



Legislative Summary

2019

2019 Regular Session of the Oregon Legislative Assembly



Oregon’s annual legislative session ended on June 30, 2019. There were 2,768 bills, memorials and resolutions introduced during the 2019 session and of those, the legislature passed 779. The Department of Human Services (DHS) was tracking 1,085 bills and of those the legislature passed 254.

Legislators advanced several bills, memorials and resolutions that directly or indirectly affect DHS. If you have questions about 2019 human services related legislation, please contact government relations staff.

Director:		
Fariborz Pakseresht		503-945-7001
Deputy Director:		
Liesl Wendt		503-934-5202
Program Directors:		
Ashley Carson-Cottingham	Office of Aging and People with Disabilities	503-947-1100
Jana Mclellan	Interim Child Welfare	503-945-6953
Lilia Teninty	Office of Developmental Disabilities Services	503-945-6918
Dan Haun	Self Sufficiency	971-352-1446
Keith Ozols	Vocational Rehabilitation	503-945-5679
Government Relations Staff:		
Leah Horner	DHS Legislative Director	503-508-6915
Cynthia Stinson	Senior Legislative Policy Analyst (APD & SSP)	503-508-5990
Soren Metzger	Senior Legislative Policy Analyst (ODDS & VR)	503-277-9602
Nicole Stapp	Legislative Policy Analyst (Shared/Central, OEMS, Tribal Affairs)	971-719-0123
Chelsey Herrmann	Legislative Assistant	503-586-6672
Reyna Aguiar	Session Staff	503-983-6214
Patty O’Sullivan	Session Staff	503-580-0630

Copies of 2019 enrolled bills (the copy that the Governor signs) may be found on the legislative web site: <https://olis.leg.state.or.us/liz/2019R1/Measures/list/>

Measures as they were signed into law are known as “session laws” and are available on the legislative web site under Oregon Laws. Permanent laws passed during the 2019 Legislative Session will not be codified until the 2019 edition of the Oregon Revised Statutes is released. The 2019 ORS will be distributed and made available online in January or February 2020.



Table of Contents

Preface		2
Legislation Passed		6
House Measures		6
HB 2027	Regulation of Child Care Providers	6
HB 2032	Relating to Temporary Assistance for Needy Families (TANF) Program	6
HB 2033	Education Requirements for DHS Child Welfare Workers	7
HB 2094	Considering Debt Owed to the State by Bidder or Proposer	7
HB 2227	Mandatory Reporters to Include Animal Control Officers	7
HB 2346	Establishes Task Force on Access to Quality Affordable Child Care	7
HB 2508	Funding through DHS for Refugee Resettlement Agencies	8
HB 2524	Information on How to Access Long-Term Care Ombudsman	8
HB 2571	Higher Education Tuition Waivers for Foster Children	8
HB 2600	Prevention of Communicable Diseases	9
HB 2601	Clarification on the Role of Guardians	9
HB 2849	Custody of Runaway Youth	9
HB 2973	Increases Terms of Office of Advocacy Commission Members	10
HB 3183	TANF Suspension Resolution and Modernization	10
HB 5005	General Obligation and Revenue Bond Authorization	10
HB 5026	Oregon Department of Human Services Budget	10
HB 5050	Emergency Board Allocation	12
HCR 38	Deadlines for Introduction of 2020 Legislative Measures	13



Senate Measures

SB 1	Youth with Specialized Needs	14
SB 19	DHS Omnibus Bill	14
SB 20	ODDS Case Management	14
SB 155	Investigations of Suspected Abuse in School Settings	15
SB 171	Family First Compliance/Out of State Placement Report	15
SB 181	County Operated Programs and County Juvenile Departments	16
SB 415	ODE Employees, School Board/Public Charter Members as Mandatory Reporters	16
SB 474	Damages from Child Wrongful Death	16
SB 475	Abbreviated School Day Program for Foster Youth	17
SB 490	Child Care Regulation of Substantiated Child Abuse	17
SB 491	Fairview Housing Trust Fund Shift	17
SB 492	Reunification Supports for Parents with Disabilities	17
SB 493	Human Rights Commission Establishment	18
SB 494	Integrated Employment Opportunities for Individuals with Disabilities	18
SB 669	Requirements for Licensing of In-Home Care Agencies	18
SB 725	DHS and OHA Background Check Parameters	19
SB 729	Modifies Elderly Persons and Persons with Disabilities Abuse Prevention Act	19
SB 775	State Background Checks for Employees	19
SB 804	Cross Reporting of Alleged Child Abuse	20
SB 809	Substantiated Abuse History in Background Checks	20
SB 815	Residential Care Facilities Notices to Residents	20
SB 832	Critical Incident Review Teams	21
SB 855	Refugee Licensing Study	21
SB 905	Voluntary Foster Care School of Residency	21
SB 917	Disclosure of Information Related to Abuse	22
SB 924	Placement of Out of State Runaways	22
SB 994	Criminal Records Check on Noncustodial Parent	22
SB 1039	Health Care Advocate	23



Legislation Considered (Not Passed)	24
Family Dependency Treatment Court Pilot Program (HB 2258)	24
Governor’s Child Foster Care Advisory Commission; Staff Support (HB 2332)	24
Establishes Foster Parent Ombudsman in DHS (HB 2337)	24
Universal Provider Number (HB 2569)	24
Establishes Homeownership Repair and Rehabilitation Program (HB 2802)	25
Establishes Oregon Youth Aging Out of Foster Care Task Force (HB 2805)	25
Oregon Project Independence, Requires Study to Expand Pilot Statewide (HB 2908)	25
Timeframe for Foster Home Application Process (HB 2951)	26
Gatekeeper Program to Serve Seniors and People with Disabilities (HB 2963)	26
Creating a Trauma Informed Practice Integration Program (HB 2969)	26
Tuition and Fee Waivers for Adopted Foster Children (HB 3015)	26
Third-Party Child Care for Foster Parents (HB 3041)	27
Centers for Independent Living Investments (HB 3122)	27
Child Welfare Caseworker Workload Review (HB 3191)	27
Support Service Providers to Individuals who are Deaf-Blind (HB 3206)	27
Establishes Office of Oregon Ombudsmen and Advocates (HB 3254 & SB 1036)	28
Pilot Program to Increase APD Adult Foster Home Resident Limit (HB 3270)	28
Plant Based Meals in Certain Hospital and Long-Term Care Facilities (HB 3342)	28
Yamhill County Community-Based Child Welfare Pilot (HB 3383)	28
Continued Access to Care After Relocation for Foster Youth (HB 3429)	29
Foster Youth Transition from Community Colleges to Public Universities (SB 158)	29
Establishes Center of Excellence on Behavioral Health (SB 174)	29
Support Service Brokerages Age Limit Modification (SB 274)	29
Supported Decision Making (SB 681)	30
Annual In-Person Case Planning with Youth (SB 745)	30
Oregon Deaf and Hard of Hearing Services Program Expansion (SB 795)	30
Notice for Voluntary Adoption Options (SB 814)	30
Sexual Conduct by School Employees (SB 912)	31
Hotelkeepers and Innkeepers as Mandatory Reporters (SB 921)	31
Establishing a Tax Credit for Donations to Community Agencies (SB 964)	31
Foster Youth Reimbursements for Transportation Expenses (SB 1043)	31
Budget Notes	32
Index	34



House Measures

Regulation of Child Care Providers

House Bill 2027

SCS and SSP

Effective date: January 1, 2020

House Bill 2027 enhances background checks conducted on individuals applying to enroll in the Child Care Central Background Check Registry. The Office of Child Care in the Early Learning Division maintains the registry which includes operators, employees and contractors from several child care settings. After an individual applies to be enrolled in the registry the following checks occur; a state and national criminal records check, a check of other databases and registries as determined by rule, child and adult abuse history checks, and foster care certification checks. Due to federal block grant requirements, a name-based check of the national sex offender registry must also occur. To accomplish this, House Bill 2027 authorizes and requires the Department of State Police to conduct a check of the national sex offender registry when requested by an authorized agency which would include entities such as the Office of Child Care and the Department of Human Services.

