

Senate Bill 702

Sponsored by Senator MORRISETTE, Representative DEMBROW

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 **as introduced**.

Amends definition of "home care worker" to include individual whose compensation is funded in whole or part by Department of Human Services, area agency or other public agency and to limit definition of "home care worker" to individuals registered with Home Care Commission.

A BILL FOR AN ACT

1
2 Relating to home care workers; amending ORS 410.600 and 656.039.

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

4 **SECTION 1.** ORS 410.600 is amended to read:

5 410.600. As used in ORS 410.600 to 410.625:

6 (1) "Activities of daily living" includes but is not limited to the following:

7 (a) Bathing and personal hygiene;

8 (b) Dressing and grooming;

9 (c) Eating;

10 (d) Mobility;

11 (e) Bowel and bladder management; and

12 (f) Cognition.

13 (2) "Area agency" has the meaning given that term in ORS 410.040.

14 (3) "Commission" means the Home Care Commission established and operated pursuant to sec-
15 tion 11, Article XV of the Oregon Constitution, and ORS 410.600 to 410.625.

16 (4) "Elderly person" has the meaning given that term in ORS 410.040.

17 (5) "Home care services" means assistance with activities of daily living and self-management
18 provided by a home care worker in the home of an elderly person or person with a disability.

19 (6) "Home care worker" means a person:

20 (a) Who is hired directly by an elderly person or person with a disability who receives moneys
21 from the Department of Human Services for that purpose;

22 (b) Whose compensation is [*paid*] **funded** in whole or in part by the department, an area agency
23 or other public agency; [*that receives moneys from the department for that purpose; and*]

24 (c) Who provides either hourly or live-in home care services[.]; **and**

25 **(d) Who is registered with the Home Care Commission.**

26 (7) "Person with a disability" has the meaning given that term in ORS 410.040.

27 (8) "Self-management" includes but is not limited to the following activities, other than activities
28 of daily living, required by an individual to continue living independently in the individual's own
29 home:

30 (a) Medication and oxygen management;

31 (b) Transportation;

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 (c) Meal preparation;

2 (d) Shopping; and

3 (e) Client focused general household work.

4 **SECTION 2.** ORS 656.039 is amended to read:

5 656.039. (1) An employer of one or more persons defined as nonsubject workers or not defined
6 as subject workers may elect to make them subject workers. If the employer is or becomes a
7 carrier-insured employer, the election shall be made by filing written notice thereof with the insurer
8 with a copy to the Director of the Department of Consumer and Business Services. The effective
9 date of coverage is governed by ORS 656.419 (3). If the employer is or becomes a self-insured em-
10 ployer, the election shall be made by filing written notice thereof with the director, the effective
11 date of coverage to be the date specified in the notice.

12 (2) Any election under subsection (1) of this section may be canceled by written notice thereof
13 to the insurer or, in the case of a self-insured employer, by notice thereof to the director. The can-
14 cellation is effective at 12 midnight ending the day the notice is received by the insurer or the di-
15 rector, unless a later date is specified in the notice. The insurer shall, within 10 days after receipt
16 of a notice of cancellation under this section, send a copy of the notice to the director.

17 (3) When necessary the insurer or the director shall fix assumed minimum or maximum wages
18 for persons made subject workers under this section.

19 (4) Notwithstanding any other provision of this section, a person or employer not subject to this
20 chapter who elects to become covered may apply to a guaranty contract insurer for coverage. An
21 insurer other than the State Accident Insurance Fund Corporation may provide such coverage.
22 However, the State Accident Insurance Fund Corporation shall accept any written notice filed and
23 provide coverage as provided in this section if all subject workers of the employers will be insured
24 with the State Accident Insurance Fund Corporation and the coverage of those subject workers is
25 not considered by the State Accident Insurance Fund Corporation to be a risk properly assignable
26 to the assigned risk pool.

27 (5)(a) The Home Care Commission created by ORS 410.602 shall elect coverage on behalf of cli-
28 ents of the Department of Human Services who employ home care workers to make home care
29 workers subject workers if the home care worker is [*paid*] **funded** by the state on behalf of the
30 client.

31 (b) As used in this subsection, "home care worker" has the meaning given that term in ORS
32 410.600.

33 **SECTION 3.** ORS 656.039, as amended by section 8, chapter 241, Oregon Laws 2007, is amended
34 to read:

35 656.039. (1) An employer of one or more persons defined as nonsubject workers or not defined
36 as subject workers may elect to make them subject workers. If the employer is or becomes a
37 carrier-insured employer, the election shall be made by filing written notice thereof with the insurer
38 with a copy to the Director of the Department of Consumer and Business Services. The effective
39 date of coverage is governed by ORS 656.419 (3). If the employer is or becomes a self-insured em-
40 ployer, the election shall be made by filing written notice thereof with the director, the effective
41 date of coverage to be the date specified in the notice.

42 (2) Any election under subsection (1) of this section may be canceled by written notice thereof
43 to the insurer or, in the case of a self-insured employer, by notice thereof to the director. The can-
44 cellation is effective at 12 midnight ending the day the notice is received by the insurer or the di-
45 rector, unless a later date is specified in the notice. The insurer shall, within 10 days after receipt

1 of a notice of cancellation under this section, send a copy of the notice to the director.

2 (3) When necessary the insurer or the director shall fix assumed minimum or maximum wages
3 for persons made subject workers under this section.

4 (4) Notwithstanding any other provision of this section, a person or employer not subject to this
5 chapter who elects to become covered may apply to an insurer for coverage. An insurer other than
6 the State Accident Insurance Fund Corporation may provide such coverage. However, the State
7 Accident Insurance Fund Corporation shall accept any written notice filed and provide coverage as
8 provided in this section if all subject workers of the employers will be insured with the State Acci-
9 dent Insurance Fund Corporation and the coverage of those subject workers is not considered by
10 the State Accident Insurance Fund Corporation to be a risk properly assignable to the assigned risk
11 pool.

12 (5)(a) The Home Care Commission created by ORS 410.602 shall elect coverage on behalf of cli-
13 ents of the Department of Human Services who employ home care workers to make home care
14 workers subject workers if the home care worker is [*paid*] **funded** by the state on behalf of the
15 client.

16 (b) As used in this subsection, “home care worker” has the meaning given that term in ORS
17 410.600.

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