



ROB S. SAXTON
Deputy Superintendent of Public Instruction

House Bill 2187-A: Exempts CNA and CMA programs from career school licensing
Senate Education and Workforce Development Committee
April 18, 2013

Chair Hass, members of the committee, I am Matthew Barber, a Compliance Specialist with, and lead worker of, the Private Career Schools Licensing Unit at the Oregon Department of Education. I am here today to testify in support of HB 2187-A which does two things: (1) it exempts certified nursing assistant (CNA) and certified medication aide (CMA) training programs from Oregon's private career school laws if those programs satisfy standards established by the Oregon State Board of Nursing (Nursing Board); and (2) makes two technical changes to ORS 345.015.

Background

Career schools must first be licensed by the Department before they can begin offering instructional or training programs, unless they qualify for an exemption from licensure under ORS 345.015. The licensing requirement and the Department's oversight of career schools attempt to protect student's tuition dollars and ensure that career schools provide quality instruction and training.

Students enrolled in CNA and CMA training programs offered by residential living facilities or nursing homes have their tuition costs covered by Medicare if the student is hired by the a residential living facility or nursing home within a year of receiving his or her training.

Issue

In 2010-11, the Nursing Board expressed an interest in assuming oversight of CNA and CMA training programs from the Department. The two agencies reached an agreement under which the Department would exempt CNA and CMA training programs from career school licensing requirements under ORS 345.015 if the Board adopted minimum standards for those training programs that were (1) similar to the minimum standards applicable to Oregon's career schools and (2) ensured adequate protection of students enrolled in the CNA and CMA programs. The Board adopted such standards and protections in 2011 (OAR chapter 851, division 61).

In the initial version of HB 2187, the Department had proposed a statutory process through which another state agency, such as the Nursing Board, could assume oversight of a career school that provided training in an area regulated by that agency. Additionally, that initial proposal also created a process for the receiving state agency to return oversight of a career school to the Department.

During negotiations between the Department, the Oregon Health Care Association and the Northwest Career Colleges Federation regarding potential amendments to HB 2187, we learned that the Nursing Board's preference, supported by both the Association and the Federation, was to exempt CNA and CMA training programs from Oregon's private career school laws, rather than establish a process for transferring oversight between agencies.

Legislation

The A-engrossed version of HB 2187 exempts CNA and CMA programs that comply with standards established by the Nursing Board from Oregon's private career school laws. If a CNA or CMA program provider were to add another program, such as phlebotomy or dental assisting, then that additional program would not be exempted and would be subject to private career school regulation.

The A-engrossed version of HB 2187 also makes two technical changes to ORS 345.015. The first change would make instruction or training offered by professional or business organizations exempt from the career school laws if the training is offered primarily, rather than solely, for the organizations' members. This change in wording recognizes that professional and business organizations will provide continuing education programs that are primarily for the benefit of their members, but also allow students, retirees, or even out-of-state professionals to attend.

The second change clarifies the process for granting an exemption to a career school that is adequately regulated by other means, such as by another Oregon state agency or a federal agency. Under current statutory language, such schools can be exempt from Oregon's career school laws if the Superintendent of Public Instruction determines that the career school is adequately regulated. What's missing is a description of the next step, which is what happens after the Superintendent makes that determination. HB 2187-A fills in that missing step by clarifying that the Superintendent must first make a determination that the career school is adequately regulated by other means and then grant the school's request for exemption before the school can be considered exempt.

Fiscal Impact

HB 2187-A may have an undetermined fiscal impact to both the Department and the Nursing Board. The Department may experience an undetermined loss in fee revenue by exempting career schools offering only CNA and CMA training programs from the licensing requirement. The Nursing Board may experience an undetermined fiscal impact from assuming regulatory oversight of CNA and CMA training programs previously regulated by the Department.

Support

The A-engrossed version of HB 2187 is supported by the Department, the Oregon Health Care Association, and the Northwest Career Colleges Federation.

Conclusion

We ask that the committee vote in favor of HB 2187-A and pass it with a "do pass" recommendation.