Additionally, House Bill 2027 equips the Office of Child Care with the authority to conduct numerous activities relating to investigations and inspections and requires them to give contested case hearing rights to child care providers who have licensing conditions imposed on them.

Relating to Temporary Assistance for Needy Families (TANF) Program

House Bill 2032

SSP

Effective date: Effective upon passage

House Bill 2032 establishes three pilot programs serving Oregon families receiving TANF services. Funding is included in the DHS budget, HB 5026. The pilots include:

\$10.5 million in TANF funds for housing pilot program. Oregon Housing and Community Services (OHCS), in consultation and collaboration with DHS will fund up to four pilot projects to provide referral, housing assistance and leveraging of local housing resources to stabilize housing for families receiving TANF services. The pilots will gather data on the housing needs of families utilizing TANF. Report due to the interim human services committees no later than September 15, 2021.

\$1.5 million in GF from DHS to OHA for mental and behavioral health pilot program. Oregon Health Authority with funding through DHS will award up to four pilot projects to Coordinate Care Organizations to assess potential gaps in access to mental and behavioral health services by TANF recipients. Report due to the interim committees on health not later than March 22, 2022.

\$3.5 million in TANF funds for an education and training pilot program. This pilot will provide educational opportunities and vocational training to TANF recipients to assist them in being more competitive in the job market and achieve careers that allow for financial stability. It expands opportunities for TANF recipients and may include continuous one-on-one coaching, fostering professional network relationships and providing support services payment for tuition, books and supplies. Report due to the interim human services committees no later than September 15, 2021.



Education Requirements for DHS Child Welfare Workers

House Bill 2033

CW and SCS

Effective date: January 1, 2020

House Bill 2033 modifies the degree requirements for individuals who conduct child abuse investigations or make determinations regarding protective custody of children to allow individuals who have an associate degree with additional training to qualify for the position. It also specifies that if an individual is using a bachelor's degree to qualify that the bachelor's degree must be in Human Services or a field related to human services, which is in alignment with current HR hiring practices.

Considering Debt Owed to the State by Bidder or Proposer

House Bill 2094

SCS

Effective date: September 29, 2019

House Bill 2094 allows contracting agencies to consider whether a bidder or proposer for a public contract owes a liquidated and delinquent debt to the state. Prior to executing a contract, contracting agencies are required to determine if a bidder or proposer is responsible by looking at several factors including but not limited to their experience with similar contracts, their availability of appropriate resources such as equipment and personnel, and their legal qualifications. Guidance on the application of this authority will be provided in rules established by the Department of Administrative Services.

Mandatory Reporters to Include Animal Control Officers

House Bill 2227

CW and SCS

Effective date: January 1, 2020

House Bill 2227 expands mandatory reporters to include animal control officers due to potential overlap they have in their work with identification of possible abuse situations involving children.

Establishes Task Force on Access to Quality Affordable Child Care

House Bill 2346

SSP

Effective date: Effective upon Passage

House Bill 2346 acknowledges the need for quality and accessible child care for Oregonians. It establishes a Task Force on Access to Quality Affordable Child Care made up of 23 appointed members. The Task Force will solicit input from underserved populations, research past and current use of child care subsidies, study state and federally funded child care and early learning programs to develop recommendations to improve access and affordability of child care and to report recommendations to Legislative Assembly no later than September 15, 2020. This bill sunsets December 31, 2020.



Funding through DHS for Refugee Resettlement Agencies

House Bill 2508

SSP and SCS

Effective date: July 1, 2019

House Bill 2508 reduces the impacts of reduction in federal funding on both refugees as well as on the Resettlement Agencies who initially resettle refugees in the state; to provide stable and well defined social services for up to two years to refugees who are within five years of arrival; to retain the specialized social services refugees need to become self-sufficient; and to provide coordination of employment services through an employment service provider.

This bill appropriates \$2.0 million from the General Fund to DHS for refugee resettlement services. DHS will award \$1.8 million in grants to Resettlement Agencies and \$200,000 to an employment service provider. DHS currently funds Resettlement Agencies with TANF dollars, these General Funds will be in addition to the federal funds.

Information on How to Access Long-Term Care Ombudsman

House Bill 2524

APD

Effective date: May 14, 2019

House Bill 2524 requires nursing facilities, residential care facilities, assisted living facilities and adult foster homes to provide new residents with information about the services of the Long-Term Care Ombudsman. HB 2524 specifies that the targeted population are people living in a long-term care facility or older adults and people with physical disabilities who are residents of adult foster homes. Language in the bill also clarifies that the Long-Term Care Ombudsman or designee is not required to report abuse if the report would violate federal law (42 U.S.C. 3058g(d)).

Higher Education Tuition Waivers for Foster Children

House Bill 2571

CW

Effective date: June 04, 2019

House Bill 2571 allows current or former foster children under 25 years of age to be eligible for tuition waiver if enrolled in courses totaling one or more credit hours at an institution of higher education and pursuing undergraduate degree for the 2019-2020 academic year.



Prevention of Communicable Diseases

House Bill 2600

APD

Effective date: January 1, 2021

House Bill 2600 defines specific licensure, inspection reporting and training requirements for long-term care facilities, as it relates to preventing communicable diseases. This includes: requiring personnel at specified facilities to receive training to recognize disease outbreaks and infection control at the time of hiring, requiring specified facilities to establish and maintain infection prevention and control protocols for a safe, sanitary, and comfortable environment that prevents development and transmission of communicable diseases, requiring facilities to designate an individual to be responsible for infection prevention and disease control protocols; requiring DHS, in coordination with OHA, to communicate regularly with facility administrators on best practices and prevention protocols, requiring DHS to inspect kitchens and other areas where food is prepared annually, requiring DHS to conduct onsite inspection of kitchen and other areas where food is prepared upon receipt of a license application and fee to operate a facility; and requires Long-Term Care Ombudsman to notify DHS or OHA of disease outbreaks reported by residents.

This bill also authorizes DHS, in consultation with OHA, to notify facilities in a community where an elevated risk of infectious disease outbreak exists, allows DHS to charge an inspection fee and permits OHA to establish when disease must be reported in rule.

Clarification on the Role of Guardians

House Bill 2601

ODDS

Effective Date: January 1, 2020

House Bill 2601 requires guardians to use substituted judgment standard for decision-making on behalf of a protected person while promoting self-determination and encouraging participation in decision-making. This bill also prohibits guardians from limiting a protective person's ability to associate with third parties unless necessary to avoid unreasonable harm to health, safety, or well-being and establishes remedies should the guardian unreasonably limit the person's associations.

Custody of Runaway Youth

House Bill 2849

CW

Effective date: January 01, 2020

House Bill 2849 modifies provisions of state law regarding custody of children or youth who have run away from home or placement to apply to all runaways. The bill updates standards under which a child may be taken into protective custody without a court order while specifying that a child may be taken into protective custody by a peace officer, counselor, or employee of Department of Human Services (DHS) only when there is reasonable cause to believe that there is an imminent threat of severe harm to the child; the child poses an imminent threat of severe harm to self or others; the child has run away from home; or there is an imminent threat that the child's parent or guardian will cause the child to be beyond the reach of the juvenile court before an assessment of abuse allegations could be completed or before the court can order that the child be taken into protective custody.



Increases Terms of Office of Advocacy Commission Members

House Bill 2973

APD

Effective date: January 1, 2020

House Bill 2973 modifies the length of term limits for five advocacy commissions: The Commission on Asian and Pacific Islander Affairs; The Commission on Black Affairs; The Commission on Hispanic Affairs; The Commission for Women; and The Oregon Disabilities Commission.

