

March 25, 2019

Senate Social Services Committee
Senator Sara Gelser, Chair
Senator Dallas Heard, Vice Chair
Senator Shemia Fagan
Senator Tim Knopp
Senator Laurie Monnes Anderson

900 Court St. NE, Room 453
Salem, OR 97301

RE: Written Testimony for the March 26, 2019 Hearing on SB 669 - Opposition to SB 669

Dear Senators,

Thank you for your service representing the people of Oregon. Please know that I appreciate and share your commitment to public service. My career includes over 30 years in local government, including as an executive overseeing social services. I appreciate the opportunity to share my concerns about SB 669.

My wife and I are the owners of the Gresham office of Visiting Angels, an in-home-care agency that would be greatly impacted if SB 669 were to become law. Given my experience providing social services to seniors and our own experience with aging parents, we saw the need to provide living assistance services to seniors and people with disabilities to help them live with dignity and maintain as much independence as possible in the living situation of their choice. We take seriously our responsibility to provide quality services to the seniors we serve. We also are committed to treating our employees with respect and fairness, and providing them with competitive wages and comprehensive benefits. Our efforts in these regards have been validated by our clients and employees via monthly satisfaction surveys that are conducted by an independent third-party evaluator, Home Care Pulse, which has recognized us as one of the top 8% of agencies in the nation when it comes to client and employee satisfaction. We were one of only three agencies in Oregon to be recognized as both a Provider of Choice and an Employer of Choice for 2018. Since opening our doors in 2007 we have helped improve the lives of over 1,500 individuals and their families. We currently serve over 100 clients a week and employ over 100 staff. All of that would come to an end if SB 669 were to be enacted as introduced.

We are writing to express our concerns about this proposed damaging and unfair legislation. SB 669 won't improve care for Oregonians. SB 669 would actually undermine access to care for Oregonians who receive long term care services and supports in their home. It would put us and many in-home care agencies out of business, resulting in job losses for caregivers and less care options for seniors, veterans, and people with disabilities. SB 669 would also undermine the quality of care for Oregonians by replacing long-standing training requirements for licensed agency caregivers with training requirements that are being developed for the state's registry homecare workforce that have not even been implemented yet. SB 669 also imposes unnecessary and discriminatory requirements for in-home care agencies that are not required of other health care providers.

Based on our conversation with owners of several of the more than 130 in-home-care agencies licensed by the State, we believe the passage of SB 669 would result in the closure of many of these agencies, resulting in many thousands of seniors losing the supportive services they need to maximize their health, quality of life, and independence. Similarly, many thousands of caregivers would lose their jobs.

Below is a summary of some of the concerns we (and other agency owners) have with SB 669 as introduced:

- a) SB 669 proposes the unreasonable requirement (Section 5.1.b – p3 line 45) that agencies maintain liquid reserves equal to at least two months of operating expenses. Accruing such significant reserves would be very challenging for us and many other agencies who operate on thin profit margins. Were this requirement to become law, we would have to close our doors.
- b) While we support the right of our staff to report concerns to the state or other authorities; as written, SB 669 defines retaliation as “any adverse action” affecting a reporter - regardless of whether there is reasonable cause for such an action. This provision (in Section 3) would create a shield for employees that could endanger clients by prohibiting agencies for taking appropriate disciplinary action against employees whose actions endanger clients or otherwise violate agency and / or State rules and regulations.
- c) SB 669 is unfair and discriminatory. Section 5 exempts unionized agencies from compliance with labor laws. Labor laws have been enacted to protect all employees, they should apply uniformly.
- d) SB 669 Section 5 also imposes a number of unreasonable and unfair requirements on in-home-care agencies not required of other health care or social service providers. (p4, lines 1,2,7,30,43-45, p5 lines 1-8.) Of particular concern, is the requirement that we provide proprietary agreements, policies and procedures; doing so would violate our privacy by requiring us to make public confidential information, the release of which could negatively impact our operations.
- e) SB 669 Section 7 unfairly allows hospitals to provide in-home-care services without obtaining the license required of in-home-care agencies. Section 9 appears to relieve residential care facilities from regulations related to the safe provision of personal care services that apply to in-home-care agencies. The regulations governing in-home-care services should be applied fairly and uniformly regardless of the form of agency providing the services.
- f) SB 669 Section 12 would make in-home-care agency caregivers participate in the same training as that provided to private / registry caregivers under the State’s Medicaid program. This program has numerous challenges and is not fully relevant to in-home-care agency employees. Further dialogue is necessary to develop a uniform training program that could be universally applied to caregivers regardless of employer, and which might diminish the impact of the caregiver shortage.

We believe we share with the committee the goal of increasing access, quality and affordability of supportive services to seniors. While there are steps the state could take to advance these goals, unfortunately SB 669 as introduced, would negatively impact all those desired outcomes. Therefore, we urge the committee to, at a minimum, table this bill in committee until the committee engage the in-home-care provider community to better understand the benefits we provide and the negative impact the radical regulatory changes proposed in SB 669 would have on these important service providers.

Thank you for considering our concerns. We look forward to working with you collaboratively to develop more constructive approaches to enhance the provision of services to seniors.

Respectfully submitted,

Robb Courtney, Administrator

Monica Courtney, Director