

A-Engrossed

House Bill 2500

Ordered by the House April 5
Including House Amendments dated April 5

Sponsored by Representative OWENS; Representatives NOSSE, SCHARF (at the request of Angie Temple) (Presession 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 that mileage reimbursement be paid to home care workers, personal support workers and [other direct support professionals who commute more than 15 miles each way to client's residence] **personal care workers who provide home care services to clients who live in remote locations.**

Requires Oregon Health Authority to establish process for in-home care agencies to request approval to provide training required by law to agency's own employees and contractors. Specifies criteria for approval of requests.

1 A BILL FOR AN ACT

2 Relating to in-home care providers; creating new provisions; and amending ORS 410.607 and 443.011.

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

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

5 (a) "Activities of daily living" has the meaning given that term in ORS 410.600.

6 (b) "Elderly person" has the meaning given that term in ORS 410.040.

7 (c) "Home care services" means assistance with activities of daily living, activities of
8 community inclusion and self-management provided to an elderly person or a person with a
9 disability.

10 (d) "Home care worker" has the meaning given that term in ORS 410.600.

11 (e) "Person with a disability" has the meaning given that term in ORS 410.600.

12 (f) "Personal care attendant" means an individual who:

13 (A) Provides home care services to a person with a behavioral health condition or disabil-
14 ity in the person's own home; and

15 (B) Has met the requirements prescribed by the Oregon Health Authority to be paid with
16 Medicaid funds.

17 (g) "Personal support worker" has the meaning given that term in ORS 410.600.

18 (h) "Provider" means a home care worker, a personal support worker or a personal care
19 attendant.

20 (i) "Remote" means a location that is 25 miles or more from an available provider.

21 (2) Subject to the terms of any collective bargaining agreement under ORS 410.612, the
22 Department of Human Services and the authority shall adopt rules to require the payment
23 of mileage reimbursement, at the state reimbursement rate, to a provider of home care
24 services, paid for by the department, for individuals who live in remote locations. The rules
25 must require the individual receiving home care services:

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 (a) To apply to the department for the mileage reimbursement in the form and manner
2 prescribed by the department or the authority;
3 (b) To demonstrate that the individual's needs cannot be fully met by household members
4 or members of the community who live less than 25 miles from the individual; and
5 (c) To demonstrate that the individual has used available resources to find a suitable
6 provider who lives less than 25 miles from the individual.

7 **SECTION 2.** ORS 410.607 is added to and made a part of ORS 410.595 to 410.625.

8 **SECTION 3.** ORS 410.607 is amended to read:

9 410.607. (1) As used in this section, "remote" means a location that is 25 miles or more
10 from an available home care worker or personal support worker.

11 [(1)] (2) The Home Care Commission shall convene a subcommittee of the commission to define
12 and establish classifications of home care workers and personal support workers. The classifications
13 shall be based on the worker's training, level of skill and the scope of the services provided by the
14 worker.

15 [(2)] (3) The commission shall:

16 (a) Establish payment rates for each classification of home care worker [*participating in the*
17 *program described in ORS 410.605*] and personal support worker; and

18 (b) Require the payment of mileage reimbursement to a home care worker or personal
19 support worker who provides home care services to an individual who resides in a remote
20 location.

21 (4) The state shall provide funding to agencies that provide home care workers or per-
22 sonal support workers sufficient to reimburse the cost of mileage reimbursement required
23 by this section.

24 **SECTION 4.** ORS 443.011 is amended to read:

25 443.011. (1) The Oregon Health Authority shall establish by rule training requirements that must
26 be met before an individual may be permitted to provide in-home care services, as defined in ORS
27 443.305. The training requirements must include a minimum number of hours of orientation and as-
28 sessment of competency. The minimum number of hours may be greater for an individual who will
29 be providing enhanced care and services, such as medication management.

30 (2) Except as provided in subsection (3) of this section, the training requirements apply to any
31 individual who is not licensed or certified to provide health care in this state and who provides in-
32 home care services as an employee or contractor of a licensed:

- 33 (a) In-home care agency as defined in ORS 443.305;
34 (b) Home health agency as defined in ORS 443.014; or
35 (c) Hospital as defined in ORS 442.015.

36 (3) The training requirements shall not apply to an individual providing personal care services
37 that are incidental to the provision of home health care or hospital services.

38 (4) An in-home care agency may request approval from the authority to be responsible
39 for the training required under subsection (1) of this section for the agency's own employees
40 and contractors. The authority shall approve the request if the training:

- 41 (a) Covers all topics and content as prescribed by the authority by rule; and
42 (b) Is provided in a manner that will equip in-home care services workers to provide the
43 level of in-home care services that the workers will be responsible to provide.

44 (5) The authority shall establish a process for in-home care agencies to submit requests
45 to provide the training for their own employees and contractors under subsection (4) of this

1 **section. The process must include a written application from the in-home care agency ac-**
2 **companied by:**
3 **(a) A statement of the method by which the training will be provided, such as on-the-job**
4 **or in-person training;**
5 **(b) An outline of the training program and copies of written materials used in the**
6 **training; and**
7 **(c) A statement of the qualifications and experience of the trainer or trainers.**
8 **(6) The authority must issue a notice approving or denying a request under subsection**
9 **(4) of this section no later than 90 days after the authority receives the request. The notice**
10 **must be in accordance with ORS 183.415 and specify the reasons for any denial.**

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