

A-Engrossed
Senate Bill 958

Ordered by the Senate May 3
Including Senate Amendments dated May 3

Sponsored by Senator JOHNSON

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.

[Reduces fee] **Sets fees** for initial licensure of in-home care agency and *[sets]* fees for renewal of license.

[Establishes violation of in-home care agency licensing requirements. Punishes by maximum of six months' imprisonment, \$2,500 fine, or both.] Authorizes Department of Human Services **to impose civil penalties for failure of in-home care agency to comply with licensure requirements** to commence action to enjoin violation and recover attorney fees.

A BILL FOR AN ACT

1
2 Relating to in-home care agencies; creating new provisions; and amending ORS 443.315, 443.325 and
3 443.345.

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

5 **SECTION 1.** ORS 443.315 is amended to read:

6 443.315. (1) A person *[shall]* **may** not operate or maintain an in-home care agency or purport to
7 operate or maintain an in-home care agency without obtaining a license from the Department of
8 Human Services.

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

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

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

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

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

24 (A) **\$1,500; and**

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

26 (b) **For renewal of a license:**

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 (A) \$750; and

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

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

4 (A) \$350; and

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

6 (5) A license issued under this section is valid for one year. A license may be renewed by pay-
7 ment of the required renewal fee [*established by rule,*] and by demonstration of compliance with re-
8 quirements for renewal established by rule.

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

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

13 **SECTION 2.** ORS 443.325 is amended to read:

14 443.325. [(1)] The Department of Human Services may **impose a civil penalty in the manner**
15 **provided in ORS 183.745 and** deny, suspend or revoke the license of any in-home care agency li-
16 censed under ORS 443.315 for failure to comply with ORS 443.305 to 443.350 or with rules adopted
17 thereunder. **A failure to comply with ORS 443.305 to 443.350 includes, but is not limited to:**

18 (1) **Failure to provide a written disclosure statement to the client or the client's repre-**
19 **sentative prior to in-home care services being rendered;**

20 (2) **Failure to provide the contracted in-home care services; or**

21 (3) **Failure to correct deficiencies identified during a department inspection.**

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

23 **SECTION 3.** Section 4 of this 2007 Act is added to and made a part of ORS 443.305 to
24 **443.350.**

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

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

33 **SECTION 5.** ORS 443.345 is amended to read:

34 443.345. All [*fees*] **moneys** received pursuant to ORS 443.315 **and 443.325 and section 4 of this**
35 **2007 Act** shall be deposited in the State Treasury and credited to an account designated by the
36 Department of Human Services. Such moneys are continuously appropriated to the department for
37 the administration of ORS 443.305 to 443.350.

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