The modification in the bill, changes the allowed maximum commission appointment from two consecutive three-year terms to two consecutive four-year terms. However, legislative commission members will continue to serve only two-year terms.

TANF Suspension Resolution and Modernization

House Bill 3183

SSP

Effective date: July 1, 2019

House Bill 3183 establishes a stronger focus on family stability, effective engagement, mental health and substance use and housing considerations for TANF families. This bill adds clarifying language to indicate that DHS will offer resources, referrals and services for education and training, mental health and addiction treatment, housing and child care. This bill also allows DHS to provide aid to TANF families for up to 12 months and eliminates the need for the Department to continue to suspend portions of the statute each legislative session.

General Obligation and Revenue Bond Authorization

House Bill 5005

SCS, SSP and APD

Effective date: July 1, 2019

House Bill 5005 is the authorization bill for general obligation bonds, revenue bonds, certificates of participation and other financing agreements for the 2019-2021 biennium. House Bill 5005 contains a bond authorization for the Department of Human Services' ONE Integrated Eligibility and Medicaid Eligibility (ONE IE & ME) Project. The \$34,675,000 in bond proceeds will be used to support the project.

Oregon Department of Human Services Budget

House Bill 5026

Effective date: July 1, 2019

HB 5026 was the agency budget bill for the Department of Human Services. The Legislative Approved Budget (LAB) included a 20 percent increase from the 17-19 LAB. Some of the highlights include:

Aging and People with Disabilities

- 15 positions for Nursing Facility Surveyors.
- four caseworker positions to be stationed in hospitals.

- three positions to implement HB 2600 (see page nine).
- Use of one-time carryover provider tax to fund:
 - Increasing ALF/RCF/MC/IHA and PACE rates by five percent July 1, 2019 and an additional five percent on July 1, 2020.
 - Increase APD Adult Foster Home rates by 10 percent effective January 1, 2020 and five percent on July 1, 2020.
 - 20 positions for Community Based Care Surveyors to comply with licensing timelines.
 - 143 positions for both local office staffing and Area Agencies on Aging.

Office of Developmental Disabilities

- CDDP and Brokerages: \$13 million General Fund (\$22.9 million total funds) to add the equivalent of 149.55 FTE under a newly updated workload model that captures complex case management activities and effort required to use the new assessment tool, the Oregon Needs Assessment.
- Funds increases in provider rates with an expectation of a four percent or less increase in fiscal year one. Implements new rate models for fiscal year two and allows for funding to providers to get to average Direct Support Professional wages as close to \$15 an hour as possible by the end of the biennium.
- Enhanced I/DD foster care services to about 140 youth and allows for increased capacity of 12 additional beds within the Children's Residential service (See SB 1, page fourteen).
- Transfer the balance of the Fairview Trust from the Department of Human Services to the Oregon Community Foundation on January 1, 2020 (See SB 491, page seventeen).

Child Welfare

- Transfers the Homeless and Runaway Youth program from Child Welfare to Self Sufficiency.
- Adds 268 Child Welfare positions.
- Aligns AAG budget to fund legal representation for child welfare workers state wide.
- Adds 46 positions to further support Oregon Child Abuse Hotline.
- Adds 17 positions for a foster parent recruitment and retention team.
- Adds budget to the Child Care for Foster Parents program and Post Adoption Services using Applicable Child Adoptions savings, expands child care age range through age 12.
- Reduces Focused Opportunities for Children Utilizing Services (FOCUS) budget by 25 percent.
- Reduces Strengthening Preserving Reunifying Families (SPRF) budget by 50 percent.
- Adds 16 Mentoring Assisting Promoting Success positions.
- Expands the KEEP program statewide. KEEP is a Foster Parent Support Pilot Program serving Multnomah and Washington Counties DHS foster families. The Program is designed to enhance placement stabilization of foster youth in their foster home. The program provides enhanced trauma informed training for foster parents, including relative foster parents, through individual and group sessions, weekly phone contact and behavioral intervention support. The program focuses on parent training and coaching.
- Restores Leveraging Intensive Family Engagement (LIFE) funding and FTE post October 1, 2019 at 17-19 level.
- Strengthening Therapeutic Forster Care, specialized recruitment, training to serve 169 youth.
- CCWIS funding to begin project including nine positions at 9.00 FTE.

CW SPA

- \$4M SPA for 2020 session relating to Family First Prevention Services is in the Emergency Boards allocated budget for Family First implementation purposes. DHS will be expected to request these funds as needed at an emergency board or during the February or other special session.



SSP

- A TANF federal funded investment to augment the existing Housing Stability Program (HSP), increasing the amount of TANF funds distributed statewide through Oregon Housing and Community Services (OHCS) to local Community Action Agencies. (See HB 2032 on page six).
- A TANF federal funded investment to establish a TANF housing pilot with up to four pilot programs areas, behavioral health pilot, an education and training pilot. (See HB 2032 on page six).

VR

No GF changes were made in the LAB to the VR CSL.

LAB includes three staff (3.00 FTE) including two Pre-Employment Transition Service Coordinators to meet this need and one position to handle the data entry elements of this mandate. These positions are budgeted through Other Funds.

Central Shared and SAEC

- Funds anticipated maintenance and operations costs of the Centralized Abuse Management system (CAM) including three positions.

Emergency Board Allocation

House Bill 5050

Effective date: Effective upon passage

House Bill 5050 was the Emergency Board Allocation bill that had some specific budgetary impacts to the Department of Human Services, including:

- \$10 million through the Eboard reservation for the Child Welfare program as the agency continues to implement its action plan to improve child safety, stabilize the workforce, and help foster families. A request for allocation of the reservation from the Emergency Board for efforts or initiatives not covered within the existing budget upon evidence that the additional funding will result in demonstrative improvements in Oregon's child welfare system, may be made.
- Expenditure limitation to fund the components of HB 2032 (see page six).
- \$1,300,000 General Fund, on a one-time basis, for the Oregon Hunger Response Fund, which sustains the 2017-19 funding level. Funding is expected to help the Oregon Food Bank, through its network of 21 regional food banks, acquire and distribute more than one hundred million pounds of food annually to approximately 1,200 food assistance sites.
- \$1,500,000 General Fund for the Double Up Food Bucks program, also on a one-time basis, to incentivize fruit and vegetable consumption among Supplemental Nutrition Assistance Program (SNAP) recipients. Under this program, when clients use their SNAP benefit at a farmers' market, the value of that purchase is matched dollar for dollar (up to \$10 per visit), allowing them to take home more healthy food while also providing a financial benefit to local farmers.
- \$2,235,831 General Fund to restore a budget reduction included in HB 5026 (see page ten), the primary budget bill for the Department of Human Services (DHS). These dollars, which augment federal Older Americans Acts funding, will be distributed to local Area Agencies on Aging.
- \$251,600 one-time fund shift from General Fund to Other Funds in the nursing facilities program; this change relies on a projected carryforward balance in the long-term care facility assessment. Then, the General Fund is used, along with an increase of \$167,188 in Federal Funds expenditure limitation, to



fund positions to promote the effective use of emergency medical services by residents of licensed long-term care settings and to support efforts of the quality measurement council.

- Funding for the final development phase, implementation and transition to Maintenance and Operations (M&O) for the Integrated Eligibility (IE) project.

Deadlines for Introduction of 2020 Legislative Measures

HCR 38

Effective date: Effective upon passage

House Concurrent Resolution 38 establishes the following measure introduction limitations for the 2020 regular short session of the Eightieth Legislative Assembly: One measure per senator except for the senate president, two per representative, three per interim committee except for the Joint Ways and Means and House Rules committees, five for the Governor and five for the Chief Justice. The 2020 regular session measure deadlines are: November 22, 2019 for measure requests, January 13, 2020 for Legislative Counsel to return draft measures, and January 17, 2020 for measure introductions.



