

SENATE AMENDMENTS TO SENATE BILL 1521

By COMMITTEE ON HUMAN SERVICES

February 19

1 On page 1 of the printed bill, line 2, after “individuals;” delete the rest of the line and insert
2 “creating new provisions; amending ORS 418.205, 418.210, 427.181, 443.889 and sections 3 and 9,
3 chapter 91, Oregon Laws 2022, and section 2, chapter 568, Oregon Laws 2023; and declaring an”.

4 After line 4, insert:
5

“ENHANCED SUPPORTS TO EMPLOYERS OF PERSONAL SUPPORT WORKERS

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

10 **“(a) ‘Enhanced supports to employers of personal support workers’ means support given**
11 **to an individual in self-directing the individual’s services or in managing personal support**
12 **workers who are providing in-home services and supports to the individual, using a person-**
13 **centered approach to ensure that the individual is at the center of the decision-making pro-**
14 **cess regarding what services are needed, including by providing:**

15 **“(A) Training, coaching and other forms of support to the individual on:**

16 **“(i) Self-direction; and**

17 **“(ii) The roles and responsibilities of the individual and the personal support worker;**

18 **“(B) Training, coaching and other forms of support to the individual in the overall man-**
19 **agement of personal support workers providing personal support services to the individual,**
20 **including in the recruitment, hiring, scheduling and training of personal support workers,**
21 **performance assessments of personal support workers and dismissal of personal support**
22 **workers; and**

23 **“(C) Other administrative and employment-related supports.**

24 **“(b) ‘Individual’ means a child or adult with an intellectual or developmental disability,**
25 **or the representative of the child or adult, who receives in-home services and supports**
26 **through the Department of Human Services.**

27 **“(2) The department shall contract with one or more organizations to provide enhanced**
28 **supports to employers of personal support workers.**

29 **“(3) An organization contracting with the department under subsection (2) of this section**
30 **shall be expected, at a minimum, to:**

31 **“(a) Maximize an individual’s self-direction and autonomy by supporting the individual to**
32 **direct the individual’s personal support workers and manage the day-to-day services of the**
33 **individual’s personal support workers;**

34 **“(b) Have a commitment to work with a broad coalition of stakeholders in an effort to**
understand the changing needs of the workforce and of individuals’ needs, rights and pref-

1 erences; and

2 “(c) Have the ability to meet the state’s interest in preventing or mitigating disruptions
3 to individuals’ in-home services and supports.

4 “(4) The department may not contract with an organization under subsection (2) of this
5 section to provide enhanced supports to employers of personal support workers if the owner
6 or an executive officer of the organization has been convicted of Medicaid fraud in any state
7 within the 25-year period prior to entering into the contract.

8 “**SECTION 2.** The Department of Human Services shall contract with at least one or-
9 ganization to provide enhanced supports to employers of personal support workers, as de-
10 fined in section 1 of this 2024 Act, no later than July 1, 2024.

11
12 “AGENCY WITH CHOICE SERVICES

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14 “**SECTION 3.** ORS 427.181 is amended to read:

15 “427.181. (1) As used in this section and section 5 of this 2024 Act:

16 “(a) ‘Agency with choice services’ means support given to an individual in self-directing the
17 individual’s services or in managing staff who are providing in-home services and supports to the
18 individual, using a person-centered approach to ensure that the individual is at the center of the
19 decision-making process regarding what services are needed, including by providing:

20 “(A) Training, coaching and other forms of support to the individual on:

21 “(i) Self-direction; and

22 “(ii) The roles and responsibilities of the individual and the agency with choice services pro-
23 vider;

24 “(B) Training, coaching and other forms of support to the individual in the overall management
25 of staff providing direct support services to the individual, including in the recruitment, hiring,
26 scheduling and training of staff, performance assessments of staff and dismissal of staff; and

27 “(C) Other administrative and employment-related supports.

28 “(b) ‘Individual’ means a child or adult with an intellectual or developmental disability[, or the
29 representative of the child or adult,] who receives in-home services and supports through the De-
30 partment of Human Services.

31 “(2) The department shall contract with one or more **endorsed** organizations to deliver agency
32 with choice services as a community-based services option under ORS 427.007 (1)(d).

