

A-Engrossed
Senate Bill 157

Ordered by the Senate April 30
Including Senate Amendments dated April 30

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Theodore R. Kulongoski for Department of Human Services)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Designates Home Care Commission as independent agency by transfer of duties, functions, powers, employees and property associated with administration of commission from Department of Human Services to commission.]

Specifies authority of **Home Care Commission and commission's relationship with Department of Human Services**. *[Exempts commission from laws relating to transfer of public employees, state personnel relations, public contracting, public printing, interagency services, state financial administration and salaries and expenses of state officers and employees.]*

Specifies that members of commission are officers of state and that commission is state commission.

A BILL FOR AN ACT

1
2 Relating to the Home Care Commission; creating new provisions; and amending ORS 410.602 and
3 410.604.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS 410.600 to**
6 **410.614.**

7 **SECTION 2. (1) In carrying out its duties under ORS 410.600 to 410.614, the Home Care**
8 **Commission may:**

9 (a) **Enter into an interagency agreement or a contract with any state agency for the**
10 **performance of the commission's duties or the leasing of office space;**

11 (b) **Provide nonemployee compensation to home care workers or prospective home care**
12 **workers who attend training sessions approved or sponsored by the commission;**

13 (c) **On behalf of an elderly person or a disabled person who hires a home care worker**
14 **through the Home Care Commission registry, elect workers' compensation coverage or ar-**
15 **range for health insurance coverage, including group coverage, for the person's home care**
16 **workers; and**

17 (d) **Charge and collect fees, as prescribed by rule, for persons who are not current or**
18 **prospective home care workers to attend training sessions sponsored by the commission.**

19 (2) **The commission and the Department of Human Services shall confer as to the amount**
20 **of funds necessary to carry out the duties and activities of the commission, and the depart-**
21 **ment shall include the agreed upon amount in the Governor's budget request to the Legis-**
22 **lative Assembly.**

23 (3) **The commission may apply for and receive gifts and grants from any public or private**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **source.**

2 (4) **The commission may award grants from funds appropriated by the Legislative As-**
3 **sembly to the department for allocation to the commission or from funds otherwise available**
4 **from any other source for the purpose of carrying out the duties of the commission under**
5 **ORS 410.600 to 410.614.**

6 **SECTION 3.** ORS 410.602 is amended to read:

7 410.602. (1) The Home Care Commission is created, consisting of nine members appointed by the
8 Governor and confirmed by the Senate as provided in ORS 171.562 and 171.565. Five members shall
9 be elderly or disabled persons who are receiving or who have received home care services. One
10 member shall be appointed to represent each of the following entities, or a successor entity, for as
11 long as a comparable entity exists:

- 12 (a) Governor's Commission on Senior Services;
- 13 (b) Department of Human Services;
- 14 (c) Oregon Disabilities Commission; and
- 15 (d) Oregon Association of Area Agencies on Aging and Disabilities.

16 (2) The members shall be appointed for terms of three years. A member is eligible for reap-
17 pointment and may serve no more than three consecutive terms. When making appointments to the
18 commission, the Governor may consider recommendations from the entities listed in subsection (1)
19 of this section and other organizations representing the interests of elderly and disabled persons.

20 (3) If there is a vacancy for any cause, the Governor shall make an appointment to become im-
21 mediately effective for the unexpired term.

22 (4) The commission shall exercise all powers necessary to effectuate the purposes of ORS 410.600
23 to 410.614.

24 (5) The Governor shall select annually from the membership of the commission a chairperson
25 who serves at the pleasure of the Governor. The chairperson or majority of the members of the
26 commission then in office shall have the power to call regular or special meetings of the commission.
27 The commission shall meet at a place, date and hour determined by the commission.

28 (6) Members of the commission shall be paid compensation and expenses as provided in ORS
29 292.495 from such funds as may be available to the commission.

30 (7) Meetings of the commission shall be open and public in accordance with ORS 192.610 to
31 192.690. Records of the commission shall be open and available to the public in accordance with ORS
32 192.410 to 192.505. The commission shall meet regularly with the executive director of the Home
33 Care Commission to make recommendations and set policy, to approve or reject reports of the
34 **executive** director, to adopt rules and to transact other business.

35 (8) A quorum of the commission shall consist of a majority of the members of the commission
36 then in office. All decisions of the commission shall be made by a majority of all the members then
37 in office.

38 (9) The commission shall, in accordance with ORS chapter 183, adopt and enforce rules to carry
39 out the provisions of ORS 410.600 to 410.614.

40 (10) **The commission is not subject to ORS 291.050 to 291.060.**

41 (11) **Members of the commission are officers of the state and the commission is a state**
42 **commission for purposes of ORS 30.260 to 30.300 and 278.120 and ORS chapter 180.**

43 (12) **The chairperson may sign, on behalf of the commission, contracts or agreements**
44 **that the commission authorizes or is required to execute.**

45 **SECTION 4.** ORS 410.604 is amended to read:

1 410.604. (1) The Home Care Commission shall ensure the quality of home care services by:

2 (a) Establishing qualifications for home care workers with the advice and consent of the De-
3 partment of Human Services as the single state Medicaid agency;

4 (b) Providing training opportunities for home care workers and elderly and disabled persons who
5 employ home care workers;

6 (c) Establishing and maintaining a registry of qualified home care workers;

7 (d) Providing routine, emergency and respite referrals of home care workers;

8 (e) Entering into contracts with public and private organizations and individuals for the purpose
9 of obtaining or developing training materials and curriculum or other services as may be needed by
10 the commission; and

11 (f) Working cooperatively with area agencies and state and local agencies to accomplish the
12 duties listed in paragraphs (a) to (e) of this subsection.

13 *[(2) The commission shall employ an executive director who is appointed by the Governor and who
14 shall serve at the pleasure of the Governor. The commission may employ other staff as may be neces-
15 sary to carry out its functions. An employee of the commission is not an employee of the State of
16 Oregon for any purpose.]*

17 **(2)(a) The commission shall enter into an interagency agreement with the department to
18 contract for a department employee to serve as executive director of the commission. The
19 executive director shall be appointed by the Director of Human Services in consultation with
20 the Governor and subject to approval by the commission, and shall serve at the pleasure of
21 the Director of Human Services. The commission may delegate to the executive director the
22 authority to act on behalf of the commission to carry out its duties and responsibilities, in-
23 cluding but not limited to:**

24 **(A) Entering into contracts or agreements; and**

25 **(B) Taking reasonable or necessary actions related to the commission's role as employer
26 of record for home care workers under ORS 410.612.**

27 **(b) The commission shall enter into an interagency agreement with the department for
28 carrying out any of the duties or functions of the commission, for department expenditures
29 and for the provision of staff support by the department.**

30 (3) When conducting its activities, and in making decisions relating to those activities, the
31 commission shall first consider the effect of its activities and decisions on:

32 (a) Improving the quality of service delivered by home care workers; and

33 (b) Ensuring adequate hours of service are provided to elderly and disabled persons by home
34 care workers.

35 (4) The commission has the authority to [*contract, lease, acquire, hold, own, encumber, insure, sell,*
36 *replace, deal in and with and dispose of real and personal property*] **contract for services, lease,**
37 **acquire, hold, own, encumber, insure, sell, replace, deal in and with and dispose of real and**
38 **personal property in its own name.**

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