

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, requirements that:

3 “(a) 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) Have in effect a satisfactorily completed criminal records
8 check 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 employer provide to the department verification from a
14 person that provides training, including but not limited to the em-
15 ployer, a training institution, an approved training entity or an ap-
16 prenticeship program, that the caregiver was provided the training
17 described in paragraph (a)(D) of this subsection. The department shall
18 prescribe by rule the deadline by which the department must receive
19 the verification from the employer following the completion of the
20 training.

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

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

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

29 **“SECTION 2. (1) The Department of Human Services shall maintain**
30 **an online home or community-based services caregiver registry ac-**

1 **cessible to the public. The information to be displayed on the registry**
2 **for each caregiver shall be limited to the:**

3 **“(a) Name of the caregiver;**

4 **“(b) County and, if applicable, city where the caregiver resides;**

5 **“(c) Certification status of the caregiver under section 1 of this 2022**
6 **Act and any endorsements earned by the caregiver; and**

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

8 **“(2) The registry shall contain links to:**

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

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

14 **“(3) The department shall create a process for a home or**
15 **community-based services caregiver to request to be excluded from the**
16 **registry.**

17 **“(4) The department shall prominently display a notice on the reg-**
18 **istry that states that:**

19 **“(a) Home or community-based services caregivers may choose not**
20 **to be listed on the registry; and**

21 **“(b) The registry is not an exclusive list of all home and**
22 **community-based services caregivers that are qualified and trained in**
23 **this state.**

24 **“(5) The department may include on the registry disclaimers, user**
25 **guidance and other resources that the department deems appropriate**
26 **to help users of the registry.**

27 **“(6) This section does not prohibit the department from requesting**
28 **and collecting from home or community-based services caregivers in-**
29 **formation in addition to the information that must be displayed on the**
30 **registry under subsection (1) of this section.**

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

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

3 “(a) ‘Employer’ means:

4 “(A) The Home Care Commission, for caregivers described in paragraph

5 (b)(A) of this subsection.

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

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

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

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

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

15 **“(C) An individual who is direct care staff, as defined in ORS
16 443.400, in a residential care facility, as defined in ORS 443.400, that
17 includes a residential care facility with a memory care endorsement
18 under ORS 443.886 and an assisted living facility.**

19 “(c) ‘In-home care agency’ has the meaning given that term in ORS
20 443.305.

21 “(d) ‘In-home care services’ has the meaning given that term in ORS
22 443.305.

23 “(2) The Department of Human Services shall adopt by rule criteria for
24 the certification and continuing certification of home or community-based
25 services caregivers. The criteria must include, but are not limited to, re-
26 quirements that:

27 “(a) The caregiver:

28 “(A) Be 18 years of age or older;

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

1 “(C) Have in effect a satisfactorily completed criminal records check in
2 accordance with ORS 443.004; and

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

7 “(b) The employer provide to the department verification from a person
8 that provides training, including but not limited to the employer, a training
9 institution, an approved training entity or an apprenticeship program, that
10 the caregiver was provided the training described in paragraph (a)(D) of this
11 subsection. The department shall prescribe by rule the deadline by which the
12 department must receive the verification from the employer following the
13 completion of the training.

14 “(3) The department shall prescribe an application process and verifica-
15 tion requirements for the certification and continuing certification of home
16 or community-based services caregivers.

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

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

21 **“SECTION 4. (1) The Department of Human Services shall work
22 with stakeholder groups to:**

23 **“(a) Design certification requirements under section 1 of this 2022
24 Act;**

25 **“(b) Explore ways to improve the skill level and training of home
26 or community-based services caregivers, as defined in section 1 of this
27 2022 Act; and**

28 **“(c) Improve pathways for caregivers to access continued education
29 and advancement.**

30 **“(2) In the department’s report to the Joint Interim Committee on**

1 **Ways and Means, as required in the department’s 2021-2023 biennial**
2 **budget, the department shall report on the implementation of sections**
3 **1 and 2 of this 2022 Act and the department’s efforts under subsection**
4 **(1) of this section.**

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

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

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

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

18 **“SECTION 7. Section 4 of this 2022 Act is repealed on January 2,**
19 **2024.**

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

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