welfare of children in care, the general public or staff of the facility	NA
	NA	The violation or violations are part of a pattern of frequent or repeated noncompliance	NA
	NA	The department first took less punitive actions and the CCA failed to comply or failed to maintain compliance	NA
	NA	The suspension or revocation is otherwise authorized or required by state or federal law	NA

## When notice of intent to revoke is mandatory:

Current Law	SB 1534	HB 3835
There has been the death of a child as a result of abuse or neglect on the part of the agency or any of the agency's employees or agents	A) There has been the death of a child as a result of abuse, neglect <b>or regulatory noncompliance</b> on the part of the agency or any of the agency's employees or agents.	NA
There has been sexual or physical abuse or neglect of a child in the agency's care or custody that was known to the agency and the agency did not take immediate steps to report the abuse or neglect and to ensure the child's safety	The agency failed to take reasonable action to remedy, prevent or end the abuse of any child in the agency's care or custody, despite having knowledge that sexual or physical abuse or neglect of a child in the agency's care or custody was occurring	NA
The agency failed to cooperate fully with any local, state or federal regulatory entity's investigation of the agency or of the agency's operations or employees.	The agency's <b>managers or other relevant employees of the agency</b> failed to cooperate fully with any local, state or federal regulatory <b>authority's investigation or assessment</b> of the agency or of the agency's operations or employees.	NA
The agency failed to provide financial statements as required under ORS 418.255.	NA	NA



## When action is mandatory, but ODHS can choose revocation, suspension or Condition

Current Law	SB 1534	HB 4042
NA		There has been the death of a child as a result of abuse or neglect on the part of the agency or any of the agency's employees or agents
NA		There has been sexual or physical abuse or neglect of a child in the agency's care or custody that was known to the agency and the agency did not take immediate steps to report the abuse or neglect and to ensure the child's safety
NA		The agency failed to cooperate fully with any local, state or federal regulatory entity's investigation of the agency or of the agency's operations or employees.
NA	The agency failed to provide financial statements as required by ORS 418.255	The agency failed to provide financial statements as required under ORS 418.255.
	There has been sexual or physical abuse or neglect of a child in the agency's care or custody that was known to the agency and the agency did not take immediate steps to report the abuse or neglect (to be added by amendment)	