

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2250**

1 On page 3 of the printed A-engrossed bill, line 3, after “(4)” insert “Sub-
2 ject to the provisions of ORS 443.004 insofar as those provisions apply to
3 home care workers,”.

4 On page 9, line 17, after “subsection,” insert “and subject to the pro-
5 visions of ORS 443.004 insofar as those provisions apply to home care work-
6 ers,”.

7 On page 12, line 18, after “475.346,” insert “and subject to the provisions
8 of ORS 443.004 insofar as those provisions apply to home care workers,”.

9 On page 14, delete lines 40 through 45 and delete page 15.

10 On page 16, delete lines 1 through 30 and insert:

11 **“SECTION 8.** ORS 443.004 is amended to read:

12 “443.004. (1) The Department of Human Services or the Oregon Health
13 Authority shall complete a criminal records check under ORS 181.534 on:

14 “(a) An employee of a residential facility or an adult foster home;

15 “(b) Any individual who is paid directly or indirectly with public funds
16 who has or will have contact with a recipient of support services or a resi-
17 dent of an adult foster home or a residential facility; and

18 “(c) A home care worker registering with the Home Care Commission or
19 renewing a registration with the Home Care Commission.

20 “(2)(a) A home health agency shall conduct a criminal background check
21 before hiring or contracting with an individual and before allowing an indi-
22 vidual to volunteer to provide services on behalf of the home health agency,

1 if the individual will have direct contact with a patient of the home health
2 agency.

3 “(b) An in-home care agency shall conduct a criminal background check
4 before hiring or contracting with an individual and before allowing an indi-
5 vidual to volunteer to provide services on behalf of the in-home care agency,
6 if the individual will have direct contact with a client of the in-home care
7 agency.

8 “(c) The authority shall prescribe by rule the process for conducting a
9 criminal background check.

10 “(3) Public funds may not be used to support, in whole or in part, the
11 employment in any capacity having contact with a recipient of support ser-
12 vices or a resident of a residential facility or an adult foster home, of an
13 individual, other than a mental health or substance abuse treatment pro-
14 vider, who has been convicted:

15 “(a) **Of a crime specified by rule of the Oregon Department of Ad-**
16 **ministrative Services under ORS 181.547 (2)(c);**

17 “[*(a)*] (b) Of a crime described in ORS 163.095, 163.115, 163.118, 163.125,
18 163.145, [*163.149,*] 163.165, 163.175, 163.185, 163.187, 163.200, 163.205, 163.225,
19 163.235, 163.263, 163.264, 163.266, 163.275, 163.465, 163.467, 163.535, 163.537,
20 163.547, 163.689, 163.700, [*164.055, 164.057,*] 164.098, 164.125 (5)(c) or (d),
21 [*164.215,*] 164.225, 164.325, 164.377 (2) or (3), 164.405, 164.415, 165.013, 165.022,
22 165.032, 165.800, 165.803, 167.012, 167.017, 167.057, 167.320 or 167.322;

23 “[*(b)*] (c) Notwithstanding paragraph [*(a)*] (b) of this subsection, of a
24 crime described in ORS 163.465, 163.467, 163.700, [*164.055,*] 164.125 or 164.377,
25 the date of conviction for which was within the five years immediately pre-
26 ceding employment in any capacity of an individual, other than a mental
27 health or substance abuse treatment provider, having contact with a recipi-
28 ent of support services, a resident of a residential facility or a resident of
29 an adult foster home, when the recipient or resident is 65 years of age or
30 older;

1 “[~~(c)~~] **(d)** Of a crime listed in ORS 181.805;

2 “[~~(d)~~] **(e)** In the last 10 years, of a crime involving the delivery or manu-
3 facture of a controlled substance;

4 “[~~(e)~~] **(f)** Of an attempt, conspiracy or solicitation to commit a crime de-
5 scribed in paragraphs [~~(a) to (d)~~] **(b) to (e)** of this subsection; or

6 “[~~(f)~~] **(g)** Of a crime in another jurisdiction that is substantially equiv-
7 alent, as defined by rule, to a crime described in paragraphs [~~(a) to (e)~~] **(b)**
8 **to (f)** of this subsection.

9 “(4) If the criminal background check conducted by a home health agency
10 or in-home care agency under subsection (2) of this section reveals that the
11 individual who is subject to the criminal background check has been con-
12 victed of any of the crimes described in subsection (3) of this section, the
13 home health agency or in-home care agency may not employ the individual.

14 “(5) Public funds may not be used to support, in whole or in part, the
15 employment, in any capacity having contact with a recipient of support ser-
16 vices or a resident of a residential facility or an adult foster home, of a
17 mental health or substance abuse treatment provider who has been convicted
18 of committing, or convicted of an attempt, conspiracy or solicitation to
19 commit, a crime described in ORS 163.095, 163.115, 163.375, 163.405, 163.411
20 or 163.427.

21 “(6) Upon the request of a mental health or substance abuse treatment
22 provider, the Department **of Human Services** or **the Oregon Health Au-**
23 **thority** shall maintain a record of the results of any fitness determination
24 made under ORS 181.534 [~~(11) and (12)~~]. The department or authority may
25 disclose the record only to a person the provider specifically authorizes, by
26 a written release, to receive the information.

27 “(7) If the department or authority has a record of substantiated abuse
28 committed by an employee or potential employee of a home health agency,
29 in-home care agency, adult foster home or residential facility, regardless of
30 whether criminal charges were filed, the department or authority shall no-

1 tify, in writing, the employer and the employee or potential employee.

2 “(8) As used in this section:

3 “(a) ‘Adult foster home’ has the meaning given that term in ORS 443.705.

4 “(b) ‘Home care worker’ has the meaning given that term in ORS 410.600.

5 “(c) ‘Home health agency’ has the meaning given that term in ORS
6 443.005.

7 “(d) ‘In-home care agency’ has the meaning given that term in ORS
8 443.305.

9 “(e) ‘Mental health or substance abuse treatment provider’ means:

10 “(A) A peer support specialist;

11 “(B) An employee of a residential treatment facility or a residential
12 treatment home that is licensed under ORS 443.415 to provide treatment for
13 individuals with alcohol or drug dependence;

14 “(C) An individual who provides treatment or services for persons with
15 substance use disorders; or

16 “(D) An individual who provides mental health treatment or services.

17 “(f) ‘Peer support specialist’ means a person who:

18 “(A) Is providing peer support services as defined by the authority by
19 rule;

20 “(B) Is under the supervision of a qualified clinical supervisor;

21 “(C) Has completed training required by the authority; and

22 “(D) Is currently receiving or has formerly received mental health ser-
23 vices, or is in recovery from a substance use disorder and meets the
24 abstinence requirements for staff providing services in alcohol or other drug
25 treatment programs.

26 “(g) ‘Residential facility’ has the meaning given that term in ORS
27 443.400.”.

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