

Requested by Senator KNOPP

**PROPOSED AMENDMENTS TO  
SENATE BILL 669**

1 On page 1 of the printed bill, line 3, after “ORS” delete the rest of the  
2 line and insert “410.604, 443.315, 443.325,”.

3 In line 4, delete “, 443.350 and 443.355” and insert “and 653.261”.

4 Delete lines 6 through 29 and delete pages 2 through 10 and insert:

5 **“SECTION 1. The Department of Human Services shall require all**  
6 **case managers who have clients served by home care workers, as de-**  
7 **defined in ORS 410.600, to report to the Home Care Commission all**  
8 **complaints by the clients or other individuals regarding the care pro-**  
9 **vided by the home care workers, no later than 24 hours after the case**  
10 **manager receives the complaint.**

11 **“SECTION 2. ORS 410.604 is amended to read:**

12 “410.604. (1) The Home Care Commission shall ensure the quality of home  
13 care services by:

14 “(a) Establishing qualifications for home care workers, with the advice  
15 and consent of the Department of Human Services, to ensure the effective  
16 delivery of home care services by a qualified, committed, experienced and  
17 well-trained home care workforce;

18 “(b) Conducting orientation sessions for home care workers;

19 “(c) Establishing training requirements for home care workers, including  
20 personal support workers, as the commission deems appropriate, and provid-  
21 ing training opportunities for home care workers and elderly persons and

1 persons with disabilities who employ home care workers or personal support  
2 workers;

3 “(d) Establishing the home care registry and maintaining the registry  
4 with qualified home care workers;

5 “(e) Providing routine, emergency and respite referrals of home care  
6 workers;

7 “(f) Entering into contracts with public and private organizations and  
8 individuals for the purpose of obtaining or developing training materials and  
9 curriculum or other services as may be needed by the commission;

10 “(g) Establishing occupational health and safety standards for home care  
11 workers, in accordance with ORS 654.003 (3), and informing home care  
12 workers of the standards; *[and]*

13 **“(h) Establishing a process to investigate all complaints, including**  
14 **those received under section 1 of this 2019 Act, and compiling and**  
15 **making publicly available a list of every home care worker for whom**  
16 **the commission substantiated a complaint:**

17 **“(A) Of abuse or neglect of an elderly person or a person with a**  
18 **disability; or**

19 **“(B) Involving conduct that affected the health, safety or well being**  
20 **of an elderly person or a person with a disability; and**

21 “[*h*] (i) Working on its own, if resources are available, or cooperatively  
22 with area agencies and state and local agencies to accomplish the duties  
23 listed in paragraphs (a) to [*g*] (h) of this subsection.

24 “(2)(a) The commission shall enter into an interagency agreement with  
25 the department to contract for a department employee to serve as executive  
26 director of the commission. The executive director shall be appointed by the  
27 Director of Human Services in consultation with the Governor and subject  
28 to approval by the commission, and shall serve at the pleasure of the Direc-  
29 tor of Human Services. The commission may delegate to the executive di-  
30 rector the authority to act on behalf of the commission to carry out its

1 duties and responsibilities, including but not limited to:

2 “(A) Entering into contracts or agreements; and

3 “(B) Taking reasonable or necessary actions related to the commission’s  
4 role as employer of record for home care workers under ORS 410.612.

5 “(b) The commission shall enter into an interagency agreement with the  
6 department for carrying out any of the duties or functions of the commission,  
7 for department expenditures and for the provision of staff support by the  
8 department.

9 “(3) When conducting its activities, and in making decisions relating to  
10 those activities, the commission shall first consider the effect of its activities  
11 and decisions on:

12 “(a) Improving the quality of service delivered by home care workers;

13 “(b) Ensuring adequate hours of service are provided to elderly persons  
14 and persons with disabilities by home care workers; and

15 “(c) Ensuring that services, activities and purchases that are purchased  
16 by elderly persons and persons with disabilities other than home care ser-  
17 vices, including adult support services, are not compromised or diminished.

