



Legislative Summary

2020

2020 Regular Session of the Oregon Legislative Assembly



Oregon’s short regular legislative session ended on March 5, 2020. There were 283 bills, memorials and resolutions introduced into the process during the 2020 short session, and, of those, the legislature passed five. The Department of Human Services (DHS) was tracking 104 bills, memorials and resolutions, and, of those, the legislature passed two.

While not many bills made it through the legislative process because of a lack of quorum, legislators considered several bills, memorials and resolutions that directly or indirectly affect human services and supports provided by DHS. If you have questions about 2020 human services related legislation, please contact government relations staff listed below.

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Key to Program Acronyms

Office of Aging and People with Disabilities APD

Child Welfare Program CW

Office of Developmental Disabilities ODDS

Self-Sufficiency Programs SSP

Vocational Rehabilitation VR

Shared and Central Services SCS

Copies of 2020 bills may be found on the legislative website:
https://www.oregonlegislature.gov/bills_laws/listbills/2020R1SessionBills.html



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Legislation Passed

Deadlines for 2020 Legislative Measures

HCR 201

SCS

Effective date: February 12, 2020

House Concurrent Resolution 201 established the rule of proceedings during the 2020 regular short session of the Eightieth Legislative Assembly. The 2020 regular session measure deadlines were February 13, 2020 for work sessions in non-exempt policy committees in the first chamber and February 25, 2020 for work sessions in non-exempt policy committees in the second chamber. Committees exempt from the deadlines above are the Joint Committee on Ways and Means, other joint committees except for the Joint Committee on Transportation, Senate Committee on Finance and Revenue, House Committee on Revenue, Senate Committee on Rules and House Committee on Rules.

Vocational Rehabilitation 100th Anniversary

SCR 202

VR

Effective date: March 3, 2020

Senate Concurrent Resolution 202 commemorates the 100th anniversary of the federal Rehabilitation Act, which created vocational rehabilitation, and celebrates its success supporting Oregonians with disabilities to achieve employment and join the workforce.



Legislation Considered (Not Passed)

Health Care Omnibus Bill

House Bill 4016
APD

House Bill 4016 is a health care omnibus bill. The relevant portions would have established a Senior Emergency Medical Services Innovation program in DHS to promote efficient, quality and appropriate use of senior emergency medical services for residents in residential care facilities and nursing facilities. The newly established program would have consisted of an advisory council, support for pilot projects to promote innovative delivery of emergency medical services to residents in facilities, and it would have required DHS to report on outcomes and recommendations to improve senior emergency medical services to the Legislature. Other relevant pieces of this bill would have prohibited local governments from regulating and imposing fees on residential care facilities and nursing facilities with certain exceptions.

Investing in Unaccompanied Homeless Youth

House Bill 4039
SSP

House Bill 4039 would have appropriated \$2.5 million to DHS to enhance services to unaccompanied homeless youth. The Department would have been required to conduct a statewide assessment of the needs and continuum of services for unaccompanied homeless youth in Oregon. It would have also established enhancement grants for existing organizations to increase their services for unaccompanied homeless youth and established grants for short and long-term host home projects. Host home projects facilitate an arrangement between an unaccompanied homeless youth and a private individual with the goal of achieving specific outcomes including but not limited to improved school attendance rates, increased access to nutrition, health care, and trauma-informed supports such as mental health treatment and transportation services. The Department would have been required to report the findings of the statewide assessment and the outcomes of the host home projects to the Legislative Assembly.

Family Treatment Court (Clackamas and Douglas County)

House Bill 4040
CW

House Bill 4040 would have established a Family Treatment Court Pilot program in Clackamas and Douglas 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 for dependency cases; early identification of eligible participants, frequent monitoring and case management of the families served; and biennial updates to the Legislative Assembly, including key child welfare outcome data for pilot program participants.



Task Force on Age Discrimination

House Bill 4076
APD

House Bill 4016 would have established a Task Force on Age Discrimination consisting of 11 members appointed by legislative leadership and the Governor’s Office. The task force’s mission would have been to identify and evaluate the impacts of age discrimination in the workplace, and recommended policy and legislative changes to deter age-related discrimination. The task force would have been required to report an outline of their recommendations to the Legislative Assembly.

