

SENATE AMENDMENTS TO SENATE BILL 1548

By COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH AND RECOVERY

February 14

1 On page 1 of the printed bill, delete lines 17 through 22 and delete page 2.

2 On page 3, delete lines 1 through 34 and insert:

3 **“SECTION 1. (1) As used in this section:**

4 **“(a) ‘Agency with choice services’ means performing, on behalf of an individual, the fol-**
5 **lowing functions as the employer of record for direct support professionals who are providing**
6 **in-home services and supports to the individual:**

7 **“(A) Coordinating the schedules and responsibilities of direct support professionals who**
8 **are providing in-home services and supports to the individual;**

9 **“(B) For each direct support professional providing in-home services and supports to the**
10 **individual, withholding, filing and paying income and employment-related taxes, including**
11 **workers’ compensation premiums and unemployment taxes;**

12 **“(C) Verifying the qualifications of each direct support professional; and**

13 **“(D) Providing other administrative and employment-related supports.**

14 **“(b) ‘Individual’ means a child or adult with an intellectual or developmental disability**
15 **who receives in-home services and supports through the Department of Human Services.**

16 **“(2) The department shall certify agencies to deliver agency with choice services as a**
17 **community-based services option under ORS 427.007 (1)(d).**

18 **“(3) The department shall adopt by rule:**

19 **“(a) Minimum qualifications for agencies to be certified by the department to deliver**
20 **agency with choice services; and**

21 **“(b) Reimbursement rates for the services.**

22 **“(4) Minimum qualifications for agencies certified to deliver agency with choice services**
23 **include, but are not limited to:**

24 **“(a) The ability to provide support for individuals in directing the individual’s direct**
25 **support professional and the day-to-day services of the direct support professional;**

26 **“(b) A commitment to recruit and retain a high quality and diverse workforce to provide**
27 **agency with choice services;**

28 **“(c) A commitment to work with a broad coalition of stakeholders in an effort to un-**
29 **derstand the changing needs of the workforce and of individuals’ needs, rights and prefer-**
30 **ences;**

31 **“(d) The ability to meet the state’s interest in preventing or mitigating disruptions to**
32 **individuals’ in-home services and supports; and**

33 **“(e) The ability to implement an electronic visit verification system that complies with**
34 **state and federal requirements or, in the absence of an electronic visit verification system,**
35 **to monitor a statistically valid sample of each claim for reimbursement for the cost of ser-**

1 vices to the receipt of the services by the individual.

2 “(5) The department may not certify an agency to provide agency with choice services if
3 the owner of the agency or an executive officer of the agency has been convicted of Medicaid
4 fraud in any state within the 25-year period prior to the certification.

5 “**SECTION 2.** (1) The Department of Human Services shall adopt rules to ensure fiscal
6 transparency in the provision of community-based services to individuals with intellectual
7 or developmental disabilities and to ensure individuals with intellectual or developmental
8 disabilities receive high quality services from providers that are licensed, certified or en-
9 dorsed by the department to provide community-based services. At a minimum, the rules
10 must establish, for providers of community-based services to individuals with intellectual or
11 developmental disabilities:

12 “(a) Requirements to annually submit staffing data to a reporting survey organization
13 specified by the department;

14 “(b) Requirements to submit an annual report to the department that includes:

15 “(A) A disclosure of executive compensation and benefits;

16 “(B) A disclosure of starting, average and highest wages for direct support professionals
17 that are employed by, under contract with or otherwise engaged with the provider to deliver
18 community-based services to individuals with intellectual or developmental disabilities;

19 “(C) A disclosure of the provider’s overhead expenses and expenditures; and

20 “(D) Any other fiscal matters prescribed by the department;

21 “(c) Requirements to ensure that wages and health benefits paid to direct support pro-
22 fessionals delivering community-based supports reflect any increase in rates approved by the
23 Legislative Assembly for the purpose of improving wages and health benefits;

24 “(d) Criteria for conditions under which a provider may be prohibited from applying for
25 a license, certificate or endorsement;

26 “(e) Criteria for the inclusion of information about the organizational history of an ap-
27 plicant for a new license, certification or endorsement, not to exceed the 10 previous years;
28 and

29 “(f) A process for the consideration of the regulatory and safety compliance and opera-
30 tional experience of all providers in this state or in any other jurisdiction when issuing an
31 initial license, certification or endorsement or renewing a license, certification or endorse-
32 ment.