Senate Measures

Youth with Specialized Needs

Senate Bill 1
CW, ODDS, and SCS
Effective Date: January 1, 2020

Senate Bill 1 establishes a System of Care Advisory Council (Council) to improve the effectiveness and efficacy of state and local systems of care that provide services to youth with specialized needs. This bill directs the Council to develop and maintain a state system of care policy and a comprehensive, long-range plan for a coordinated state system of care that encompasses public health, health systems, child welfare, education, juvenile justice, and services and supports for mental and behavioral health and people with intellectual or developmental disabilities. The Council is required to submit a series of reports to the Governor and the Legislative Assembly regarding barriers to implementation, and to recommend legislation to establish a single statewide system of accountability and take advantage of funding opportunities. Finally, Senate Bill 1 allows the Oregon Health Authority, the Oregon Youth Authority, and the Department of Human Services to contract for interdisciplinary assessment teams to provide services to youth, increase statewide capacity, and prioritize evaluation, assessment and stabilization services provided to youth in specific circumstances.

DHS Omnibus Bill

Senate Bill 19
ODDS and SCS
Effective Date: January 1, 2020

Senate Bill 19 was introduced by Governor Kate Brown on behalf of the Department of Human Services and is the final product of a 27-member workgroup and addresses several logistical statutory changes, most of them within the intellectual and developmental disability statutes and one within the DHS Donated Fund Account. The five components of SB 19 do the following: Provides clarification on the different programs providing Adult Foster Home services, which establishes a clear framework for future statutory changes; adds contractors providing services to children and adults with intellectual or developmental disabilities to the list of mandatory reporters of abuse and neglect; cleans up eligibility definitions of intellectual and developmental disabilities to align with current medical and federal definitions; gives the Office of Developmental Disability Services authority to impose civil penalties on those with contracts to provide services who are violating rules and laws; updates statute to reflect the decentralization of the volunteer program and clarifies expectations for donated funds deposited into the DHS Donated Fund Account.

ODDS Case Management

Senate Bill 20
ODDS and SCS
Effective Date: January 1, 2020

Senate Bill 20 was introduced by Governor Kate Brown on behalf of the DHS Office of Developmental Disabilities Services to provide needed flexibility to work with people served, partners and stakeholders to reflect improvements and a vision for the case management system defined in Oregon Administrative Rules. It will provide individuals served with strong case management and move towards a system design that is clear, easy to use and delivers high quality service.



Investigations of Suspected Abuse in School Settings

Senate Bill 155

SCS and CW

Effective date: July 1, 2019

Senate Bill 155 requires investigations for all reports of suspected abuse or suspected sexual conduct by school employees, contractors, agents and volunteers and assigns responsibility for these investigations and related procedures. This bill requires school districts to adopt policies stating sexual conduct by school employees, contractors, agents and volunteers is not tolerated, and that all school employees, contractors, agents and volunteers are subject to the policy. School employees who have reasonable cause to believe another school employee, contractor, agent or volunteer has engaged in suspected abuse must report it to the designated administrator, the Department of Human Services (DHS) and to a law enforcement agency. The education provider is responsible for taking necessary actions to ensure student safety during the investigation and taking appropriate employment actions at the end of the investigation.

The Teacher Standards and Practice Commission (TSPC) is responsible for investigating reports of suspected sexual conduct by licensed school employees, contractors, agents and volunteers. They must complete the investigation and make a final determination within 90 calendar days of the report being filed with the commission.

The Department of Education is responsible for investigating reports of suspected sexual conduct by a school employee, contractor, agent or volunteer who is not licensed with TSPC. An investigation must be completed, and a final determination issued within 90 calendar days of the report being filed with the department. Upon completion of an investigation of the person charged, the student and parents if applicable, the education provider, the reporter and any other regulatory board that authorizes the individual to provide professional services must be notified of the outcome.

The Department of Human Services (DHS) and law enforcement agencies are responsible for investigating reports of suspected abuse as defined in ORS 419B that involve a child and a person who is a school employee, contractor, agent or volunteer. Both DHS and law enforcement agencies are responsible for cross-reporting to each other and DHS must conduct the investigation if the law enforcement agency declines. Within three days, DHS must notify either TSPC if they believe the school employee, contractor, agent or volunteer is licensed through the commission or the Department of Education if they believe the person is not licensed with the commission.

Family First Compliance/Out of State Placement Report

Senate Bill 171

CW and SCS

Effective Date: July 1, 2020

Senate Bill 171 allows the Department of Human Services (DHS) to utilize qualified residential treatment programs (QRTPs) that provide specialized residential care to align with program criteria and federal funding requirements of the Family First Prevention Services Act.

This bill also specifies requirements regarding out-of-state Child Welfare placements and information to be published on DHS' website and updated monthly. DHS and Oregon Health Authority (OHA) are required to submit a report to interim legislative committees by September 1, 2019. Some portions of the bill are operative July 1, 2020, to align with the state's expected Family First Prevention Services Act implementation date.



County Operated Programs and County Juvenile Departments

Senate Bill 181

SCS and CW

Effective date: June 27, 2019

Senate Bill 181 modifies the definition of “child-caring agency” to include county operated programs that provide care or services to children in the custody of the Department of Human Services (DHS) or the Oregon Youth Authority (OYA). Child-caring agencies are licensed by the Children’s Care Licensing Program (CCLP) within DHS’s Office of Training, Investigations and Safety (OTIS).

This bill also requires county juvenile departments to file a report to the juvenile court when youth offenders remain in their care for six consecutive months and stipulates that upon receiving such a report from a county juvenile department, the court must make findings on whether the county has made reasonable or active efforts, the appropriateness of the placement, the compliance with the youth’s case plan and if progress has been made to mitigate the cause of the youth’s placement in substitute care.

ODE Employees, School Board/Public Charter Members as Mandatory Reporters

Senate Bill 415

CW

Effective Date: January 1, 2020

Senate Bill 415 expands the list of mandatory reporters of child abuse to include school district board members, public charter school governing body members and employees of the Oregon Department of Education (ODE).

Damages from Child Wrongful Death

Senate Bill 474

CW

Effective Date: June 20, 2019

Senate Bill 474 specifies the requirements in the process for the forfeiture of parental share in wrongful death actions, intestate succession, or transfers on death deed. The bill prevents parents from receiving damages from their child’s wrongful death action if one of the following circumstances is met: The child dies as an adult and the parents had, in the year before the child became an adult, either willfully deserted their child or without just and sufficient cause neglected to provide proper care and maintenance for the child; the child dies while still a child, and the parents had willfully deserted the child or, without just and sufficient cause, neglected to provide the child with proper care and maintenance for the entirety of the child’s life or for the year preceding the child’s death; or the parents’ parental rights had been terminated

SB 474 also specifies that if the beneficiary is the sibling or child of the decedent, the child or sibling must prove willful desertion or neglect for one year by a preponderance of the evidence; if the beneficiary is anyone else, the person must prove willful desertion or neglect for three years by clear and convincing evidence.



Abbreviated School Day Program for Foster Youth

Senate Bill 475

CW and ODDS

Effective Date: January 1, 2020

Senate Bill 475 requires that school districts obtain consent from the foster parent and surrogate parent – if the foster youth has one appointed – before putting a foster youth on an abbreviated school day. SB 475 also defines “foster youth” as a child or ward who is in the legal custody of the Department on Human services and who has been placed in substitute care.

Child Care Regulation of Substantiated Child Abuse

Senate Bill 490

CW, SSP, and SCS

Effective Date: Upon passage

Senate Bill 490 requires certain individuals who have been subject of a founded or substantiated report of child abuse to apply and be enrolled in Central Background Registry prior to providing certain types of care. The bill also modifies the definition of “subject individual” and authorizes the Office of Child Care (OCC) to impose civil penalties and file for injunctive relief if the subject individual has not applied to and been enrolled in the Central Background Registry and the individual provides child care or has child in individual’s care.