Behavioral Health Road Map Commission

House Bill 4082
ODDS

House Bill 4082 would have established a Behavioral Health Road Map Commission as a joint commission within the Legislative Assembly. The purpose of the joint commission would have been to promote executive branch intragovernmental collaboration and stakeholder engagement on the development of an integrated behavioral health care system. The joint commission would have been tasked with analyzing the current behavioral health care system, defining the attributes of an ideal system including costs and funding sources, recommending revenue sources, highlighting workforce needs, and defining outcome measures for an ideal system. Preliminary policy and budget recommendations, policy implementation recommendations, and on-going reports would have been provided to the Legislative Assembly.

Children’s Advocacy Centers Grant Formula Modifications

House Bill 4112
CW

House Bill 4112 would have established an “Child Abuse Assessment Account” within the State Treasury with \$3 million in funds appropriated to the Department of Justice (DOJ) for the Child Abuse Multidisciplinary Intervention Program, which would be responsible for disbursing funding to children’s advocacy centers (CACs). DOJ could have paid for medical assessments and forensic interviews conducted by the CACs through direct payments.

House Bill 4112 would have allocated \$700,000 for the University of Oregon to conduct a statewide child abuse prevalence study.

Finally, this bill would have allocated funding to the Department of Education to develop a standardized training and curricula for child sexual abuse prevention programs.

Transition Services Funding

House Bill 4120
CW

House Bill 4120 was introduced at the request of the Oregon Foster Youth Connection and would have appropriated \$2 million to DHS for transition services for current and former foster youth. The funds would have gone to the Independent Living Program, which provides skills training, housing assistance, and educational assistance to current and former foster youth through contracted organizations.



Coffee Creek Family Preservation Pilot Program

House Bill 4131
CW and SCS

House Bill 4120 would have appropriated \$650,000 to the Oregon Criminal Justice Commission in collaboration with Department of Corrections to establish a Family Preservation Pilot program at the Coffee Creek Correctional Facility. The YWCA of Greater Portland would have administered the pilot program. The goal of the pilot would have been to reduce family trauma due to incarceration, which promotes successful reentry, and thereby reducing recidivism. The Department of Corrections, in consultation with the YWCA of Greater Portland, would be required to conduct an evaluation of the effectiveness of the program every two years.

Investing in Co-Located Domestic Violence Advocates

House Bill 4133
SSP

House Bill 4133 would have appropriated funds to DHS for the existing contracted domestic violence specialist positions within child welfare offices. If the bill had continued to move through the process, proponents had agreed to amend the bill to provide funds for existing contracted organizations that provide co-located domestic violence advocates in DHS Child Welfare and Self-Sufficiency offices.

Court Appointed Special Advocate Funding

House Bill 4141
CW and SCS

House Bill 4140 would have appropriated \$2.6 million to the Department of Administrative Services for the Court Appointed Special Advocate (CASA) Fund. Funding would have been for the hiring additional staff to support and expand the CASA volunteer program with the goal of reducing the average time that each child spends in foster care.

Oregon Indian Child Welfare Act

House Bill 4148
CW and SCS

House Bill 4148 would have embedded the federal Indian Child Welfare Act (ICWA) into Oregon's state child welfare laws to further protect and preserve the future of tribal children, families, nations, and culture. The federal ICWA was enacted in 1978 in response to high rates of separation of American Indian and Alaskan Native families. ICWA aims to protect the best interest of tribal children and families by outlining the states' requirement to work within tribal placement preferences, deliver active efforts, and partner with tribal nations to ensure tribal sovereignty. The adoption of HB 4148 would have ensured that if the federal ICWA was repealed Oregon would continue to have child welfare protections for tribal children and families.



Budget Reconciliation

House Bill 5204
APD, CW, ODDS, SCS, SSP and VR

House Bill 5204 is the budget reconciliation bill that would have adjusted the state budget for the 2019-21 biennium. The relevant adjustments for DHS included:

- **Rebalance:** \$13.6 million to resolve a variety of issues with the Department’s 2019-21 budget, including caseload changes, management actions, and technical adjustments.
- **Strengthening, Preserving, Reunifying Families (SPRF):** \$10.4 million to ensure continued funding of the SPRF program, which provides contracted community-based services aimed at reducing trauma by maintaining children safely in their homes when possible; reducing the length of stay in foster care; and reducing the re-abuse rate and improving permanency outcomes.
- **State employee collective bargaining:** \$4.2 million to increase salaries for Social Service Specialist 1 and Social Service Specialist 2, which are the main classifications of child welfare caseworkers.
- **Behavioral residential services (BRS) rate increase:** \$1.5 million for increases to rates for programs that serve children with high behavioral needs. This increase would have ensured providers were appropriately compensated for serving this population, which includes foster children, children in the juvenile justice system and on the Oregon Health Plan.
- **Third-party investigations:** \$2.5 million would have been to establish positions to allow the Department to investigate reports of child abuse when the alleged perpetrator is third-party (non-familial) and law enforcement is not investigating.
- **Non-state employee bargaining:** \$22.5 million or 7.15 percent increases would have gone to providers serving people with intellectual or developmental disabilities (I/DD), mental health adult foster homes, and increases in hourly wages for home care and personal support workers.
- **Positions related to Gov. Brown’s Executive Order on Child Welfare:** \$8.4 million for positions recommended by Alvarez & Marsal, the crisis management firm contracted to implement Governor Brown’s Executive Order 19-03, addressing immediate issues in child welfare. Positions would have ensured continued progress in Child Welfare, including in child safety, foster care family recruitment and retention, and hiring and training of caseworkers.
- **New positions critical to safety and health:** \$603,000 for new positions related to workstreams that will pose significant risk for the agency if we are not able to meet the demand.
- **Workload funding for case management entities:** \$5 million to provide funding for the second year of the biennium for Community Developmental Disability Programs and brokerages that serve Oregonians with intellectual and developmental disabilities.
- **ODDS contractor error correction:** \$12.2 million for provider rate increases needed to correct errors made by the Human Services Research Institute (HSRI) contractor.
- **Independent Living Program:** \$2 million for transition services for current and former foster youth.

As a part of House Bill 5204, the department would have also been required to report back on the following budget notes:

Double Fills Budget Note: Prior to October 1, 2020, the Department of Human Services shall report to the Emergency Board on its utilization of non-budgeted positions associated with “double fill” needs. The report shall provide information (counts, purpose, justification, etc.) on non-budgeted positions by program and use the January 2020 request for 331 positions as the baseline for showing upward or downward trends in



utilization. The report should also identify, by program, position costs for the first year of the biennium, how those costs were covered, and how the agency plans to cover them in the second year of the biennium.

Child Welfare Budget Note: By the end of calendar year 2020, the Department of Human Services (DHS) will provide at least one report to the Emergency Board on the Child Welfare program. The report should include, but need not be limited to, the following: 1) status of child welfare program investments made during both the 2019 and 2020 legislative sessions; 2) Family First implementation efforts; 3) data around caseworker recruiting, hiring, position vacancies, separations, turnover, and training; 4) an update on how the Oregon Child Abuse Hotline is performing with regard to metrics, workforce, training, and quality assurance; and 5) progress made in assessing the effectiveness of the Strengthening, Preserving, and Reunifying Families (SPRF) program.

ODDS Statewide Case Management System Budget Note: At the meeting of the Emergency Board closest to June 1, 2020, the Department of Human Services shall report on options and recommended next steps for the design and implementation of a statewide case management system serving the Intellectual and Developmental Disabilities program. This effort should be focused on how best to meet the needs of the program, case management entities, providers, families, and people experiencing developmental disabilities. The agency will consult with information technology staff from the Oregon Health Authority’s Office of Information Systems (OIS), the Office of the State Chief Information Officer (OSCIO), and the Legislative Fiscal Office (LFO) to ensure that options and recommendations account for availability of OIS resources (or appropriate alternatives) and are consistent with the OSCIO Information Technology (IT) Investment Oversight Policy and the Joint State CIO/LFO Stage Gate Review Process for IT projects.

Senate Committee on Human Services Omnibus

Senate Bill 1518
CW and ODDS

Senate Bill 1518 was a human services omnibus bill with several components impacting DHS. The bill would have required DHS to make reasonable efforts to finalize certain pending adoptions by June 30, 2020 and submit a progress report to the Legislative Assembly on those efforts. The bill would have also required the Department to report to the Legislative Assembly on progress of rule development for defining “candidate for foster care” as it relates to the federal Family First Prevention of Services Act (FFPSA).

