

Requested by Senator PATTERSON

**PROPOSED AMENDMENTS TO
SENATE BILL 1556**

1 On page 1 of the printed bill, delete lines 4 through 28 and delete pages
2 2 through 4 and insert:

3 **“SECTION 1. (1) As used in this section and section 2 of this 2022
4 Act:**

5 **“(a) ‘Employer’ means:**

6 **“(A) The Home Care Commission, for caregivers described in para-
7 graph (b)(A) of this subsection.**

8 **“(B) An in-home care agency that hires, enters into an arrange-
9 ment with or contracts with a caregiver described in paragraph (b)(B)
10 of this subsection.**

11 **“(b) ‘Home or community-based services caregiver’ or ‘caregiver’
12 means:**

13 **“(A) A home care worker, as defined in ORS 410.600.**

14 **“(B) An individual providing in-home care services as an employee
15 of or under an arrangement or contract with an in-home care agency.**

16 **“(c) ‘In-home care agency’ has the meaning given that term in ORS
17 443.305.**

18 **“(d) ‘In-home care services’ has the meaning given that term in
19 ORS 443.305.**

20 **“(2) The Department of Human Services shall adopt by rule criteria
21 for the certification and continuing certification of home or**

1 community-based services caregivers. The criteria must include, but
2 are not limited to:

3 “(a) Requirements that the caregiver:

4 “(A) Be 18 years of age or older;

5 “(B) Not be excluded from participation in federal health care pro-
6 grams under 42 U.S.C. 1320a-7a;

7 “(C) Has in effect a satisfactorily completed criminal records check
8 in accordance with ORS 443.004; and

9 “(D) Complete all basic training requirements that are relevant to
10 the position and to the health and safety of workers and individuals
11 receiving care, including but not limited to requirements adopted by
12 the department under ORS 410.598 and 443.011; and

13 “(b) The department’s receipt of verification from an authorized
14 trainer or training entity approved by the department, including but
15 not limited to an employer, training institution or apprenticeship
16 program, that the caregiver was provided the training described in
17 paragraph (a)(D) of this subsection.

18 “(3) The department shall prescribe an application process and ver-
19 ification requirements for the certification and continuing certifica-
20 tion of home or community-based services caregivers.

21 “(4) Employers are responsible for initiating the certification of
22 home or community-based services caregivers who they employ.

23 “(5) A home or community-based services caregiver maintains the
24 caregiver’s certification if all training requirements are completed
25 timely.

26 **“SECTION 2. (1) The Department of Human Services shall maintain**
27 **an online home or community-based services caregiver registry ac-**
28 **cessible to the public. The department shall adopt by rule the infor-**
29 **mation to be displayed on the registry for each caregiver, including**
30 **but not limited to the:**

1 “(a) Name of the caregiver;
2 “(b) County and, if applicable, city where the caregiver resides;
3 “(c) Certification status of the caregiver under section 1 of this 2022
4 Act and any endorsements earned by the caregiver; and

5 “(d) Criminal records check status of the caregiver.

6 “(2) The registry shall contain links to:

7 “(a) Sites that explain the training requirements for the certifica-
8 tion of each type of home or community-based services caregiver de-
9 scribed in section 1 (1)(b) of this 2022 Act; and

10 “(b) The home care registry, as defined in ORS 410.600, for members
11 of the public to find home care workers.

12 “(3) The department shall create a process and adopt by rule the
13 criteria for a home or community-based services caregiver to request
14 to be excluded from the registry if the caregiver:

15 “(a) Is a family caregiver only;

16 “(b) Is a survivor of intimate partner violence, domestic violence
17 or sexual assault or has an outstanding stalking order against a third
18 party; or

19 “(c) Otherwise has a safety need for additional privacy.

20 “**SECTION 3.** Section 1 of this 2022 Act is amended to read:

21 “**Sec. 1.** (1) As used in this section and section 2 of this 2022 Act:

22 “(a) ‘Employer’ means:

23 “(A) The Home Care Commission, for caregivers described in paragraph
24 (b)(A) of this subsection.

