

SB 1548 A STAFF MEASURE SUMMARY

Senate Committee On Human Services, Mental Health and Recovery

Action Date: 02/08/22

Action: Do pass with amendments and requesting referral to Ways and Means. (Printed A-Engrossed.)

Vote: 3-0-2-0

Yeas: 3 - Gelser Blouin, Lieber, Sollman

Exc: 2 - Kennemer, Robinson

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: C. Ross, LPRO Analyst

Meeting Dates: 2/1, 2/3, 2/8

WHAT THE MEASURE DOES:

Implements agency with choice principles with respect to certain persons receiving in-home direct care services, whereby the Department of Human Services (DHS) is the employer of record, responsible for verifying care providers' qualifications, certifying entities that may deliver services, and performing other employment-related and administrative functions, in coordination with and supportive of the choices made by persons receiving services. Adds individuals who provide agency of choice services to the list of mandatory reporters of abuse. Establishes minimum requirements for certification of entities and for their fiscal, organizational, and operational transparency. Requires DHS to adopt rules for certification of entities by October 1, 2023. Creates an exception from the requirement to install sprinkler systems that would otherwise apply, for residential training homes and adult foster homes licensed prior to July 1, 2024, that operate from detached single-family homes and serve up to five individuals, so long as they comply with all other safety requirements as specified. Sunsets this exception January 2, 2026. Requires DHS and the Oregon Health Authority (OHA) to report to the legislature with respect to the impact of sprinkler system requirements as specified by October 1, 2022, and sunsets this reporting requirement January 2, 2023. Directs DHS to report to the legislature on consumer-direct hiring of personal and direct care professionals and on modernizing licensing fees and civil penalties related to the provision of certain services as specified by October 1, 2022. Sunsets these reporting requirements January 2, 2023. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Informational meeting on LC 174 during the interim, on January 13, 2022
- Closing regulatory loopholes based on conversations with DHS going back a year or more to improve self-determination of service recipients and vetting of service providers
- Current effect of sprinkler installation requirements that contemplate commercial enterprises but impact private residences
- Distinguishing between agency with choice and traditional in-home service providers and permissive nature of provisions: individuals being served will choose their preferred model, and traditional providers may continue, or may meet the criteria for agency with choice, or may meet the criteria for both

EFFECT OF AMENDMENT:

Clarifies that the sprinkler installation requirement does not apply to residential training homes or adult foster homes licensed prior to July 1, 2024 that operate from detached single-family homes and that serve up to five individuals, so long as they are fully compliant with other safety requirements. Makes other technical refinements throughout, such as replacing references to "licensing and certification" with "licensing, certification and endorsement."

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BACKGROUND:

In 2020, the U.S. Finance Committee concluded a lengthy investigation of certain care facilities in Oregon and elsewhere that have since been shut down or have left the state. Conversations continued between stakeholders, legislators and the Oregon Department of Human Services (DHS) since. DHS developed a number of recommendations to improve its ability to evaluate service providers and their transparency, including requiring them to report compensation of direct support professionals and executives, requiring rate increases, having more flexibility with respect to licensing fees and the imposition of certain civil penalties, and improving its ability to evaluate providers' history and past performance.

Senate Bill 1548 A implements agency with choice principles with respect to certain persons receiving in-home direct care services, making DHS the employer of record, responsible for verifying care providers' qualifications, certifying entities that may deliver services, and performing other employment-related and administrative functions, in coordination with and supportive of the choices made by persons receiving services. The measure also establishes minimum requirements for certification of entities and for their fiscal, organizational, and operational transparency. In addition, the measure carves-out a temporary exception from sprinkler installation requirements impacting certain providers in private homes, to provide relief and allow time for evaluation of the requirement. The exception applies to residential training homes and adult foster homes licensed before July 1, 2024, that operate out of single-family homes that serve five or fewer individuals. The exception sunsets January 2, 2026, and DHS and the Oregon Health Authority (OHA) are required to report to the legislature on the impact of the sprinkler system requirement by October 1, 2022. Finally, the measure directs DHS to report to the legislature on consumer-direct hiring of personal and direct care workers and on modernizing licensing fees and civil penalties related to the provision of certain services by October 1, 2022.