An additional relevant component of the bill would have aligned statute with current child welfare practice by placing nondiscrimination and nonretaliation policies in statute.

Technical Fixes to Criminal Records Checks

Senate Bill 1519
APD and SCS

Senate Bill 1519 would have made technical fixes to the statutory language created by Senate Bill 725, which passed in the 2019 Legislative Session. SB 725 (2019) prohibited DHS and the Oregon Health Authority (OHA) from completing a criminal records check on certain individuals more often than once in a two-year period, with some exceptions. This change created an unintended impact to the Long-Term Care Registry (LTCR). SB 1519 sought to correct this by allowing no more than one criminal record check in an 18-month period. SB 1519 would have also enabled DHS and OHA to determine by rule the instances that would be burdensome for an individual to wait the 18-month period for a new criminal records check.



SB 725 (2019) also established that Driving Under the Influence of Intoxicants (DUIIs) convictions may be not considered unless there is more than one conviction in a five-year period. SB 1519 would have provided consistency by including Boating Under the Influence and equivalent crimes in other jurisdictions.

Proof of Education for Administrator Licenses

Senate Bill 1526
APD

Senate Bill 1526 was introduced at the request of OHA and the Oregon Health Care Association. If passed, the Health Licensing Office would have been permitted to identify sufficient proof of at least a high school diploma, its equivalent, or graduation from a post-secondary institution when issuing a residential care facility administrator license to qualifying individuals. Sufficient proof would have been up defined by the OHA Health Licensing Office.

Low Income Repair and Rehabilitation Grants

Senate Bill 1532
ODDS

If passed, Senate Bill 1532 would have required the Housing and Community Services Department to distribute \$4 million in grants for repair and rehabilitation of residences. The grants would have been available to eligible homeownership assistance programs and Community Action Agencies offering assistance to low-income households. The Housing and Community Services Department would have been required to report to the Legislative Assembly on the grant program and amounts expended.

Behavioral Health Treatment Report

Senate Bill 1553
ODDS

Senate Bill 1553 would have required OHA to work with stakeholders in assessing and preparing a report on the regulatory and policy barriers that limit access to effective and timely treatment of co-occurring disorders. Co-occurring disorders were defined as a diagnosis of a mental health disorder along with a diagnosis of substance use disorder, problem gambling, or an intellectual or developmental disability. The report to the Legislative Assembly also would have required recommendations for the development of co-occurring treatment licensing and credentialing, strategies and cost estimates for provider reimbursements, and improvements for access to peer support specialists and wellness specialists.



Child Welfare Omnibus

Senate Bill 1566
CW, ODDS and SCS

Senate Bill 1566 was a child welfare omnibus bill with several components impacting DHS.

Senate Bill 1566 would have extended the Oregon Promise financial aid program to Oregon foster youth in out-of-state placements.

Senate Bill 1566 would have temporarily allowed the Department to establish by rule the procedure for closing reports of child abuse at screening when the alleged perpetrator is a third party and certain criteria is met. The Department would have been required to report to the Legislative Assembly on the number of reports closed, the relationship between the alleged perpetrator and victim, the type of abuse alleged, and resources required to fully implement investigations for these types of reports.

Senate Bill 1566 would have required the licensing of out-of-state residential providers, created mandatory notification requirements to other child placement agencies, and established reporting requirements for any abuse investigations that occur in out-of-state programs licensed by Oregon through quarterly reports. The bill also would have required that contracts be amended requiring out-of-state providers to meet the same standards as Oregon Behavioral Rehabilitation Services (BRS) requirements.

Additionally, DHS would have been required to adopt rules allowing up to two in-state programs that would provide services to children with sexually maladaptive behaviors, a history of eloping from care, or a history of unsuccessful placement in other settings. The Department would have been required to report on these programs and make recommendations to the Legislative Assembly.

The bill also would have described reporting and oversight criteria for Qualified Residential Treatment Programs (QRTPs) and would have required site-specific accreditation from a nationally recognized organization. Finally, the bill would have placed limits on co-locating children and youth in the custody of DHS with juvenile offenders.

Legislative Quorum Requirements

SJR 201
SCS

Senate Joint Resolution 201 would have referred an Oregon Constitutional amendment to voters in the next general election. The amendment proposed a change to quorum requirements from two-thirds to a simple majority for the Legislature to do its business during regular sessions and at times of catastrophic disaster.