

Requested by Representative MCKEOWN

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4129**

1 On page 1 of the printed bill, line 2, delete “192.556,”.

2 Delete lines 12 through 28 and insert:

3 **“SECTION 2. (1) The Health Licensing Office may issue a residential**  
4 **care facility administrator license to an applicant who:**

5 **“(a) Is at least 21 years of age;**

6 **“(b) Has earned at least a high school diploma or its equivalent;**

7 **“(c)(A) For at least two of the last five years has been employed in**  
8 **a professional or managerial capacity in a health or social service re-**  
9 **lated field, or has a combination of experience and education deemed**  
10 **sufficient by the office; or**

11 **“(B) Has earned at least a bachelor’s degree in a health or social**  
12 **service related field;**

13 **“(d) Has completed at least 40 hours of training approved by the**  
14 **office by rule;**

15 **“(e) Pays a licensure fee; and**

16 **“(f) Passes an examination described in section 3 of this 2018 Act.**

17 **“(2) When issuing a license under this section, the office shall**  
18 **consider the qualifications for employment under ORS 443.004.**

19 **“SECTION 3. (1) The Long Term Care Administrators Board shall:**

20 **“(a) Approve at least one examination for licensure as a residential**  
21 **care facility administrator; and**

1       **“(b) Ensure that the examinations are easily and frequently acces-**  
2 **sible to applicants.**

3       **“(2) An applicant for licensure under section 2 of this 2018 Act shall**  
4 **pay an examination or reexamination fee established by the Health**  
5 **Licensing Office under ORS 676.576.**

6       **“(3) The board shall adopt rules to:**

7       **“(a) Determine the subjects, scope and content of the examinations;**

8       **“(b) Ensure the examinations are specific to Oregon law and ad-**  
9 **ministrative rules;**

10       **“(c) Determine a passing score for each examination approved by**  
11 **the board; and**

12       **“(d) Ensure the integrity of the examination process.”.**

13       On page 2, delete lines 1 and 2.

14       On page 3, line 40, after “care” insert “or care for persons with disabili-

15 ties”.

16       On page 5, after line 28, insert:

17       **“SECTION 12. The Long Term Care Administrators Board may not**  
18 **carry out a disciplinary action against an individual who holds a li-**  
19 **cence under ORS 678.710 to 678.820 unless at least one board member**  
20 **who represents the type of license held by the individual attends all**  
21 **board meetings related to the disciplinary action.”.**

22       Delete lines 32 through 45.

23       Delete pages 6 and 7.

24       On page 8, delete lines 1 through 38.

25       On page 19, delete lines 41 through 45 and delete page 20 insert:

26       **“SECTION 27. (1) Not later than January 1, 2019, the Health Li-**  
27 **censing Office and the Long Term Care Administrators Board shall**  
28 **ensure that the members of the board meet the professional repre-**  
29 **sentation membership requirements established in ORS 678.800, as**  
30 **amended by section 9 of this 2018 Act.**

1       “(2) Not later than December 31, 2021, each member of the board  
2 who is subject to the requirements of section 28 of this 2018 Act must  
3 hold a residential care facility administrator license.

4       “(3) Not later than December 31, 2019, the board shall approve the  
5 examinations for licensure as a residential care facility administrator  
6 described in section 3 of this 2018 Act.

7       “SECTION 28. (1) Not later than July 1, 2019, an individual who is  
8 employed in Oregon as a residential care facility administrator, as  
9 defined in ORS 678.710, shall apply to the Health Licensing Office on  
10 a form created by the office for a residential care facility administra-  
11 tor license. The office may issue a license under this section to an  
12 applicant who:

13       “(a) Is at least 21 years of age;

14       “(b) Has earned at least a high school diploma or its equivalent;

15       “(c) Has met the requirements for training and continuing educa-  
16 tion established by the office by rule for the lesser of the three years  
17 immediately preceding the date of application or the duration of em-  
18 ployment in Oregon as a residential care facility administrator;

19       “(d) Is in good standing with the office, and any residential care  
20 facility for which the person has been responsible has not been subject  
21 to conditions imposed by the Department of Human Services while the  
22 person was responsible for the residential care facility; and

23       “(e) Pays the licensure fee established by the office by rule.

24       “(2)(a) The office may issue a provisional residential care facility  
25 administrator license to an individual who applies for licensure under  
26 this section and who is employed in Oregon as a residential care fa-  
27 cility administrator but who does not meet all the requirements of  
28 subsection (1)(c) and (d) of this section. An individual described in this  
29 subsection must earn a passing score on an examination described in  
30 section 3 of this 2018 Act on or before December 31, 2021.