33 “[*(3) An organization contracting with the department under subsection (2) of this section shall be
34 expected, at a minimum, to:*]

35 “[*(a) Maximize an individual’s self-direction and autonomy by supporting the individual to direct
36 the individual’s staff hired to provide direct support services to the individual and manage the day-to-
37 day services of the individual’s staff hired to provide direct support services to the individual;*]

38 “[*(b) Have a commitment to work with a broad coalition of stakeholders in an effort to understand
39 the changing needs of the workforce and of individuals’ needs, rights and preferences; and]*

40 “[*(c) Have the ability to meet the state’s interest in preventing or mitigating disruptions to
41 individuals’ in-home services and supports.*]

42 “[*(4) The department may not contract with an organization under subsection (2) of this section to
43 provide agency with choice services if the owner of or an executive officer of the organization has been
44 convicted of Medicaid fraud in any state within the 25-year period prior to entering into the contract.*]

45 “(3) The department shall adopt by rule minimum qualifications for agencies to be en-

1 dorsed by the department to deliver agency with choice services.

2 “(4) Minimum qualifications for agencies endorsed to deliver agency with choice services
3 include, but are not limited to:

4 “(a) The ability to provide support for individuals in directing the individual’s direct
5 support worker and the day-to-day services of the direct support worker;

6 “(b) A commitment to work with a broad coalition of stakeholders in an effort to un-
7 derstand the changing needs of the workforce and of individuals’ needs, rights and prefer-
8 ences; and

9 “(c) The ability to meet the state’s interest in preventing or mitigating disruptions to
10 individuals’ in-home services and supports.

11 “(5) The department may not endorse an agency to provide agency with choice services
12 if the owner of the agency or an executive officer of the agency has been convicted of
13 Medicaid fraud in any state within the 25-year period prior to the certification.

14 “(6) For the purpose of monitoring and evaluating workforce capacity and trends, an
15 agency endorsed to provide agency with choice services must annually provide to the de-
16 partment in the manner and at intervals specified by the department by rule:

17 “(a) A list of direct support workers for which the agency billed the department for ser-
18 vices provided through the agency with choice model;

19 “(b) The zip codes where the direct support workers provided services; and

20 “(c) Verification of the completion of training required for each direct support worker.

21 “SECTION 4. Section 2, chapter 568, Oregon Laws 2023, is amended to read:

22 “**Sec. 2.** The Department of Human Services shall contract with [*an*] **at least one** organization
23 to deliver agency with choice services under [*section 1, chapter 91, Oregon Laws 2022,*] **ORS 427.181**
24 no later than [*July 1, 2024*] **January 1, 2026**.

25
26 “AGENCIES THAT EMPLOY DIRECT SUPPORT WORKERS

27
28 “SECTION 5. (1) As used in this section:

29 “(a) ‘Assessed hours’ means the number of hours of direct support services that the
30 Department of Human Services determines is needed by an individual in a month.

31 “(b) ‘Client’ means an individual who enrolls with an agency that provides direct support
32 services to the individual.

33 “(2) An agency that employs staff to provide direct support services may not:

34 “(a) Offer bonus prizes or other forms of consideration to a potential client in exchange
35 for the client enrolling with the agency;

36 “(b) Offer bonus payments, prizes, wage enhancements or other forms of consideration
37 to direct support staff in exchange for the direct support staff agreeing to work for the
38 agency;

39 “(c) Require a client to commit the majority of the client’s assessed hours to the agency
40 as a condition of enrollment;

41 “(d) Limit services only to individuals who agree to bring the individual’s direct support
42 staff to the agency;

43 “(e) Require direct support staff, as a condition of employment with the agency, to bring
44 to the agency the individuals to whom the direct support staff provide services;

45 “(f) Enroll only clients who receive direct support services exclusively from family

1 members or close associates of the client; or

2 “(g) Facilitate financial exploitation by engaging in targeted communications that en-
3 courage a health care provider to steer a client to the agency.

4 “(3) It is solely the choice of an individual to select an agency to provide direct support
5 services.