Fairview Housing Trust Fund Shift

Senate Bill 491

ODDS and SCS

Effective Date: January 1, 2020

Senate Bill 491 transfers funds in the Developmental Disabilities Community Housing Trust Account for community housing for individuals with intellectual or developmental disabilities, commonly known as the Fairview Trust, from the Department of Human Services (DHS) to the Oregon Community Foundation. This bill also establishes reporting requirements for the Oregon Community Foundation regarding the use of funds and balance, and reimbursement requirements for any unauthorized expenditures.

SB 491 also establishes a committee to advise and consult on the management of the funds, establishes reporting requirements for the Oregon Community Foundation and removes the requirement for the Office of Developmental Disabilities Services to include revenues and expenditures as a part of the agency budget submission to the Governor and Legislative Assembly.

Reunification Supports for Parents with Disabilities

Senate Bill 492

CW and ODDS

Effective Date: June 27, 2019

Senate Bill 492 aims to establish rights for parents and guardians with disabilities by requiring parents and guardians with disabilities be provided with reunification services that are different but equally as effective as those provided to parents without disabilities, when necessary. Prior legislative reform worked to eliminate systemic discrimination towards parents and guardians with disabilities in child custody and parental rights cases.

Human Rights Commission Establishment

Senate Bill 493

ODDS

Effective Date: January 1, 2020

Senate Bill 493 establishes a nine-member Human Rights Commission within the Department of Human Services (DHS), appointed by the Governor, to safeguard the dignity and basic human rights of individuals with intellectual or developmental disabilities. The commission is directed to establish a statewide regional advisory committee system by rule to conduct informational hearings concerning violations of rights of individuals who have an intellectual or developmental disability.

Integrated Employment Opportunities for Individuals with Disabilities

Senate Bill 494

ODDS and VR

Effective Date: September 29, 2019

Senate Bill 494 establishes workforce protections for individuals with disabilities when there is a change in contractor and eliminates subminimum wages for authorized employers through annual increases until reaching state minimum wage rate by July 1, 2023. SB 494 also modernizes employment language in statute and lowers the minimum percentage of direct labor performed by individuals with disabilities required for a qualified rehabilitation facility receiving government contracting preference from not less than 75 percent to not less than 60 percent by July 1, 2021.

Requirements for In-home, Home Care and Personal Support Workers

Senate Bill 669

APD, ODDS and SCS

Effective date: January 1, 2021

Senate Bill 669 requires the Oregon Health Authority (OHA) to strengthen licensing standards for In-Home Agencies. OHA licenses in-home providers that provide care to many DHS consumers of long term services and supports. OHA is required to establish minimum training requirements that must be met before an individual may provide in-home care services. This bill requires a minimum number of hours of orientation and assessment of competency for in-home care workers and DHS must provide the same to personal support and home care workers before an in-home care, home care or personal support worker can provide services to a client. The minimum number of hours may be greater if an in-home, home care or personal support worker provides enhanced care and services, such as medication management.

The bill changes the frequency of OHA on-site inspections for in-home care agencies from every three years, to every two years. OHA can deny, suspend or revoke the license of any in-home care agency for failure to comply. DHS must develop recommendations for methods to assess and monitor home care services provided by home care workers and report its recommendations to the Legislature by February 1, 2021.

DHS and OHA Background Check Parameters

Senate Bill 725

SCS, ODDS, and APD

Effective date: September 29, 2019

Senate Bill 725 limits the information that the Department of Human Services (DHS) and the Oregon Health Authority (OHA) may consider when conducting background checks on individuals. The agencies will no longer be able to consider convictions more than ten years old, charges or arrests for crimes without conviction, convictions or charges related to marijuana that are no longer considered crimes, convictions for driving under the influence of intoxicants unless the person has had two or more convictions in the past five years, pending indictments, deferred sentences, conditional discharges or participation in a diversion program. Crimes listed in ORS 443.004, commonly referred to as the “never-never list” may still be considered. Background checks for potential foster or adoptive parents, relative caregivers, child care providers, individuals working in or around child-caring agencies and emergency medical service providers are not impacted by this bill.

This bill also stipulates that the agencies may not complete a criminal record check more than once in a two-year period on employees of residential facilities or adult foster homes, home care workers or those paid directly or indirectly with public funds to provide care to recipients of support services. However, additional checks are permitted if: It is required by federal law, there is evidence of a new conviction or substantiated abuse or the individual has changed positions or duties with different background check requirements.

Modifies Elderly Persons and Persons with Disabilities Abuse Prevention Act

Senate Bill 729

APD, ODDS and SCS

Effective date: January 1, 2020

Senate Bill 729 modifies the Elderly Persons and Persons with Disabilities Abuse Prevention Act (EPDAPA). The EPDAPA is a type of protective order that can be obtained by an older person who meets the definition of elder. Prior to SB 729, the law prohibited a resident of a long-term care nursing facility from filing a protection order by excluding those individuals from the definition of “elder”. This bill removes the exclusionary language.

State Background Checks for Employees

Senate Bill 775

APD and SCS

Effective date: January 1, 2020

Senate Bill 775 requires agencies of state government conducting background checks on employees or potential employees to conduct a criminal record check through the Department of State Police or the Law Enforcement Data System (LEDS). Senate Bill 775 further stipulates that in a claim for negligence on a defendant’s failure to conduct an adequate criminal record check there is a rebuttable presumption that those conducting checks through the Department of State Police or LEDS have conducted an adequate criminal records check. The requirement for state government agencies to use either the Department of State Police or LEDS, will protect them in the event such claims of negligence are brought forward.



Cross Reporting of Alleged Child Abuse

Senate Bill 804

CW and SCS

Effective date: May 24, 2019

Senate Bill 804 changes the cross-reporting requirement of the Department of Human Services to cross report alleged child abuse to the law enforcement agency where the alleged abuse occurred, or if the county is unknown, the county where the child resides—instead of where the call was received. Due to the centralization of the Oregon Child Abuse Reporting Hotline, this modification was necessary to ensure the correct jurisdiction will be receiving the cross reports.

Substantiated Abuse History in Background Checks

Senate Bill 809

SCS and APD

Effective date: January 1, 2020

Senate Bill 809 requires the Department of Human Services (DHS) and the Oregon Health Authority (OHA) to adopt rules establishing criteria for considering substantiated abuse in background checks for individuals receiving public funds to provide direct care services to clients. If criminal or abuse history is identified during the background check process, a weighing test is performed. The weighing test is used to determine if individual's history deems them unfit for a position or if there are factors that can be considered to remediate the concern. The adoption of rules for considering substantiated abuse in weighing tests will provide individuals undergoing a weighing test with a predictable and transparent process, while continuing to ensure the safety of clients receiving direct care services.

This bill also provides individuals who are deemed unfit, a mechanism to challenge the decision through a contested case hearing.

Residential Care Facilities Notices to Residents

Senate Bill 815

APD

Effective date: September 29, 2019

Senate Bill 815 requires memory care communities in residential care facilities and assisted living facilities to provide a summary explanation of the services provided by the facility, a summary of the types of care that the facility does not provide, a statement saying that if the facility cannot meet a resident's needs for care and services, a statement that if a resident leaves the facility to receive acute medical, psychiatric, nursing facility or other care, the facility will evaluate whether the facility can meet the resident's needs prior to the resident returning — at the time of admission or upon request. If the facility cannot meet the resident's needs, the resident will not be permitted to return. It also requires a statement of a resident's right to appeal a decision requiring them to move or not return to the facility, and/or a statement of whether the facility will arrange for, or otherwise arrange for hospice care for a resident upon request.