18 “(4) The commission shall work with culturally diverse community-based  
19 organizations to train and certify community health workers and personal  
20 health navigators. The workers and navigators shall work as part of a  
21 multidisciplinary team under the direction of a licensed or certified health  
22 care professional. The commission shall recruit qualified home care workers  
23 who desire to be trained and certified as community health workers or per-  
24 sonal health navigators.

25 “(5) The commission shall ensure that each coordinated care organization  
26 honors all of the terms and conditions of employment established by the  
27 commission with respect to the community health workers and personal  
28 health navigators referred by the commission. This subsection does not re-  
29 quire a coordinated care organization to employ or contract with community  
30 health workers and personal health navigators certified by the commission

1 so long as the community health workers and personal health navigators  
2 employed or otherwise retained by the organization meet competency stan-  
3 dards established by the authority under ORS 414.665.

4 “(6) The commission has the authority to contract for services, lease, ac-  
5 quire, hold, own, encumber, insure, sell, replace, deal in and with and dispose  
6 of real and personal property in its own name.

7 “(7) As used in this section, ‘community health worker,’ ‘coordinated care  
8 organization’ and ‘personal health navigator’ have the meanings given those  
9 terms in ORS 414.025.

10 **“SECTION 3.** ORS 410.604, as amended by section 6, chapter 75, Oregon  
11 Laws 2018, is amended to read:

12 “410.604. (1) The Home Care Commission shall ensure the quality of home  
13 care services by:

14 “(a) Establishing qualifications for home care workers and personal sup-  
15 port workers, with the advice and consent of the Department of Human  
16 Services, to ensure the effective delivery of home care services by a qualified,  
17 committed, experienced and well-trained workforce;

18 “(b) Conducting orientation sessions for home care workers and personal  
19 support workers;

20 “(c) Ensuring training opportunities for home care workers and personal  
21 support workers in accordance with section 2, chapter 75, Oregon Laws 2018;

22 “(d) Providing training opportunities to elderly persons and persons with  
23 disabilities who employ home care workers or personal support workers;

24 “(e) Establishing the home care registry and maintaining the registry  
25 with qualified home care workers and personal support workers;

26 “(f) Providing routine, emergency and respite referrals of home care  
27 workers and personal support workers;

28 “(g) Entering into contracts with public and private organizations and  
29 individuals for the purpose of obtaining or developing training materials and  
30 curriculum or other services as may be needed by the commission;

1 “(h) Establishing occupational health and safety standards for home care  
2 workers and personal support workers, in accordance with ORS 654.003 (3),  
3 and informing home care workers and personal support workers of the stan-  
4 dards; [*and*]

5 “(i) **Establishing a process to investigate all complaints, including**  
6 **those received under section 1 of this 2019 Act, and compiling and**  
7 **making publicly available a list of every home care worker for whom**  
8 **the commission substantiated a complaint:**

9 “(A) **Of abuse or neglect of an elderly person or a person with a**  
10 **disability; or**

11 “(B) **Involving conduct that affected the health, safety or well being**  
12 **of an elderly person or a person with a disability; and**

13 “[*i*] (j) Working on its own, if resources are available, or cooperatively  
14 with area agencies and state and local agencies to accomplish the duties  
15 listed in paragraphs (a) to [*h*] (i) of this subsection.

16 “(2)(a) The commission shall enter into an interagency agreement with  
17 the department to contract for a department employee to serve as executive  
18 director of the commission. The executive director shall be appointed by the  
19 Director of Human Services in consultation with the Governor and subject  
20 to approval by the commission, and shall serve at the pleasure of the Direc-  
21 tor of Human Services. The commission may delegate to the executive di-  
22 rector the authority to act on behalf of the commission to carry out its  
23 duties and responsibilities, including but not limited to:

24 “(A) Entering into contracts or agreements; and

25 “(B) Taking reasonable or necessary actions related to the commission’s  
26 role as employer of record for home care workers and personal support  
27 workers under ORS 410.612.

28 “(b) The commission shall enter into an interagency agreement with the  
29 department for carrying out any of the duties or functions of the commission,  
30 for department expenditures and for the provision of staff support by the

1 department.

