

**REVENUE:** No revenue impact

**FISCAL:** Minimal fiscal impact, no statement issued

---

<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	9 - 0 - 1
<b>Yeas:</b>	Barton, Cameron, Edwards C., Esquivel, Holvey, Kennemer, Thatcher, Witt, Schaufler
<b>Nays:</b>	0
<b>Exc.:</b>	Matthews
<b>Prepared By:</b>	Theresa Van Winkle, Administrator
<b>Meeting Dates:</b>	2/27, 3/13

---

**WHAT THE MEASURE DOES:** Prohibits home health agencies and hospice programs from compensating nurses who provide home health services or hospice services on per-visit basis. Requires the Commissioner of the Bureau of Labor and Industries to enforce compliance. Allows the Commissioner to adopt rules to carry out provisions.

**ISSUES DISCUSSED:**

- Additional workload outside the nurse's on-site visit; i.e. paperwork
- Examples of work performed and working conditions by nurses during an on-site visit
- How "quality care" is measured
- Whether nurses have to pay liability/malpractice insurance
- Alternative methods in which nurses are compensated beyond a per-visit basis; i.e., hourly pay or monthly/bi-weekly salary

**EFFECT OF COMMITTEE AMENDMENT:** Removes provision which requires home health agency and hospice program nurses to be paid on an hourly basis. Moves enforcement from the Department of Human Services to the Bureau of Labor and Industries. Allows the Bureau of Labor and Industries Commissioner to adopt rules to carry out the measure's provisions.

**BACKGROUND:** In July 2000, the federal Health Care Financing Administration introduced the "prospective payment system," a new Medicare payment system that targets home health care service delivery. Some Oregon-based home health agencies adopted a pay-per-visit system for compensating nurses; arguably, the overall objective is to serve more patients and provide more total visits without increasing total staffing costs.

HB 2595-A prohibits home health and hospice nurses from being paid on a per-visit basis, to accommodate nurses' on-the-job activities beyond directly caring for patients. Examples of such activities include assessment, counseling, consultation, communication with the patient's family members, and legal documentation.

One of the core functions of the Bureau of Labor and Industries (BOLI) is enforcing wage and hour laws. Under the measure, the BOLI Commissioner can assess a civil penalty not to exceed \$1000 for violations.