This bill also modifies the dates that residential care facilities are required to report on quality care metrics from July 1, 2020 to July 1, 2021. The deadline for DHS to publish the first quality metrics report required under 443.446 is also moved from January 2020 to January 31, 2021.



Critical Incident Review Teams

Senate Bill 832

CW

Effective Date: Effective upon passage

Senate Bill 832 clarifies the definition of a critical incident as related to incidents that resulted in the death of a child in the custody of the Department of Human Services (DHS) at the time. This bill also makes clear what the policy direction is of the Critical Incident Review Teams (CIRTS) within DHS by stating that the purpose is to both aid in improvements of the systems surrounding children in DHS custody while increasing accountability to the public through timely responses and recommendations.

SB 832 also modifies the final report required for the CIRT by including specific information that is required to be posted, including information from prior relevant reports of abuse. This bill requires DHS to regularly update information on the CIRT website and defines the required content that shall be posted, including information on delays in reporting timelines.

Refugee Licensing Study

Senate Bill 855

ODDS

Effective Date: June 20, 2019

Senate Bill 855 defines professional licensing boards as a state agency or board that licenses, certifies or otherwise authorizes individuals to provide an occupational or professional service. Professional licensing boards must study and develop methods to reduce barriers of licensure, certification or authorization for immigrant and refugee applicants. Licensing boards must report to the Legislative Assembly on their progress by November 30, 2019.

Voluntary Foster Care School of Residency

Senate Bill 905

CW and ODDS

Effective Date: Effective upon passage

Senate Bill 905 identifies that children who are voluntarily placed with a public or private agency by their parent or guardian are to attend school in the district in which they are placed. The bill provides an exception to allow children to attend school in the district where their parents or guardians reside, when the placement is within 20 miles of the school, a plan exists for the child to return home, it is in the best interests of the child to attend the school and the child would prefer to remain in the school district.



Disclosure of Information Related to Abuse

Senate Bill 917
APD, ODDS, CW and SCS
Effective Date: January 1, 2020

Senate Bill 917 prohibits care facilities licensed, certified or registered to provide care to children, youth, individuals with disabilities or seniors from interfering with the disclosure of information by employees or volunteers about abuse or mistreatment of individuals receiving care. Interference in this context includes nondisclosure agreements and trainings or any other action that discourages employees or volunteers from disclosing information about abuse or mistreatment.

Penalties for facilities not following this requirement may include license suspensions or revocation and civil penalties. The act also creates an unlawful employment practice when an employer interferes with the employee's good faith disclosure of such information and allows for civil action by the employee.

Placement of Out of State Runaways

Senate Bill 924
CW and ODDS
Effective date: June 13, 2019

Senate Bill 924 modifies the juvenile code so that children taken into protective custody in dependency cases and runaway children from Oregon may not be placed in detention facilities. It also clarifies that out-of-state runaways must be in the least restrictive setting necessary to ensure that they are not a danger to themselves or others while waiting to return to their home state.

SB 924 also defines "home state" and "out-of-state runaway" as given in ORS 419C.156, regarding detention of runaway from another state.

Criminal Records Check on Noncustodial Parent

Senate Bill 994
CW
Effective Date: January 1, 2020

Senate Bill 994 requires the Department of Human Services (DHS) to ensure that background checks are completed on all adults in a home prior to placement or release of a child. This specifically includes a non-custodial parent, if they are chosen as a placement.

Health Care Advocate

Senate Bill 1039

ODDS

Effective Date: January 1, 2020

SB 1039 strengthens the Health Care Advocate program and expands its authority to individuals without capacity who have intellectual and developmental disabilities living in home settings. The bill also clarifies the process of appointment, the makeup of the appointing team, the duration of an appointment and ensures individuals with an advocate have due process rights and may protest medical decisions being made on their behalf. The DHS Office of Developmental Disabilities Services previously established the health care representative program following the closure of institutions, for individuals without capacity who have intellectual and developmental disabilities living in group homes and foster homes to assist with medical decision making.

Legislation Considered (Not Passed)

This section reviews a few of the bills that were introduced during the 2019 session but were not adopted.

Family Dependency Treatment Pilot Program

House Bill 2258
CW

House Bill 2258 would have established a Family Dependency Treatment Court Pilot program in Coos, Douglas, Deschutes and Marion counties. The goal of this bill was to minimize time of children in protective custody due to parental substance abuse. The pilot required an integration of alcohol and drug treatment services with the justice system case for dependency cases; early identification of eligible participants, frequent monitoring and case management of the families served; as well as biennial updates to the legislature, including key child welfare outcome data for pilot program participants.

Governor's Child Foster Care Advisory Commission; Staff Support

House Bill 2332
CW

House Bill 2332 would have appropriated funds to the Governor's Child Foster Care Advisory Commission for compensation and reimbursement for necessary travel and other expenses, modified membership and required the Department of Human Services (DHS) to provide staff support.

Establishing a Foster Parent Ombudsman in DHS

House Bill 2337
CW and SCS

House Bill 2337 would have established a Foster Parent Ombudsman within the Department of Human Services. The ombudsman would be appointed by the Governor in collaboration with the Foster Parent Ombudsman Advisory Committee that would have also been established. The Advisory Committee would have been responsible for monitoring the Ombudsman, advising the Governor and the Legislative Assembly on the Ombudsman and nominating three persons to fill the role of the Ombudsman in the event of a vacancy.

Universal Provider Number

House Bill 2569
APD, SCS, and ODDS

House Bill 2569 would have required that the Department of Human Services (DHS) assign “exactly one” universal provider number for individuals listed in the DHS Background Check Unit’s statutory Long-Term Care Registry (LTCR), which includes people who work or are seeking to work to provide care in a facility or as a home care worker. Current practice has different types of care workers, possibly licensed or certified by one or more different programs, being assigned a unique Medicaid number for each unique licensure or

certification. Workers providing care may also have to go through a separate background check process for each individual licensure or certification.

The bill prohibited sharing fingerprints from certain workers with the Federal Bureau of Investigation and banned the FBI from retaining fingerprint information it does receive.

Establishes Homeownership Repair and Rehabilitation Program

House Bill 2802
ODDS

House Bill 2802 would have established the Homeownership Repair and Rehabilitation Program within the Housing and Community Services Department to provide grants to assist with the cost in making the necessary preliminary modifications, so that Medicaid funds could be used to make the accommodations needed for the individual to remain in their family home. Certain Office of Developmental Disability Services and Medicaid funds may be used to make home modifications and improvements for individuals with intellectual and developmental disabilities to remain in their family homes. However, for these funds to be used to make the changes, homes must be structurally sound to withstand the home modifications and improvements, and in some cases, family homes don't meet the minimum requirements necessary to make the changes.

Establishes Oregon Youth Aging Out of Foster Care Taskforce

House Bill 2805
CW and SSP

House Bill 2805 would have established the Oregon Youth Aging Out of Foster Care Task Force comprised of seven members and staffed by Oregon Housing and Community Services to develop recommendations for housing youth aged 16 to 22 as they age out of foster care. The bill also required a report to be submitted to the Legislature by September 15, 2020 and sunsets December 31, 2020.

Oregon Project Independence, Requires Study to Expand Pilot Statewide

House Bill 2908
APD

House Bill 2908 would have required the Department of Human Services (DHS) to collaborate with area agencies to study the feasibility of expanding an existing OPI expansion pilot to OPI statewide. OPI was created in 1975 to assist individuals over the age of 60 to stay in their homes. To qualify for OPI, a person must need in-home assistance based on an assessment and not be receiving full medical coverage through Medicaid. Currently an OPI pilot operates in seven Oregon counties and serves people with disabilities, ages 19-39.

DHS would have been required to report to the interim human services committees no later than September 15, 2020.

