

Enrolled
Senate Bill 958

Sponsored by Senator JOHNSON

CHAPTER

AN ACT

Relating to in-home care agencies; creating new provisions; and amending ORS 443.315, 443.325 and 443.345.

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

SECTION 1. ORS 443.315 is amended to read:

443.315. (1) A person [shall] **may** not operate or maintain an in-home care agency or purport to operate or maintain an in-home care agency without obtaining a license from the Department of Human Services.

(2) The department shall establish requirements and qualifications for licensure under this section by rule. The department shall issue a license to an applicant that has the necessary qualifications and meets all requirements established by rule, including the payment of required fees. **An in-home care agency shall be required to maintain administrative and professional oversight to ensure the quality of services provided.**

(3) Application for a license required under subsection (1) of this section shall be made in the form and manner required by the department by rule and shall be accompanied by any required fees.

[(4) The department shall adopt a schedule of required fees by rule. The fee for initial licensure shall not exceed \$500 per subunit of an in-home care agency. The fees established under this subsection are subject to the prior approval of the Oregon Department of Administrative Services and, if their adoption occurs between regular sessions of the Legislative Assembly, a report to the Emergency Board. The fees shall not exceed the cost of administering the provisions of ORS 443.305 to 443.350.]

(4) A license may be granted, or may be renewed annually, upon payment of a fee as follows:

(a) For the initial licensure of an in-home care agency:

(A) \$1,500; and

(B) An additional \$750 for each subunit.

(b) For renewal of a license:

(A) \$750; and

(B) An additional \$750 for each subunit.

(c) For a change of ownership at a time other than the annual renewal date:

(A) \$350; and

(B) An additional \$350 for each subunit.

(5) A license issued under this section is valid for one year. A license may be renewed by payment of the required renewal fee [established by rule,] and by demonstration of compliance with requirements for renewal established by rule.

(6) A license issued under this section is not transferable.

(7) The department shall conduct an on-site inspection of each in-home care agency prior to services being rendered and once every three years thereafter as a requirement for licensing.

SECTION 2. ORS 443.325 is amended to read:

443.325. [(1)] The Department of Human Services may impose a civil penalty in the manner provided in ORS 183.745 and deny, suspend or revoke the license of any in-home care agency licensed under ORS 443.315 for failure to comply with ORS 443.305 to 443.350 or with rules adopted thereunder. A failure to comply with ORS 443.305 to 443.350 includes, but is not limited to:

- (1) Failure to provide a written disclosure statement to the client or the client's representative prior to in-home care services being rendered;
- (2) Failure to provide the contracted in-home care services; or
- (3) Failure to correct deficiencies identified during a department inspection.

[(2) Action under this section shall be taken in accordance with ORS chapter 183.]

SECTION 3. Section 4 of this 2007 Act is added to and made a part of ORS 443.305 to 443.350.

SECTION 4. (1) Notwithstanding the existence and pursuit of any other remedy, the Department of Human Services may, in the manner provided by law, maintain an action in the name of the state for injunction or other process against any person to restrain or prevent the establishment, conduct, management or operation of an in-home care agency without a license. The department may recover attorney fees and court costs for any such action.

(2) If an in-home care agency is found to be operating without a valid license, the in-home care agency must provide notice to its clients in a manner and period of time set forth by the department.

SECTION 5. ORS 443.345 is amended to read:

443.345. All [fees] moneys received pursuant to ORS 443.315 and 443.325 and section 4 of this 2007 Act shall be deposited in the State Treasury and credited to an account designated by the Department of Human Services. Such moneys are continuously appropriated to the department for the administration of ORS 443.305 to 443.350.

Passed by Senate June 19, 2007

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Secretary of Senate

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President of Senate

Passed by House June 20, 2007

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Speaker of House

Received by Governor:

.....M.,....., 2007

Approved:

.....M.,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2007

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Secretary of State