6
7 **“MEDICAID FRAUD AND ABUSE UNIT**

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9 **“SECTION 6. The Oregon Health Authority shall hire for one position in the authority’s**
10 **unit that is responsible for investigating Medicaid fraud or abuse and taking enforcement**
11 **actions, in addition to the positions in the unit on the effective date of this 2024 Act.**

12
13 **“USE OF ACUITY-BASED STAFFING TOOL BY FACILITIES”.**

14
15 In line 5, delete “1” and insert “7”.

16 In line 16, delete “and rights”.

17 On page 2, line 31, delete “reassessing” and insert “using the tool to review”.

18 In line 32, delete “patterns” and insert “levels”.

19 Delete pages 3 and 4 and insert:
20

21 **“PLACEMENT SAFETY OR CRISIS SUPPORTS**

22
23 **“SECTION 8. Section 9 of this 2024 Act is added to and made a part of ORS 418.205 to**
24 **418.327.**

25 **“SECTION 9. (1) For purposes of this section:**

26 **“(a) ‘Certified foster parent’ means a person whose home is a foster home subject to ORS**
27 **418.625 to 418.645.**

28 **“(b)(A) ‘Placement safety or crisis supports’ means services for the care or supervision**
29 **of a child who is in the protective, temporary or legal custody of the Department of Human**
30 **Services under ORS chapter 419B or 419C, regardless of the presence of a department em-**
31 **ployee or certified foster parent, if the services are provided directly to the child for the**
32 **purpose of:**

33 **“(i) Ensuring the safety of the child and others when the child’s needs or behaviors ex-**
34 **ceed the resources available in the child’s current placement;**

35 **“(ii) Providing acute temporary lodging prevention supervision to the child if the child is**
36 **in substitute care, as defined in ORS 419A.004, has needs or behaviors that exceed the re-**
37 **sources available in the child’s current placement and has been determined by the depart-**
38 **ment, consistent with rules adopted by the department, to be at risk of experiencing**
39 **temporary lodging; or**

40 **“(iii) Providing daytime or nighttime care or supervision to the child after the depart-**
41 **ment has approved, consistent with rules adopted by the department, the child for temporary**
42 **lodging.**

43 **“(B) ‘Placement safety or crisis supports’ does not include:**

44 **“(i) Independent living program services;**

45 **“(ii) Mentoring;**

1 “(iii) Services provided by a respite provider certified by the department;

2 “(iv) Services provided in a respite home certified by the department;

3 “(v) Support or coaching services delivered to a child’s parents; or

4 “(vi) Services provided by a qualified mental health professional, a qualified mental health
5 associate or a licensed health care professional acting within the scope of the professional’s
6 license.

7 “(c) ‘Temporary lodging’ means time spent in a hotel, motel, inn, short term rental or
8 other setting approved by the department, consistent with rules adopted by the department,
9 due to a lack of appropriate placement in a foster home subject to ORS 418.625 to 418.645,
10 licensed child-caring agency or developmental disabilities residential facility.

11 “(2) Notwithstanding ORS 418.015 and 418.495, the Department of Human Services may
12 enter into a contract for placement safety or crisis supports only if the supports will be
13 provided by a child-caring agency licensed as required under ORS 418.215.

14 “**SECTION 10.** ORS 418.205 is amended to read:

15 “418.205. As used in ORS 418.205 to 418.327, 418.330, 418.470, 418.475, 418.950 to 418.970 and
16 418.992 to 418.998, unless the context requires otherwise:

17 “(1) ‘Child’ means an unmarried person under 21 years of age who resides in or receives care
18 or services from a child-caring agency.

19 “(2)(a) ‘Child-caring agency’ means:

20 “(A) Any private school, private agency, private organization or county program providing:

21 “(i) Day treatment for children with emotional disturbances;

22 “(ii) Adoption placement services;

23 “(iii) Residential care, including but not limited to foster care or residential treatment for chil-
24 dren;

25 “(iv) Residential care in combination with academic education and therapeutic care, including
26 but not limited to treatment for emotional, behavioral or mental health disturbances;

27 “(v) Outdoor youth programs; [or]

28 “(vi) **Placement safety or crisis supports, as defined in section 9 (1) of this 2024 Act, un-
29 der a contract with the Department of Human Services; or**

30 “[(vi)] (vii) Other similar care or services for children.

