

Dear Senator Roblan,

If you owned a ranch or farm, a construction company or helicopter company, administered a hospital, etc. and followed all the state rules and regulations pertaining to your business, how would you feel about a state agency compiling and giving out a list of names of your competitors (independent contractors) who could sell your product or services for much less because they do not have any monitoring nor do they have to follow any of the rules or regulations regarding your business? Furthermore there would be no checks on whether the independent contractor pays state or federal taxes, workman's comp or unemployment taxes, Medicare, Social Security.

If you support small business, please vote no on Senate bill 1542? This bill would decimate the hundreds of small in-home care agencies which have been in business for 10, 20 even 30 years in Oregon.

At this time the state of Oregon DHS heavily regulates in-home care agencies. We must do criminal background checks, reference checks, training, and ongoing monitoring. Here are some questions you might consider before voting on this bill:

1. Would Senate Bill 1542 require a criminal background check and reference checks to be done for care providers on the list? What crimes would the state allow for a care provider to be on the list (the state now has a weighted scale of severity of crimes for care providers working with state clients)? Would they disclose past "acceptable" criminal behavior to the vulnerable client? Would the state recommend that the elder be bonded or have insurance to protect against theft? Wouldn't the list itself be seen as an endorsement by the state?
2. Does the state verify the accuracy of the skills the care provider self-reports they are proficient at? Does the state share with the client that a paid care provider in Oregon must be delegated by a RN to give insulin and medications or can that state regulation be ignored?
3. Who manages the list and the criteria for being on and remaining on the registry? Does the state in any way monitor the care providers? If the person giving out the list hears over and over again that a care provider is not honest or suitable, does the state have any ability to remove that person from the list? It is important to note that there would be absolutely no supervision of these care providers except by the vulnerable (and often confused) senior.
4. Does the state inform the employer/elder that they are responsible for paying the taxes, workman's comp, and unemployment for the care provider if they work over \$1000 a year? Who tracks if the private payer finds someone on the list who will work under the table? We all know this happens frequently among independent contract care providers now. This definitely will have a fiscal impact on the state and federal tax base, BOLI, unemployment, and workman's comp.
5. What impact will this have fiscally on the private licensed agencies which do pay taxes? We cannot compete financially with an unregulated group of private care providers on the list who can charge less than an agency because they do not have to follow any of the state rules and regulations.

6. Who will really benefit from this bill and why? It really seems this is an expansion of government into an area that is not genuinely helpful to our seniors. If these rules and regulations the state has in place now are not truly needed, perhaps we should deregulate all agencies so that agencies can function on an even playing field and stay in business.

Rather than creating a list of untrained and unregulated care providers, who directly compete against licensed agencies, why not find a way to protect small existing businesses by promoting the expansion of more small businesses. Small businesses pay state or federal taxes, business taxes, and sustain attorneys, bookkeepers and accountants, radio, TV, and newspaper advertisers, insurance companies, trainers, nurses and the professional association dues and contribute back to their local communities.

The reason the state is clearly communicating that they are not the employer of the independent contractor/worker is because they do not want to assume the responsibility or liability for people on the list. A licensed agency assumes the liability for its employees.

What is in the best interests of our seniors? Please talk to the licensed in-home care agency in your district regarding this bill for their thoughts.

Thank you for your long hours as a legislator on the behalf of seniors and small businesses!

Kathleen Schonau RN/Owner of a licensed in-home care agency for 10 years