

**Sara A. Gelser**  
**State Senator**  
District 8



## **Oregon State Senate**

April 23, 2021

\*Late filing requested and allowed due to illness\*

### **Vote Explanation for SB 556A**

SB 556 changes the words “on-site” to “in person” in sections of Oregon statute related to inspections, licensure and investigation of certain health and human services programs. This change was needed to clarify that when the Legislature initially required on-site inspections, the intent was that a person physically go to the location. With new technology and coming out of COVID-19 restrictions, it was important to clarify this intent. It is important to note that this requirement could still be adjusted during a public health emergency in the future.

On the Senate floor questions were raised about the fiscal impact of SB 556A. As originally drafted, the measure inadvertently required ALL inspections, licensure activities and investigations to be done in person. This was not good policy and it would have caused significant additional cost for the agencies.

Amendments were immediately sought for SB 556 to ensure it met the original intent— to simply change the phrase “on-site” to “in-person” where that language was already in the statute. That was reflected in the -2 amendment that was amended into SB 556 and ultimately became SB 556A. This bill requires no change to current practice (though prevents future changes to practice) and thus requires no new positions or expenditures.

At the work session, after we adopted the -2 amendment, I noted that the preliminary unofficial fiscal actually indicated the potential of a significant expenditure estimate and several additional positions. This was not consistent with my understanding after extensive discussions with OHA and DHS. As a result, I held over the work session so that LFO and the agencies could ensure the fiscal information was accurate.

I then learned that ODDS inadvertently sent over their paperwork on the base bill, rather than the -2 amendment, when LFO requested information for the development of the fiscal. ODDS, DHS and LFO communicated and the issue was resolved. The only official fiscal statement, that on SB 556A, correctly states that SB 556A has NO expenditure impact. This is why the bill was sent to the floor rather than to Ways and Means.

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A few minutes prior to the 3<sup>rd</sup> reading of the measure, I learned there were questions about this matter. I circled back with DHS and the following statement was issued by ODDS Director Lilia Teninty on April 21 at 11:06am by email:

*Hello Sen Gelser,*

*I'm following up to clarify the change in the ODHS FIS for SB 556. There was a requirement in the bill about the frequency of visits that was removed in the -2. ODDS did not account for this change when submitting the FIS. The amendment allows us to keep our current processes in place and results in no additional cost for ODDS.*

*Thx,*

*Lilia*

*Lilia Teninty*

*Director*

*Office of Developmental Disabilities Services*

*Oregon Department of Human Services*

*(503) 945-6918*

*Pronouns: She/Her/Hers*

I read this statement on the floor and subsequently emailed a copy to all members of the Senate. I also committed to have this information put into the record in the form of a vote explanation. Some members further requested that the prior statement, that was in error, be removed from OLIS to eliminate confusion. However, upon inquiry I learned OLIS records cannot be modified or removed because that would be an alteration of the public record.

Preliminary fiscal and revenue analyses and staff measure summaries are routinely posted to OLIS before the official versions are complete. These preliminary statements include the language: **Only Impacts on Original or Engrossed Versions are Considered Official**

The only official fiscal statement in OLIS was the official statement on SB 556A which stated there is No Expenditure Impact for the measure.

I cast an AYE vote for SB 556A because it ensures in-person inspections of facilities serving the most vulnerable Oregonians resume as it becomes safe to do so. This is critical to the health, welfare, safety and dignity of those receiving residential services. The bill has no fiscal impact, and simply clarifies the intent of in person inspections.

Most sincerely,



Sara Gelser