



SB 669 - Modifying Licensing Requirements of In-Home Care Agencies Testimony
Senate Human Services Committee
March 26, 2019

Chair Gelser, Vice Chair Heard and members of the committee, thank you for the opportunity to testify on SB 669 that would modify requirements for in-home care agencies. I am Ruth Gulyas, CEO of LeadingAge Oregon – the statewide association of not-for-profit and other mission-directed organizations consisting of in-home care agencies, continuing care retirement facilities known as CCRCs, nursing homes, residential care, assisted living, and federally subsidized housing for low-income seniors. I am here to ask you to oppose SB 669.

We fully support efforts to assure the provision of quality home care services. However, this complex bill even with the amendments, has many provisions that are problematic, duplicative, too far reaching and would hinder the provision of quality home care services. The exhaustive new provisions would place many home care agencies that operate on small margins at risk of closing. And, in turn, limit access of this important service for older Oregonians in need of assistance with daily living activities in their own home. I will not address all the provisions of this bill and will highlight those that are most problematic.

Compliance, Enforcement and Oversight

SB 669 would require in-home care agencies to have liquid reserves equal to at least two months of operating expenses.

We do not support this as it could result in forcing many in-home care agencies to close. Additionally, given the fluidity of case load this would be a moving target and difficult to determine. Home care is different from many other licensed settings in that the case load can be highly fluctuating,

SB 669 would authorize OHA to be able to require an exhaustive list of materials, including, but not limited to franchise, broker, partnership, referral and collective bargaining agreements from an in-home care agency applying for or renewing a license.

We do not support this as is not required of other licensed long term care and community based settings and is unnecessary and burdensome.

Training

SB 669 would require in-home care agency caregivers to receive training that is approved by DHS as meeting the standards adopted by DHS required of caregivers represented by SEIU that provide Medicaid personal care services under the Home Care Commission within DHS.

We do not support this for the following reasons:

- In-home care agencies are licensed by the Oregon Health Authority. Under OHA licensing rules in-home care agency caregivers are already required to be provided an agency-specific orientation and training on a comprehensive list of topics (see [OAR 333-](#)

[536-0070](#)). Additionally, caregivers providing medication services must be given basic non-injectable medication training before providing services (see [OAR 333-536-0075](#)). We don't believe the training should be approved by DHS.

- The current training requirements for in-home care agency caregivers are, at a minimum, commensurate with or exceed those required for Home Care Commission home care workers.
- Training standards for caregivers subject to oversight by the Home Care Commission were very recently developed and not yet implemented.

SB 669 would prohibit an in-home care agency from providing services outside of the scope of the services authorized by the classification of an in-home care agency's license; and, if found to be doing so, require them to reimburse clients for all fees collected for the unauthorized services.

We do not support this as the in-home care agency licensing rules already prohibit an agency from operating outside of their classification and if found to be in noncompliance, subject the agency to enforcement and civil penalties.

We urge your opposition of this bill that would place a myriad of new requirements on in-home care agencies already subject to licensure under the Oregon Health Authority, singles them out and would hinder the availability of this important service to persons needing such services to remain at home.

Thank you for your time and the opportunity to testify with you today.