



September 23, 2024

Chair Gelser Blouin, Vice Chair Robinson, and members of the committee,

Oregon Health Care Association (OHCA) represents long term care providers across the full continuum of care, including licensed residential care facilities, assisted living facilities, and in-home care agencies impacted by Senate Bill (SB) 1556.

When the Legislature was considering this measure in the 2022 session, OHCA was a key stakeholder involved in negotiating amendments to the bill. At the time, we expressed caution about certain components of it and worked to ensure it was something providers could reasonably comply with. We believe there is value in a portable certification for direct caregivers in home and community-based care settings. However, this is not a simple bill and must be thoughtfully implemented to avoid unintended consequences for workers, consumers, and providers.

Ultimately, SB 1556 included amendments that addressed some of our concerns, and we were grateful to the bill's proponents for working with us to accomplish those changes. Still, the legislation requires significant new requirements on providers and the Oregon Department of Human Services (ODHS). The bill very clearly puts all the responsibility on employers to initiate, verify, and complete reporting requirements for this new certification that does not exist today.

Now, nearly three years after the passage of the bill, OHCA believes it is important to clearly reiterate our priorities as implementation gets underway.

First, the department has broad and critical rulemaking authority under the bill, including adopting criteria for certification of caregivers and deadlines and processes for verifying worker training. An important operating principle from our perspective is that the rules that will be promulgated be as simple, least burdensome, and clear as possible, so providers understand how to comply with these new requirements. This includes reasonable timeframes for reporting caregiver training to the state and ensuring the new requirements do not conflict with or align with requirements that currently exist for the different licensed settings.

Second, the law makes clear that there will be a process for a caregiver to request to be excluded from the registry established. This was an important compromise provision of SB 1556 that came directly from the voices of caregivers who did not want to be forced by

the state to put their name, location of their residence, and criminal records check status on a public-facing registry. Additionally, it is important that the opt-out process for caregivers be simple for them to complete and have assurances that ODHS will not deny a caregiver their right not to appear on the registry.

Finally, SB 1556 requires ODHS to work with community partners to design certification requirements, explore ways to improve the skill level and training of caregivers, and improve pathways for caregivers to access continued education and advancement. To date, this has not occurred, and we believe that needs to be the starting point for next steps prior to formal rulemaking. Furthermore, since the implementation of SB 1556 has been delayed, OHCA believes it is valuable to consider what feasible timelines may be for when these new requirements will go into effect.

OHCA appreciates the opportunity to share our perspective on the implementation of SB 1556 and what needs to occur to make sure the bill is feasible to comply with and ultimately valuable for all involved.

Sincerely,

Libby Batlan
Senior Vice President of Government Relations
Oregon Health Care Association