

**B-Engrossed**  
**Senate Bill 1556**

Ordered by the Senate February 28  
Including Senate Amendments dated February 23 and February 28

Sponsored by Senator PATTERSON, Representatives SANCHEZ, SMITH G, Senators GELSER BLOUIN, KENNEMER, MANNING JR, Representative NERON; Senator ARMITAGE, Representatives EVANS, HOY, PRUSAK, REYNOLDS, WILLIAMS (Pre-session filed.)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires Department of Human Services to establish certification process for direct care providers of home or community-based services and implement online registry of direct care providers of home or community-based services. Specifies requirements for certification and information to be displayed on online registry.

Requires department to work with stakeholder groups to design certification requirements, explore ways to improve skill level and training of caregivers and improve caregivers' pathways to continued education and advancement. Sunsets January 2, 2024.

Requires department to report to Joint Interim Committee on Ways and Means on work with stakeholders and on implementation of certification process and registry.

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to caregivers; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

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

5 **(a) "Employer" means:**

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

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

10 **(b) "Home or community-based services caregiver" or "caregiver" means:**

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

12 **(B) An individual providing in-home care services as an employee of or under an ar-**  
13 **rangement or contract with an in-home care agency.**

14 **(c) "In-home care agency" has the meaning given that term in ORS 443.305.**

15 **(d) "In-home care services" has the meaning given that term in ORS 443.305.**

16 **(2) The Department of Human Services shall adopt by rule criteria for the certification**  
17 **and continuing certification of home or community-based services caregivers. The criteria**  
18 **must include, but are not limited to, requirements that:**

19 **(a) The caregiver:**

20 **(A) Be 18 years of age or older;**

21 **(B) Not be excluded from participation in federal health care programs under 42 U.S.C.**

22 **1320a-7a;**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

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

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

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

12 (3) The department shall prescribe an application process and verification requirements  
13 for the certification and continuing certification of home or community-based services  
14 caregivers.

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

17 (5) A home or community-based services caregiver maintains the caregiver's certification  
18 if all training requirements are completed timely.

19 **SECTION 2.** (1) The Department of Human Services shall maintain an online home or  
20 community-based services caregiver registry accessible to the public. The information to be  
21 displayed on the registry for each caregiver shall be limited to the:

22 (a) Name of the caregiver;

23 (b) County and, if applicable, city where the caregiver resides;

24 (c) Certification status of the caregiver under section 1 of this 2022 Act and any  
25 endorsements earned by the caregiver; and

26 (d) Criminal records check status of the caregiver.

27 (2) The registry shall contain links to:

28 (a) Sites that explain the training requirements for the certification of each type of home  
29 or community-based services caregiver described in section 1 (1)(b) of this 2022 Act; and

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

32 (3) The department shall create a process for a home or community-based services  
33 caregiver to request to be excluded from the registry.

34 (4) The department shall prominently display a notice on the registry that states that:

35 (a) Home or community-based services caregivers may choose not to be listed on the  
36 registry; and

37 (b) The registry is not an exclusive list of all home and community-based services  
38 caregivers that are qualified and trained in this state.

39 (5) The department may include on the registry disclaimers, user guidance and other  
40 resources that the department deems appropriate to help users of the registry.

41 (6) This section does not prohibit the department from requesting and collecting from  
42 home or community-based services caregivers information in addition to the information  
43 that must be displayed on the registry under subsection (1) of this section.

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

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

1 (a) "Employer" means:

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

3 (B) An in-home care agency that hires, enters into an arrangement with or contracts with a  
4 caregiver described in paragraph (b)(B) of this subsection.

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

7 (b) "Home or community-based services caregiver" or "caregiver" means:

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

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

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

14 (c) "In-home care agency" has the meaning given that term in ORS 443.305.

15 (d) "In-home care services" has the meaning given that term in ORS 443.305.

16 (2) The Department of Human Services shall adopt by rule criteria for the certification and  
17 continuing certification of home or community-based services caregivers. The criteria must include,  
18 but are not limited to, requirements that:

19 (a) The caregiver:

20 (A) Be 18 years of age or older;

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

22 (C) Have in effect a satisfactorily completed criminal records check in accordance with ORS  
23 443.004; and

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

27 (b) The employer provide to the department verification from a person that provides training,  
28 including but not limited to the employer, a training institution, an approved training entity or an  
29 apprenticeship program, that the caregiver was provided the training described in paragraph (a)(D)  
30 of this subsection. The department shall prescribe by rule the deadline by which the department  
31 must receive the verification from the employer following the completion of the training.

32 (3) The department shall prescribe an application process and verification requirements for the  
33 certification and continuing certification of home or community-based services caregivers.

34 (4) Employers are responsible for initiating the certification of home or community-based ser-  
35 vices caregivers who they employ.

36 (5) A home or community-based services caregiver maintains the caregiver's certification if all  
37 training requirements are completed timely.

38 **SECTION 4. (1) The Department of Human Services shall work with stakeholder groups**  
39 **to:**

40 (a) **Design certification requirements under section 1 of this 2022 Act;**

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

43 (c) **Improve pathways for caregivers to access continued education and advancement.**

44 (2) **In the department's report to the Joint Interim Committee on Ways and Means, as**  
45 **required in the department's 2021-2023 biennial budget, the department shall report on the**

1 implementation of sections 1 and 2 of this 2022 Act and the department's efforts under sub-  
2 section (1) of this section.

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

7 (2) The department shall take all steps necessary to implement the amendments to sec-  
8 tion 1 of this 2022 Act by section 3 of this 2022 Act no later than the operative date specified  
9 in section 6 (2) of this 2022 Act.

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

11 (2) The amendments to section 1 of this 2022 Act by section 3 of this 2022 Act become  
12 operative on December 31, 2024.

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

14 **SECTION 8.** Notwithstanding any other provision of law, the General Fund appropriation  
15 made to the Department of Human Services by section 1 (6), chapter 606, Oregon Laws 2021,  
16 for the biennium ending June 30, 2023, for aging and people with disabilities programs, is in-  
17 creased by \$248,843 to implement the requirements of this 2022 Act.

18 **SECTION 9.** Notwithstanding any other law limiting expenditures, the limitation on  
19 expenditures established by section 3 (6), chapter 606, Oregon Laws 2021, for the biennium  
20 ending June 30, 2023, as the maximum limits for payment of expenses from federal funds,  
21 excluding federal funds described in section 2, chapter 606, Oregon Laws 2021, collected or  
22 received by the Department of Human Services, for aging and people with disabilities pro-  
23 grams, is increased by \$84,361 to implement the requirements of this 2022 Act.

24 **SECTION 10.** This 2022 Act being necessary for the immediate preservation of the public  
25 peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect  
26 on its passage.