Timeframe for Foster Home Application Process

House Bill 2951
CW and ODDS

House Bill 2951 would have required the Department of Human Services (DHS) to complete investigations regarding applications for certificates to operate foster homes for care of children under 21 years of age no later than 120 days after department receives application. It also required Oregon Youth Authority (OYA) to complete investigations regarding applications for certificates to operate foster homes for youth offenders no later than 120 days after youth authority receives application.

Gatekeeper Program to Serve Seniors and People with Disabilities

House Bill 2963
APD and SCS

House Bill 2963 would have appropriated \$2 million for DHS to develop the Gatekeeper program statewide. The Gatekeeper program is designed to build partnerships with, and train local organizations to identify at-risk older adults and adults with disabilities and refer them to local Aging and disability Resource Connection (ADRC) offices for help and services. The program provides basic training to postal workers, meter readers, financial institutions, emergency responders, social service agencies and others in how to recognize warning signs and make a referral to the ADRC.

Creating a Trauma Informed Practice Integration Program

House Bill 2969
CW, DD, and SCS

House Bill 2969 would have required the Department of Administrative Services to enter into a contract with a nonprofit organization that has expertise in providing trauma-informed practices and policies, demonstrates the ability to perform statewide outreach, has worked with state agencies and is part of an academic research-based institution. The selected nonprofit would have been responsible for creating a trauma-informed practice integration program in collaboration with public bodies and private entities that serve children, adolescents and families to help agencies become trauma-informed organizations.

Tuition and Fee Waivers for Adopted Foster Children

House Bill 3015
CW and ODDS

House Bill 3015 would have permitted an adopted former foster child under the age of 25 to receive tuition and fee waivers if attending an Oregon institution of higher education as an undergraduate student. The bill defined adopted former foster child as an individual who, for six months or more, was a ward of the court and in the legal custody of Department of Human Services (DHS), or an Indian child subject to the Indian Child Welfare Act (ICWA) and under the jurisdiction of a tribal court, for out-of-home placement prior to becoming an adopted child. This applied to foster children adopted on or after January 1, 2012 and declares that an institution of higher education is not required to reimburse an adopted former foster child for tuition or fees previously paid to the institution.

Third-Party Child Care for Foster Parents

House Bill 3041
CW, ODDS, SSP, and SCS

House Bill 3041 would have directed the Department of Human Services (DHS) to develop a program to distribute money directly to third-party providers of child care for children in foster care under the age of 13 or under the age of 18 if they had a disability.

Centers for Independent Living Investments

House Bill 3122
VR

House Bill 3122 would have required that \$40 million be requested on behalf of centers for independent living to ensure program stability and the provision of independent living services in all 36 Oregon counties. To secure the \$40 million total funds by the end of the 2027-2029 biennium, the Department of Human Services in the agency request budget and the Governor in the Governor's budget would have been required to incrementally increase their general fund requests starting with the 2021-2023 biennium.

Child Welfare Caseworker Workload Review

House Bill 3191
CW, ODDS, and SCS

House Bill 3191 would have required the Department of Human Services (DHS) to improve child welfare employee training, incentivize continuing education and provide opportunities for those caseworkers whose caseload exceeds the most recent workload model to meet with the caseworker's immediate supervisor every 14 days to establish or adjust priorities.

Support Service Providers to Individuals who are Deaf-Blind

House Bill 3206
APD and SCS

House Bill 3206 would have required the Department of Human Services (DHS) to administer a program to make support service providers available to individuals who are deaf-blind including: Visual and environmental information; sighted guide services; and communication accessible in the deaf-blind person's preferred language and communication mode. In addition, the bill would have required DHS to: Adopt rules to administer the program including professional training and establishing a pay rate for support service providers; provide technical assistance funding for training support service providers; and convene a stakeholder advisory committee. The bill would have allowed DHS to accept gifts, grants, or contributions for the program.



Establishing the Office of Oregon Ombudsmen and Advocates

House Bill 3254 and SB 1036
SCS, CW, APD, and ODDS

House Bill 3254 and Senate Bill 1036 were matching bills that would have established the Office of Oregon Ombudsmen to provide administrative services and support to the Office of the Long-Term Care Ombudsman, Office of the Residential Facilities Ombudsman, Office of the Oregon Public Guardian and Conservator, Office of the Foster Parent Ombudsman and the Office of the Foster Child Ombudsman. Each Ombudsman would be appointed by the Governor and have an accompanying Advisory Committee.

Pilot Program to Increase APD Adult Foster Home Resident Limit

House Bill 3270
APD, ODDS and SCS

House Bill 3270 would have increased the maximum licensed resident capacity for the Department of Human Services (DHS) Adult Foster Homes from the current capacity of five to seven through a pilot program. It would have required that DHS make sure certain conditions are met before accepting an Adult Foster Home into the pilot and added requirements around room sharing, consultation with the Long-Term Care Ombudsman and reporting.

Plant-Based Meals in Certain Hospital and Long-Term Care Facilities

House Bill 3342
APD

House Bill 3342 would have required hospitals or long-term care facilities and the Department of Corrections to provide plant-based meals when necessary to: Accommodate allergies, intolerances or preferences of patients or residents; reflect religious, cultural or ethnic needs of patients or residents. A plant-based meal was defined as a meal that contains no animal products or by products including meat, poultry, fish, dairy or eggs, also known as a vegan meal.

Yamhill County Community-Based Child Welfare Pilot

House Bill 3383
CW and SCS

House Bill 3383 would have directed the Department of Human Services (DHS) to develop a pilot program to contract with Yamhill County for provisions of community-based child welfare services. The bill specified the criteria DHS must adopt for the pilot program and directed the department to report annually to the interim committees of Legislative Assembly regarding progress.



Continued Access to Care After Relocation for Foster Youth

House Bill 3429
CW and ODDS

House Bill 3429 would have required the Oregon Health Authority (OHA) to take specified steps to ensure a foster child's continued access to health care when a foster child relocates to area not served by their current coordinated care organization.

Foster Youth Transition from Community College to Public Universities

Senate Bill 158
CW and ODDS

Senate Bill 158 would have required the Higher Education Coordinating Commission (HECC) to collaborate with community colleges and public universities to implement a pilot program to assist Foster Youth Promise students with transitioning from community colleges to public universities. The bill defined Foster Youth Promise student as a student enrolled in an Oregon community college or public university who is entitled to a waiver of all tuition and fees while also directing HECC to analyze and coordinate existing support programs for Foster Youth Promise students and to provide additional financial support to Foster Youth Promise students through private fund-raising efforts.

Establishes Center of Excellence on Behavioral Health

Senate Bill 174
APD

Senate Bill 174 would have created the Center of Excellence on Behavioral Health for the office of Aging and People with Disabilities within the Department of Human Services (DHS) and in collaboration with the Oregon Health Authority. The Center of Excellence would have promoted the behavioral health of older adults and People with disabilities through a network of state and local support systems that reach out to older adults and people with disabilities who have mental health and substance use disorders. This bill would have allocated \$2 million to DHS.

Support Service Brokerages Age Limit Modification

Senate Bill 274
ODDS and SCS

Senate Bill 274 would have expanded the age for access to case management through Support Services Brokerages to youth, receiving in-home services, starting at age 14, instead of 18. The current design of ODDS' case management structure is not easy for individuals served, families and others to understand different options for selecting a case management entity. Under this structure, Support Services Brokerages provide case management supports to adults 18 years of age and older living in their own or family homes, while Community Developmental Disabilities Providers support individuals of all ages and in all settings.



Supported Decision Making

Senate Bill 681
APD, ODDS, and SCS

Senate Bill 681 would have established supported decision-making as a less restrictive alternative to the appointment of guardians and fiduciaries for individuals with disabilities who need assistance with life decisions. The bill detailed minimum requirements for a supported decision-making agreement, provided a sample agreement form, and defined the role of a supporter which could be assumed by the Oregon Public Guardian and Conservator in the event individuals did not have anyone else. To raise awareness, maximize self-determination and promote independence among youth, the bill also required school districts to provide information on supported decision-making and less restrictive alternatives to guardianship to parents of youth with disabilities starting at 15 years old.