2 “(3) When conducting its activities, and in making decisions relating to  
3 those activities, the commission shall first consider the effect of its activities  
4 and decisions on:

5 “(a) Improving the quality of service delivered by home care workers and  
6 personal support workers;

7 “(b) Ensuring adequate hours of service are provided to elderly persons  
8 and persons with disabilities by home care workers and personal support  
9 workers; and

10 “(c) Ensuring that services, activities and purchases that are purchased  
11 by elderly persons and persons with disabilities other than home care ser-  
12 vices, including adult support services, are not compromised or diminished.

13 “(4) The commission shall work with culturally diverse community-based  
14 organizations to train and certify community health workers and personal  
15 health navigators. The workers and navigators shall work as part of a  
16 multidisciplinary team under the direction of a licensed or certified health  
17 care professional. The commission shall recruit qualified home care workers  
18 and personal support workers who desire to be trained and certified as  
19 community health workers or personal health navigators.

20 “(5) The commission shall ensure that each coordinated care organization  
21 honors all of the terms and conditions of employment established by the  
22 commission with respect to the community health workers and personal  
23 health navigators referred by the commission. This subsection does not re-  
24 quire a coordinated care organization to employ or contract with community  
25 health workers and personal health navigators certified by the commission  
26 so long as the community health workers and personal health navigators  
27 employed or otherwise retained by the organization meet competency stan-  
28 dards established by the authority under ORS 414.665.

29 “(6) The commission has the authority to contract for services, lease, ac-  
30 quire, hold, own, encumber, insure, sell, replace, deal in and with and dispose

1 of real and personal property in its own name.

2 “(7) As used in this section, ‘community health worker,’ ‘coordinated care  
3 organization’ and ‘personal health navigator’ have the meanings given those  
4 terms in ORS 414.025.

5 **“SECTION 4.** ORS 443.315 is amended to read:

6 “443.315. (1) A person may not establish, manage or operate an in-home  
7 care agency or purport to manage or operate an in-home care agency without  
8 obtaining a license from the Oregon Health Authority.

9 “(2) The authority shall establish classification requirements and quali-  
10 fications for licensure under this section by rule. The authority shall issue  
11 a license to an applicant that has the necessary qualifications and meets all  
12 requirements established by rule, including the payment of required fees. An  
13 in-home care agency shall be required to maintain administrative and pro-  
14 fessional oversight to ensure the quality of services provided.

15 “(3) Application for a license required under subsection (1) of this section  
16 shall be made in the form and manner required by the authority by rule and  
17 shall be accompanied by any required fees.

18 “(4) A license may be granted, or may be renewed annually, upon payment  
19 of a fee as follows:

20 “(a) For the initial licensure of an in-home care agency that is classified  
21 as:

22 “(A) Limited, the fee is \$2,000.

23 “(B) Basic, the fee is \$2,250.

24 “(C) Intermediate, the fee is \$2,500.

25 “(D) Comprehensive, the fee is \$3,000.

26 “(b) There is an additional fee of \$1,250 for the initial licensure of each  
27 subunit in any classification of in-home care agency.

28 “(c) For the renewal of a license classified as:

29 “(A) Limited or basic, the fee is \$1,000.

30 “(B) Intermediate, the fee is \$1,250.

1 “(C) Comprehensive, the fee is \$1,500.

2 “(d) There is an additional fee of \$1,000 for the renewal of licensure for  
3 each subunit in any classification of in-home care agency.

4 “(e) For a change of ownership at a time other than the annual renewal  
5 date:

6 “(A) The fee is \$350; and

7 “(B) There is an additional fee of \$350 for each subunit.

8 “(5) A license issued under this section is valid for one year. A license  
9 may be renewed by payment of the required renewal fee and by demon-  
10 stration of compliance with requirements for renewal established by rule.

11 “(6) A license issued under this section is not transferable.

12 “(7) The authority shall conduct an on-site inspection of each in-home  
13 care agency prior to services being rendered and once every [*three*] **two** years  
14 thereafter as a requirement for licensing.