33 “(2) Rules adopted by the department must, to the greatest extent practicable, consol-
34 idate new reporting requirements with existing reporting requirements to avoid the need for
35 providers to make duplicative reports of the same information.

36 “**SECTION 3.** Notwithstanding any provision of the state building code, as defined in ORS
37 455.010, a single-family detached dwelling that is used to operate a residential training home,
38 as defined in ORS 443.400, or an adult foster home, as defined in ORS 443.705, is not required
39 to have installed an automatic sprinkler system if:

40 “(1) The dwelling has been operated as a residential training home or an adult foster
41 home pursuant to a license issued prior to July 1, 2024;

42 “(2) The operator is licensed to serve five or fewer individuals in the dwelling; and

43 “(3) The operator and the dwelling meet all other fire, life and safety requirements es-
44 tablished by the Department of Human Services or the Oregon Health Authority by rule.”.

45 In line 35, delete “5” and insert “4”.

1 On page 4, delete lines 9 through 34 and insert:

2 **“SECTION 5. No later than October 1, 2022, the Department of Human Services shall**
3 **report to the interim committees of the Legislative Assembly related to human services and**
4 **to health, in the manner provided in ORS 192.245, program options for community-based**
5 **services for seniors and people with disabilities offered by agencies with consumer-directed**
6 **hiring of personal care workers and direct support professionals. The report should include**
7 **a description of models currently implemented by other states.**

8 **“SECTION 6. No later than October 1, 2022, the Department of Human Services shall**
9 **report to the interim committees of the Legislative Assembly related to human services and**
10 **to health, in the manner provided in ORS 192.245, recommendations for modernizing the li-**
11 **icensing, certification and endorsement fee schedules and the administration of civil penalties**
12 **related to services provided to individuals with intellectual or developmental disabilities in-**
13 **cluding, at a minimum:**

14 **“(1) How fees and penalties may be adjusted for inflation;**

15 **“(2) Whether the department should have the authority to decrease or waive fees in**
16 **certain circumstances;**

17 **“(3) Whether licensing, certification or endorsement fees should be required for agencies**
18 **providing supported living, community living supports or other licenses, certifications and**
19 **endorsements offered by the division of the department that is responsible for developmental**
20 **disability services;**

21 **“(4) Whether licensing, certification or endorsement fees should reflect the size of the**
22 **agency or number of individuals served by the agency;**

23 **“(5) The extent to which licensing, certification and endorsement fees cover the cost of**
24 **licensing, certification and endorsement activities;**

25 **“(6) Any legislative changes to simplify civil penalties or structure civil penalties to en-**
26 **sure fairness, equity and effectiveness in improving the quality of services to individuals with**
27 **intellectual or developmental disabilities; and**

28 **“(7) Any legislative changes necessary to implement modern, sustainable and equitable**
29 **licensing, certification and endorsement fee and civil penalty schedules.”.**

30 In line 35, delete “8” and insert “7”.

31 On page 6, line 24, delete “worker” and insert “person”.

32 On page 7, line 1, delete “9” and insert “8”.

33 Delete lines 3 through 5 and insert:

34 **“SECTION 9. (1) Section 3 of this 2022 Act is repealed on January 2, 2026.**

35 **“(2) Sections 4, 5 and 6 of this 2022 Act are repealed on January 2, 2023.”.**

36 In line 6, delete “11” and insert “10”.