25 “(B) An in-home care agency that hires, enters into an arrangement with
26 or contracts with a caregiver described in paragraph (b)(B) of this sub-
27 section.

28 “(C) An owner or operator of a residential care facility that employs
29 a caregiver described in paragraph (b)(C) of this subsection.

30 “(b) ‘Home or community-based services caregiver’ or ‘caregiver’ means:

1 “(A) A home care worker, as defined in ORS 410.600.

2 “(B) An individual providing in-home care services as an employee of or
3 under an arrangement or contract with an in-home care agency.

4 **“(C) An individual who is direct care staff, as defined in ORS
5 443.400, in a residential care facility, as defined in ORS 443.400, which
6 includes a residential care facility with a memory care endorsement
7 under ORS 443.886 and an assisted living facility.**

8 “(c) ‘In-home care agency’ has the meaning given that term in ORS
9 443.305.

10 “(d) ‘In-home care services’ has the meaning given that term in ORS
11 443.305.

12 “(2) The Department of Human Services shall adopt by rule criteria for
13 the certification and continuing certification of home or community-based
14 services caregivers. The criteria must include, but are not limited to:

15 “(a) Requirements that the caregiver:

16 “(A) Be 18 years of age or older;

17 “(B) Not be excluded from participation in federal health care programs
18 under 42 U.S.C. 1320a-7a;

19 “(C) Has in effect a satisfactorily completed criminal records check in
20 accordance with ORS 443.004; and

21 “(D) Complete all basic training requirements that are relevant to the
22 position and to the health and safety of workers and individuals receiving
23 care, including but not limited to requirements adopted by the department
24 under ORS 410.598 and 443.011; and

25 “(b) The department’s receipt of verification from an authorized trainer
26 or training entity approved by the department, including but not limited to
27 an employer, training institution or apprenticeship program, that the
28 caregiver was provided the training described in paragraph (a)(D) of this
29 subsection.

30 “(3) The department shall prescribe an application process and verifica-

1 tion requirements for the certification and continuing certification of home
2 or community-based services caregivers.

3 “(4) Employers are responsible for initiating the certification of home or
4 community-based services caregivers who they employ.

5 “(5) A home or community-based services caregiver maintains the
6 caregiver’s certification if all training requirements are completed timely.

7 **“SECTION 4. (1) The Department of Human Services shall work
8 with stakeholder groups to design certification requirements under
9 section 1 of this 2022 Act to improve the skill level and training of
10 home or community-based services caregivers, as defined in section 1
11 of this 2022 Act, and to improve pathways for caregivers to access
12 continued education and advancement.**

13 **“(2) In the department’s report to the Joint Interim Committee on
14 Ways and Means, as required in the department’s 2021-2023 biennial
15 budget, the department shall report on the implementation of sections
16 1 and 2 of this 2022 Act and the department’s efforts under subsection
17 (1) of this section.**

18 **“SECTION 5. (1) The Department of Human Services shall complete
19 rulemaking to implement the provisions of sections 1 and 2 of this 2022
20 Act no later than January 1, 2023, and take all steps necessary to im-
21 plement the provisions of sections 1 and 2 of this 2022 Act on and after
22 the operative date specified in section 6 (1) of this 2022 Act.**

23 **“(2) The department shall take all steps necessary to implement the
24 amendments to section 1 of this 2022 Act by section 3 of this 2022 Act
25 no later than the operative date specified in section 6 (2) of this 2022
26 Act.**

27 **“SECTION 6. (1) Sections 1 and 2 of this 2022 Act become operative
28 on December 31, 2023.**

29 **“(2) The amendments to section 1 of this 2022 Act by section 3 of
30 this 2022 Act become operative on December 31, 2024.**

1 **“SECTION 7. Section 4 of this 2022 Act is repealed on January 2,**
2 **2024.**

3 **“SECTION 8. This 2022 Act being necessary for the immediate**
4 **preservation of the public peace, health and safety, an emergency is**
5 **declared to exist, and this 2022 Act takes effect on its passage.”.**

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