15 “(8) In lieu of the on-site inspection required by subsection (7) of this  
16 section, the authority may accept a certification or accreditation from a  
17 federal agency or an accrediting body approved by the authority that the  
18 state licensing standards have been met, if the in-home care agency:

19 “(a) Notifies the authority to participate in any exit interview conducted  
20 by the federal agency or accrediting body; and

21 “(b) Provides copies of all documentation concerning the certification or  
22 accreditation requested by the authority.

23 **“SECTION 5.** ORS 443.325 is amended to read:

24 “443.325. (1) The Oregon Health Authority may impose a civil penalty and  
25 may deny, suspend or revoke the license of any in-home care agency licensed  
26 under ORS 443.315 for failure to comply with ORS 443.305 to 443.350 or with  
27 rules adopted thereunder.

28 “(2) The authority may deny, suspend or revoke the license of any in-  
29 home care agency licensed under ORS 443.315:

30 “(a) For failure to comply with ORS 443.004; **or**



1       **“(b) If the Bureau of Labor and Industries reports to the authority**  
2 **under ORS 653.261 a significant pattern of violations of ORS 653.261 by**  
3 **the in-home care agency.**

4       **“(3) As used in this section,** a ‘failure to comply with ORS 443.305 to  
5 443.350’ includes, but is not limited to:

6       “[(1)] **(a)** Failure to provide a written disclosure statement to the client  
7 or the client’s representative prior to in-home care services being rendered;

8       “[(2)] **(b)** Failure to provide the contracted in-home care services; or

9       “[(3)] **(c)** Failure to correct deficiencies identified during an inspection  
10 by the authority.

11       **“SECTION 6.** ORS 443.340 is amended to read:

12       “443.340. The Oregon Health Authority shall adopt administrative rules  
13 necessary for the implementation and administration of ORS 443.305 to  
14 443.350. [These] **The** rules [shall] **must** include[, *but are not limited to,*]:

15       **“(1)** A requirement that an in-home care agency [*must*] conduct criminal  
16 background checks on all individuals employed by or contracting with the  
17 agency as in-home caregivers; **and**

18       **“(2) The minimum number of hours of orientation, training and**  
19 **competency assessment, appropriate to the level of care to be pro-**  
20 **vided, that a caregiver must receive before providing in-home care**  
21 **services.**

22       **“SECTION 7.** ORS 653.261 is amended to read:

23       “653.261. (1)(a) The Commissioner of the Bureau of Labor and Industries  
24 may adopt rules prescribing such minimum conditions of employment, ex-  
25 cluding minimum wages, in any occupation as may be necessary for the  
26 preservation of the health of employees. The rules may include, but are not  
27 limited to, minimum meal periods and rest periods, and maximum hours of  
28 work, but not less than eight hours per day or 40 hours per workweek;  
29 however, after 40 hours of work in one workweek overtime may be paid, but  
30 in no case at a rate higher than one and one-half times the regular rate of

1 pay of the employees when computed without benefit of commissions, over-  
2 rides, spiffs and similar benefits.

3 “(b) As used in this subsection, ‘workweek’ means a fixed period of time  
4 established by an employer that reflects a regularly recurring period of 168  
5 hours or seven consecutive 24-hour periods. A workweek may begin on any  
6 day of the week and any hour of the day and need not coincide with a cal-  
7 endar week. The beginning of the workweek may be changed if the change  
8 is intended to be permanent and is not designed to evade overtime require-  
9 ments.

10 “(2) Rules adopted by the commissioner pursuant to subsection (1) of this  
11 section do not apply to individuals employed by this state or a political  
12 subdivision or quasi-municipal corporation thereof if other provisions of law  
13 or collective bargaining agreements prescribe rules pertaining to conditions  
14 of employment referred to in subsection (1) of this section, including meal  
15 periods, rest periods, maximum hours of work and overtime.

16 “(3) Rules adopted by the commissioner pursuant to subsection (1) of this  
17 section regarding meal periods and rest periods do not apply to nurses who  
18 provide acute care in hospital settings if provisions of collective bargaining  
19 agreements entered into by the nurses prescribe rules concerning meal peri-  
20 ods and rest periods.

