

March 28, 2019

**Please vote NO on Senate Bill 669**

I am a Registered Nurse who has owned a highly respected Licensed In Home Care agency in Portland for over 22 years. I have been a strong advocate of state licensing since it began in 2003 and participated as an original member of the Rules Committee to implement In-home Care Licensure. This bill creates unnecessary hardships on an already overregulated industry. Many of the recommendations in the bill duplicate protections already overseen by other governmental agencies. We worked very hard as a Rules Committee to develop Rules that would protect vulnerable Oregonians and create a safe workplace for Caregivers.

Years ago, Senator Betsy Johnson had a concerning experience with an In-home Care Agency. Senator Johnson called together experts to review the Rules and determine a response to her concerns. The outcome was the realization that the Rules do not need changing but that the Oregon Health Authority needed to have statutory authority to fine Agencies who were not in compliance. I believe this Senate Bill is an over response to one situation that does not represent the In-home Care Industry.

My colleague, Kathleen Schonau RN, BSW, CCM and former long-time member of the Governor's Commission on Seniors, has concisely presented our concerns regarding this Bill and are listed below. I respectfully request that these important issues with SB 669 be considered. I am concerned that SB 669 attempts to disregard effective current Rules for our Industry, and I am concerned about all the In-home Care Agencies that will close if this Bill passes due to the requirement for liquid assets and other operational requirements that would make it financially impossible to succeed. It is important to recognize that In-home Care Agencies not only provide an important service but important employment to tens of thousands of caregivers.

**Liquid Assets** - The requirement of having 2 months of liquid assets is not required of any other industry that I am aware of aside from financial institutions. This requirement is even more problematic when Medicaid and Veterans payments are sometimes months in arrears. Still our agency has never missed a payroll and governmental safeguards for this are also already in place. It would be sad to have one failed agency add this overwhelming burden to all agencies.

**Franchises** - As the owner of a small independent rural agency I am not impacted by the restrictions on franchises, but I am surprised that in home care franchise owners will be restricted from consolidating their payroll and scheduling systems, which provide the synergy and cost saving that all franchises seek, savings that are passed on to their clients. Will other industries in Oregon be impacted by the same franchise restrictions or just in home care?

**Continuing Education** - My greatest concern is that this bill is being spearheaded by Client Employed Providers (CEP's) who now have NONE of the requirements in home care agencies already have in place, such as mandatory nursing supervision of all medications and six hours of mandatory education each year. I would applaud requiring nursing supervision and continuing education hours for state care providers and registry care providers which could be evaluated by the Home Care Commission. This would certainly raise their skill levels but the cost to the state budget would be very expensive.

Licensed in home care agencies already provide a higher standard of education which is customized to the individualized client needs. We train and test our care providers ourselves at our own cost. How would this proposed training by the Home Care Commission be provided and paid for? If the training is

in Salem, rural agencies would suffer by having to pay transportation time and mileage costs in addition to a more generalized training, which would increase the costs to clients dramatically. Also there be a delay between the hiring date and the availability of the classes, making the client wait longer for caregiving services. This is simply not feasible for rural areas.

**Exemption from Labor Laws** - Why would having a Collective Bargaining Agreement exempt any industry from complying with Labor Laws? These labor laws have been enacted for the well-being of all employees. This legislation seems to discriminate against non-CBA agencies.

**Proprietary Documents** – What other industry is required to provide copies of private contracts and agreements publicly? This is protected proprietary information.

**Hospital Personal Care Services** – It baffles me that hospitals would be allowed to provide “personal care services” without having a license and that the state would create a new class of “private agency caregivers” who would also be exempted from agency rules and regulations. If the state had good reasons to create rules and regulations for agencies, why would we exempt others from the same standards?

By placing these onerous restrictions on top of our already large book of Oregon Administrative Rules Oregon agencies face the unintended consequences of making regulated licensed in home care so expensive that only the wealthiest of people could afford agency care, leaving other vulnerable elders with unregulated “personal care services,” “private agency services” and independent Client Employed Provider’s with few if any oversight. Our elders will suffer terribly from this bill.

Thank you for your consideration,  
Melinda Reed RN, BSN