31 “(B) Any private organization or person that provides secure transportation services as defined
32 in ORS 418.241 during any segment of a child’s trip to or from a child-caring agency, certified foster
33 home as defined in ORS 418.241 or developmental disabilities residential facility as defined in ORS
34 418.241, if the route of the child’s trip begins or ends in this state.

35 “(b) ‘Child-caring agency’ includes the following:

36 “(A) A shelter-care home that is not a foster home subject to ORS 418.625 to 418.645;

37 “(B) An independent residence facility as described in ORS 418.475 that meets the standards
38 established by the Department of Human Services by rule to be considered a child-caring agency;

39 “(C) A private residential boarding school;

40 “(D) A child-caring facility as defined in ORS 418.950; and

41 “(E) A secure nonemergency medical transportation provider, as defined in ORS 418.241.

42 “(c) ‘Child-caring agency’ does not include:

43 “(A) Residential facilities or foster care homes certified or licensed by the Department of Human
44 Services under ORS 443.400 to 443.455, 443.830 and 443.835 for children receiving developmental
45 disability services;

1 “(B) Any private agency or organization facilitating the provision of respite services for parents
2 pursuant to a properly executed power of attorney under ORS 109.056. For purposes of this subpar-
3 agraph, ‘respite services’ means the voluntary assumption of short-term care and control of a minor
4 child without compensation or reimbursement of expenses for the purpose of providing a parent in
5 crisis with relief from the demands of ongoing care of the parent’s child;

6 “(C) A youth job development organization as defined in ORS 344.415;

7 “(D) A shelter-care home that is a foster home subject to ORS 418.625 to 418.645;

8 “(E) A foster home subject to ORS 418.625 to 418.645;

9 “(F) A facility that exclusively serves individuals 18 years of age and older; [or]

10 “(G) A facility that primarily serves both adults and children but requires that any child must
11 be accompanied at all times by at least one custodial parent or guardian;

12 **“(H) A private agency, private organization or individual that provides home and
13 community-based services as described in ORS 427.007 to children with intellectual or devel-
14 opmental disabilities as authorized by an individualized service plan developed in accordance
15 with ORS 427.154;**

16 **“(I) A nurse licensed under ORS 678.010 to 678.410, or an individual under delegation from
17 a nurse licensed under ORS 678.010 to 678.410, providing services to a medically complex
18 child; or**

19 **“(J) A licensed health care provider solely providing care related to the physical health
20 of a medically complex child, if the provider is practicing within the scope of the provider’s
21 license.**

22 “(3) ‘Child-caring facility’ has the meaning given that term in ORS 418.950.

23 “(4)(a) ‘County program’ means any county operated program that provides care or services to
24 children:

25 “(A) In the custody of the Department of Human Services or the Oregon Youth Authority; or

26 “(B) Under a contract with the Oregon Health Authority.

27 “(b) ‘County program’ does not include any local juvenile detention facility that receives state
28 services provided and coordinated by the Department of Corrections under ORS 169.070.

29 “(5) ‘Governmental agency’ means an executive, legislative or judicial agency, department,
30 board, commission, authority, institution or instrumentality of this state or of a county, municipality
31 or other political subdivision of this state.

32 “(6) ‘Independent residence facility’ means a facility as described in ORS 418.475.

33 “(7)(a) ‘Outdoor youth program’ means a program that provides, in an outdoor living setting,
34 services to children who have behavioral problems, mental health problems or problems with abuse
35 of alcohol or drugs.

36 “(b) ‘Outdoor youth program’ does not include any program, facility or activity:

37 “(A) Operated by a governmental entity;

38 “(B) Operated or affiliated with the Oregon Youth Corps;

39 “(C) Licensed by the Department of Human Services under other authority of the department;

40 or

41 “(D) Operated by a youth job development organization as defined in ORS 344.415.

42 “(8) ‘Private’ means not owned, operated or administered by any governmental agency or unit.

43 “(9) ‘Private residential boarding school’ means either of the following as the context requires:

44 “(a) A child-caring agency that is a private school that provides residential care in combination
45 with academic education and therapeutic care, including but not limited to treatment for emotional,

1 behavioral or mental health disturbances; or

2 “(b) A private school providing residential care that is primarily engaged in educational work
3 under ORS 418.327.