1       **“(b) At its discretion and for good cause, the office may waive the**  
2 **requirements of subsection (1)(a) to (d) of this section.**

3       **“(3) The office may issue a provisional residential care facility ad-**  
4 **ministrator license to an individual who is employed in a state other**  
5 **than Oregon as a residential care facility administrator, or similar**  
6 **role, but who meets the requirements of section 2 (1)(a) to (e) of this**  
7 **2018 Act. An individual described in this subsection must earn a pass-**  
8 **ing score on an examination described in section 3 of this 2018 Act on**  
9 **or before December 31, 2021.**

10       **“(4) An individual who applies for a provisional license under sub-**  
11 **section (2) or (3) of this section must pay the provisional licensure fee**  
12 **established by the office by rule.**

13       **“(5) When issuing a license or a provisional license under this sec-**  
14 **tion, the office shall consider the qualifications for employment under**  
15 **ORS 443.004.**

16       **“(6) An individual issued a license or a provisional license under**  
17 **this section shall:**

18       **“(a) Submit to the office sufficient proof that the individual has**  
19 **completed a tuberculosis screening with a satisfactory result; and**

20       **“(b) Meet the requirements for training and continuing education**  
21 **established by the office by rule.**

22       **“(7) A provisional residential care facility administrator license is-**  
23 **sued under this section is not renewable and expires on the earlier of**  
24 **December 31, 2021, or the date upon which the holder is issued a li-**  
25 **cence under section 2 of this 2018 Act.**

26       **“(8) Not later than January 1, 2022, an individual who holds a pro-**  
27 **visional residential care facility administrator license and who is em-**  
28 **ployed in Oregon as a residential care facility administrator must**  
29 **obtain a residential care facility license under section 2 of this 2018**  
30 **Act.**

1       **“(9) Licenses and provisional licenses issued under this section are**  
2 **subject to the provisions of ORS 678.790.**

3       **“(10) Moneys collected under this section shall be paid into the**  
4 **General Fund and credited to the Health Licensing Office Account es-**  
5 **tablished under ORS 676.625.**

6       **“(11) The office may adopt rules to carry out the requirements of**  
7 **this section, and may consult with the department in establishing any**  
8 **standards under this section.**

9       **“SECTION 29. Section 27 of this 2018 Act is repealed on January 2,**  
10 **2020.**

11       **“SECTION 30. Section 28 of this 2018 Act is repealed on January 2,**  
12 **2022.**

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#### **“CAPTIONS**

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16       **“SECTION 31. The unit captions used in this 2018 Act are provided**  
17 **only for the convenience of the reader and do not become part of the**  
18 **statutory law of this state or express any legislative intent in the**  
19 **enactment of this 2018 Act.**

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#### **“OPERATIVE DATE AND EMERGENCY CLAUSE**

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23       **“SECTION 32. (1) Sections 2 to 4 and 12 of this 2018 Act and the**  
24 **amendments to ORS 401.651, 431A.850, 433.045, 441.057, 441.406, 676.108,**  
25 **676.150, 676.350, 676.400, 676.565, 676.595, 676.850, 676.992, 678.710, 678.720,**  
26 **678.740, 678.770, 678.810, 678.820 and 743B.454 by sections 5, 6, 7, 8, 10, 11**  
27 **and 13 to 26 of this 2018 Act become operative on July 1, 2019.**

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**“(2) The amendments to ORS 678.800 by section 9 of this 2018 Act**  
**become operative on January 1, 2019.**

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**“(3) The Health Licensing Office and the Long Term Care Admin-**

1 **istrators Board may take any action before the operative date specified**  
2 **in subsection (1) of this section that is necessary to enable the office**  
3 **and the board to exercise, on and after the operative date specified in**  
4 **subsection (1) of this section, all of the duties, functions and powers**  
5 **conferred on the office and the board by sections 2 to 4 and 12 of this**  
6 **2018 Act and the amendments to ORS 401.651, 431A.850, 433.045, 441.057,**  
7 **441.406, 676.108, 676.150, 676.350, 676.400, 676.565, 676.595, 676.850, 676.992,**  
8 **678.710, 678.720, 678.740, 678.770, 678.800, 678.810, 678.820 and 743B.454 by**  
9 **sections 5 to 11 and 13 to 26 of this 2018 Act.**

10 **“SECTION 33. This 2018 Act being necessary for the immediate**  
11 **preservation of the public peace, health and safety, an emergency is**  
12 **declared to exist, and this 2018 Act takes effect on its passage.”.**

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