Annual In-Person Case Planning with Youth

Senate Bill 745
CW

Senate Bill 745 would have directed the Department of Human Services (DHS) to conduct annual in-person case planning meetings with every child welfare youth ward age 14 or older and to inform them of eligibility for transition services while providing access to those services. DHS would also have had to inform them about their eligibility for the Independent Living Program services and provide access to transition services during case planning meetings. SB 745 would have appropriated \$8,500,000 from General Fund to DHS for provision of transition services beginning July 1, 2019.

Oregon Deaf and Hard of Hearing Services Program Expansion

Senate Bill 795
APD and SCS

Senate Bill 795 would have expanded the scope of the Oregon Deaf and Hard of Hearing Services by adding new programs for deaf, deaf-blind and hard of hearing individuals to significantly expand efforts across state agencies; develop new relationships with stakeholder organizations; provide advocates to assist individuals who are deaf or hard of hearing in accessing the services; and cooperate with and provide assistance to interest groups concerned with the rehabilitation and employment of individuals who are deaf or hard of hearing.

Notice for Voluntary Adoption Options

Senate Bill 814
CW, ODDS, and SCS

Senate Bill 814 would have directed the Department of Human Services (DHS) to provide specified information about voluntary adoption to parents or legal guardians prior to termination of their parental rights. The bill also prohibited DHS from referring parent or legal guardian to same social worker assigned to prospective adoptive parent and required notice prior to taking infant up to 30 days old into protective custody. SB 814 also modified authority of licensed child-caring agencies to place children in foster or adoptive homes to include the required notice.



Sexual Conduct by School Employees

Senate Bill 912
CW and SCS

Senate Bill 912 would have expanded the definition of ‘sexual conduct’ to include verbal or physical conduct by either a school employee or student. SB 912 also would have also required all school employees who have reasonable cause to believe that another school employee or student had engaged in such conduct to report it to a law enforcement agency and to the Department of Human Services (DHS).

This bill would have also enabled students, or their parent or guardian, to bring civil action and recover damages for the greater of \$1,000 or the total amount for special and general damages including emotional distress in certain situations. SB 912 would have required the Department of Education to evaluate the criminal records checks they conducted for private schools from 2009-2019 and determine the percentage of criminal records checks that identified the individual being checked had engaged in sexual conduct towards children. A report of the results as well as recommendations for legislation would have been submitted to the interim legislative committee on education by September 15, 2020.

Hotelkeepers and Innkeepers as Mandatory Reporters

Senate Bill 921
CW and SCS

Senate Bill 921 would have expanded the list of mandatory reporters of child abuse to include hotelkeepers and innkeepers and modified the requirement for processor of photographic images or computer technician to immediately report visual recording of child involved in sexually explicit conduct to three different agencies.

Establishing a Tax Credit for Donations to Community Agencies

Senate Bill 964
SCS

Senate Bill 964 would have required the Department of Human Services (DHS) to establish a pilot program in up to three regions of the state, establish an advisory committee, contract with community agencies in each region and certify tax credits for taxpayers making contributions to community agencies. The intended outcome from the combined efforts of DHS, the advisory committee, pilot regions, community agencies and contributing tax payers would be the development of innovative strategies to strengthen families, build resilient neighborhoods, promote positive development of children and reduce foster care placements.

Foster Youth Reimbursements for Transportation Expenses

Senate Bill 1043
CW

Senate Bill 1043 would have directed the Department of Human Services (DHS) to provide reimbursements for transportation expenses incurred on behalf of foster child if expenses are related to child’s continuing participation in extracurricular activities child engaged in prior to child’s placement in foster home or child-caring agency.



Budget Notes

Child Welfare Provider Workforce Challenges Assessment (HB 5026)

The Oregon Department of Human Services, along with Child Welfare residential providers, shall assess the workforce issues associated with the provider community and develop recommendations focused on regulatory barriers and provider culture. These recommendations shall focus on the system changes needed to encourage providers to enhance capacity in the State of Oregon while also identifying strategies to help attract, develop, and retain a quality service provider workforce. A report is due back to the appropriate policy committee(s) no later than September 2020.

Intellectual and Developmental Disabilities Provider Rate Investment (HB 5026)

It is the intent of the Legislature that providers serving people with intellectual and developmental disabilities will use the \$30.0 million General Fund (\$91.8 million total funds) approved for provider rate increases in HB 5026 to help bring the wage of direct support professionals as close as possible to \$15.00 per hour by the end of the 2019-21 biennium. In addition, the Legislature understands the Department of Human Services will be transitioning to new rate models during the biennium; to ensure there is enough funding available to effectively implement these new structures, rate increases under the old models should be limited to no more than four percent. DHS is also directed, to the best of its ability, to apply this investment in a manner that prioritizes supporting individuals with the highest need. By February 1, 2020, the agency will submit a report to the Interim Joint Committee on Ways and Means outlining how the funding has been and will be applied, describing stakeholder involvement in the process, identifying impacts on providers and workers, and providing an update on the transition to the new rate models.

Intellectual and Developmental Disabilities Case Managers (HB 5026)

The Department of Human Services is directed to report to the Senate Human Services and House Human Services and Housing Committee during the 2020 Legislative Session on case management duties and training requirements for case managers serving individuals with intellectual and developmental disabilities.

Aging and People with Disabilities OPI and Respite Waivers (HB 5026)

The Department of Human Services, in collaboration with the Oregon Health Authority, shall explore opportunities to obtain federal funding for the Oregon Project Independence program and family caregiver respite programs. The Department shall convene an advisory committee to make recommendations on the design of the programs, the benefit packages and the application for federal approval. The Department shall report the results of this work to the appropriate legislative policy committee(s) no later than December 31, 2020. Future implementation of any new program(s) would be contingent upon any necessary approvals from the Centers of Medicaid and Medicare Services (CMS), potentially including a new 1115 demonstration project waiver. If a federal waiver is required, the Department shall apply for such a waiver, but only implement the program(s) if the budget is available, and CMS approves the program through a new and distinct waiver from the currently approved Oregon Health Plan waiver. Lastly, if CMS requires the state to amend the existing



Oregon Health Plan waiver, the Department/state shall withdraw the request.

Budget Appropriations (HB 5026)

To improve transparency and accountability within the agency's budget, the Department of Human Services shall, for the 2021-23 budget cycle, request budget bill appropriations at a lower level of detail than is currently set out in HB 5026. At a minimum, appropriations should be established at the following program levels: Vocational Rehabilitation; Self Sufficiency; Child Welfare; Aging and People with Disabilities; Intellectual and Developmental Disabilities; Central Services; State Assessments and Enterprise-wide Costs; and Shared Services. The Department of Administrative Services, Chief Financial Office, shall support this effort by providing any budget or accounting guidance needed to complete this task and will ensure that the budget bill submitted to the Legislature for the 2021 session is consistent with budget note direction.

Intellectual and Developmental Disabilities Rate Model (SB 5050)

Under a budget note in the budget report for HB 5026, the Department of Human Services is directed to report, by February 1, 2020, to the Interim Joint Committee on Ways and Means on the transition to new rate models for providers in the Intellectual and Developmental Disabilities program. As part of that report, the Department shall provide a status update on the development of a new rate model for adult foster homes serving people with intellectual and developmental disabilities and note any outcomes or timelines related to union negotiations, since these rates are collectively bargained.



Index

APD	Aging and People with Disabilities
CW	Child Welfare
SSP	Self Sufficiency Programs
ODDS	Office of Developmental Disabilities Services
VR	Vocational Rehabilitation
SCS	Shared and Central Services