4 “(10) ‘Proctor foster home’ means a foster home certified by a child-caring agency under ORS
5 418.248 that is not subject to ORS 418.625 to 418.645.

6 “(11) ‘Provider of care or services for children’ means a person, entity or organization that
7 provides care or services to children, regardless of whether the child is in the custody of the De-
8 partment of Human Services, and that does not otherwise meet the definition of, or requirements for,
9 a child-caring agency. ‘Provider of care or services for children’ includes a proctor foster home
10 certified by a child-caring agency under ORS 418.248.

11 “(12) ‘Qualified residential treatment program’ means a program described in ORS 418.323.

12 “(13) ‘Shelter-care home’ has the meaning given that term in ORS 418.470.

13 “**SECTION 11.** ORS 418.210 is amended to read:

14 “418.210. **Except as otherwise specifically provided by statute,** ORS 418.205 to 418.327
15 [*shall*] **does** not apply to:

16 “(1) Homes established and maintained by fraternal organizations wherein only members, their
17 spouses and surviving spouses in marriages and children are admitted as residents;

18 “(2) Any foster home that is subject to ORS 418.625 to 418.645;

19 “(3) Any child care facility that is subject to ORS 329A.030 and 329A.250 to 329A.450;

20 “(4) Any individual, or home of an individual, providing respite services, as defined in ORS
21 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056;

22 “(5) Any private agency or organization facilitating the provision of respite services, as defined
23 in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056;
24 or

25 “(6) A shelter-care home that is subject to ORS 418.625 to 418.645.

26 “(7) Any governmental entity, other than a county program, that is a provider of care or ser-
27 vices for children, including but not limited to the Oregon Youth Authority.

28 “**SECTION 12.** (1) **Notwithstanding ORS 418.215, a private school, private agency, private**
29 **organization or county program that is a child-caring agency solely because it provides**
30 **placement safety or crisis supports as described in ORS 418.205 (2)(a)(A)(vi), and that is not**
31 **already a licensed child-caring agency, may continue to provide such placement safety or**
32 **crisis supports without a license through December 31, 2024.**

33 “(2) **Notwithstanding section 9 of this 2024 Act, the Department of Human Services may**
34 **continue to contract with an unlicensed child-caring agency described in subsection (1) of**
35 **this section to provide placement safety or crisis supports, as defined in section 9 (1) of this**
36 **2024 Act, through December 31, 2024.**

37 “(3) **An unlicensed child-caring agency that is providing supports as authorized in this**
38 **section is subject to all other laws applicable to child-caring agencies in this state.**

39
40 **“AUTOMATIC SPRINKLER SYSTEMS**

41
42 “**SECTION 13.** Section 3, chapter 91, Oregon Laws 2022, is amended to read:

43 “**Sec. 3.** Notwithstanding any provision of the state building code, as defined in ORS 455.010, a
44 single-family detached dwelling that is used to operate a residential training home, as defined in
45 ORS 443.400, or an adult foster home, as defined in ORS 443.705, is not required to have installed

1 an automatic sprinkler system if:

2 “(1) The dwelling has been operated as a residential training home or an adult foster home
3 pursuant to a license issued prior to July 1, [2024] **2026**;

4 “(2) The operator is licensed to serve five or fewer individuals in the dwelling; and

5 “(3) The operator and the dwelling meet all other fire, life and safety requirements established
6 by the Department of Human Services or the Oregon Health Authority by rule.

7 “**SECTION 14.** Section 9, chapter 91, Oregon Laws 2022, is amended to read:

8 “**Sec. 9.** [(1)] Section 3, **chapter 91, Oregon Laws 2022**, [of this 2022 Act] is repealed on Janu-
9 ary 2, [2026] **2027**.

10 “[2] Sections 4, 5 and 6 of this 2022 Act are repealed on January 2, 2023.]

11
12 **“CAPTIONS**

13
14 “**SECTION 15.** The unit captions used in this 2024 Act are provided only for the conven-
15 ience of the reader and do not become part of the statutory law of this state or express any
16 legislative intent in the enactment of this 2024 Act.

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18 **“EMERGENCY CLAUSE**

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20 “**SECTION 16.** This 2024 Act being necessary for the immediate preservation of the public
21 peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect
22 on its passage.”.