

**OREGON HEALTH AUTHORITY
ADDICTIONS & MENTAL HEALTH DIVISION
ORS 443.004/OAR 407-007-0277 Crimes**

Public funds may not be used to support, in whole or in part, the employment in any capacity of an individual having contact with a recipient of support services or a resident of a residential facility or an adult foster home, of a mental health or substance abuse treatment provider who has been convicted of the following convictions.

“Mental health or substance abuse treatment provider” means:

- A peer support specialist;
- An employee of a residential treatment facility or a residential treatment home that is licensed under ORS 443.415 to provide treatment for individuals with alcohol or drug dependence;
- An individual who provides treatment or services for persons with substance use disorders; or
- An individual who provides mental health treatment or services (including any type of mental health licensed or certified facility or agency).

If the individual has been convicted of any of the crimes listed below (or **attempt, conspiracy, or solicitation** for any of the crimes) regardless of how long ago the conviction occurred, THE INDIVIDUAL IS NOT ELIGIBLE FOR THE POSITION.

- ORS 163.095, Aggravated murder
- ORS 163.107, Murder I
- ORS 163.115, Murder II
- ORS 163.375, Rape I
- ORS 163.405, Sodomy I
- ORS 163.411, Unlawful sexual penetration I
- ORS 163.427, Sexual abuse I

If an individual is offered employment as a mental health or substance abuse treatment provider, the individual is subject to a background check through the Background Check Unit (BCU), serving the Department of Human Services and the Oregon Health Authority. If BCU confirms that the individual has a conviction of one or more of the crimes listed above, BCU will make a determination that of **INELIGIBLE DUE TO ORS 443.004**.

An individual found to be Ineligible Due to ORS 443.004 does not have hearing rights through BCU regarding this determination.

In new legislation in 2019, ORS 443.004 has been updated to allow grandfathering for mental health and alcohol and drug employees. An employee can now move to different positions if he or she has worked for the same employer since before July 28, 2009 and stays with this same employer. This exemption is not applicable to licensees (e.g., adult foster home providers).