21 “(4)(a) The commissioner shall adopt rules regarding meal periods for  
22 employees who serve food or beverages, receive tips and report the tips to  
23 the employer.

24 “(b) In rules adopted by the commissioner under paragraph (a) of this  
25 subsection, the commissioner shall permit an employee to waive a meal pe-  
26 riod. However, an employer may not coerce an employee into waiving a meal  
27 period.

28 “(c) Notwithstanding ORS 653.256 (1), in addition to any other penalty  
29 provided by law, the commissioner may assess a civil penalty not to exceed  
30 \$2,000 against an employer that the commissioner finds has coerced an em-

1 ployee into waiving a meal period in violation of this subsection. Each vio-  
2 lation is a separate and distinct offense. In the case of a continuing  
3 violation, each day’s continuance is a separate and distinct violation.

4 “(d) Civil penalties authorized by this subsection shall be imposed in the  
5 manner provided in ORS 183.745. All sums collected as penalties under this  
6 subsection shall be applied and paid over as provided in ORS 653.256 (4).

7 “**(5) If requested by the Oregon Health Authority, the commissioner**  
8 **shall provide an annual report to the authority of violations by any**  
9 **in-home care agency, as defined in ORS 443.305, of the rules adopted**  
10 **under this section.**

11 “**SECTION 8.** Section 2, chapter 75, Oregon Laws 2018, is amended to  
12 read:

13 “**Sec. 2.** (1) The Department of Human Services, acting on behalf of and  
14 subject to the approval of the Home Care Commission, shall adopt by rule  
15 minimum training standards for home care workers and personal support  
16 workers and shall establish procedures for testing **and monitoring** home  
17 care workers and personal support workers on their mastery of the skills and  
18 knowledge to be acquired through the training. **The rules must require a**  
19 **home care worker and a personal support worker to complete a num-**  
20 **ber of hours, as prescribed by the department, of orientation, training**  
21 **and competency assessment, appropriate to the level of care to be**  
22 **provided, before a home care worker or a personal support worker may**  
23 **provide home care services.**

24 “(2) The department shall provide training on the mandatory training  
25 topics established under this subsection and on any other training that the  
26 department or the commission deems appropriate for the professionalization  
27 of home care workers and personal support workers. The training provided  
28 pursuant to this section may include, but is not limited to, training on the  
29 following topics:

30 “(a) Safety and emergency measures.

1 “(b) Understanding the requirements for providers paid with Medicaid  
2 funds.

3 “(c) Providing person-centered care.

4 “(d) Understanding how to support the physical and emotional needs of  
5 the individual who is receiving care.

6 “(e) Managing medications.

7 “(f) Providing personal care and assistance with activities of daily living.

8 “(3) The training provided in accordance with this section must be ge-  
9 ographically accessible in all areas of this state and culturally appropriate  
10 for workers of all language abilities.

11 “(4) In developing the training provided under this section, the depart-  
12 ment shall:

13 “(a) Consider the needs of each worker type, including workers who are  
14 relatives of the individuals receiving care, workers who provide respite care,  
15 experienced workers and new workers; and

16 “(b) Strive to align the training with the training requirements for care  
17 providers in other long term care settings.

18 **“(5) The testing and monitoring of home care workers and personal  
19 support workers under subsection (1) of this section must include, but  
20 is not limited to, a quarterly:**

21 **“(a) Visit to a home care worker or personal support worker on site  
22 to evaluate the worker’s:**

23 **“(A) Ability to use the skills and knowledge acquired through the  
24 training; and**

25 **“(B) Provision of safe and appropriate care to an elderly person or  
26 a person with a disability; and**

27 **“(b) Review of the home care worker’s or personal support worker’s  
28 billings for services paid by the medical assistance program to ensure  
29 that the billings are as allowed by law.**

30 “[5] (6) The department shall consult with the Developmental Disabili-

1 ties and Mental Health Committee, unions representing home care workers  
2 and personal support workers and other stakeholders in the adoption of rules  
3 to carry out the provisions of this section.”.

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