

Requested by SENATE COMMITTEE ON HUMAN SERVICES

**PROPOSED AMENDMENTS TO
SENATE BILL 1521**

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

5 After line 4, insert:
6

7 **“ENHANCED SUPPORTS TO EMPLOYERS OF**
8 **PERSONAL SUPPORT WORKERS**

9

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

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

18 **“(A) Training, coaching and other forms of support to the individ-**
19 **ual on:**

20 **“(i) Self-direction; and**

21 **“(ii) The roles and responsibilities of the individual and the personal**

1 support worker;

2 “(B) Training, coaching and other forms of support to the individual
3 in the overall management of personal support workers providing
4 personal support services to the individual, including in the recruit-
5 ment, hiring, scheduling and training of personal support workers,
6 performance assessments of personal support workers and dismissal
7 of personal support workers; and

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

9 “(b) ‘Individual’ means a child or adult with an intellectual or de-
10 velopmental disability, or the representative of the child or adult, who
11 receives in-home services and supports through the Department of
12 Human Services.

13 “(2) The department shall contract with one or more organizations
14 to provide enhanced supports to employers of personal support work-
15 ers.

16 “(3) An organization contracting with the department under sub-
17 section (2) of this section shall be expected, at a minimum, to:

18 “(a) Maximize an individual’s self-direction and autonomy by sup-
19 porting the individual to direct the individual’s personal support
20 workers and manage the day-to-day services of the individual’s per-
21 sonal support workers;

22 “(b) Have a commitment to work with a broad coalition of
23 stakeholders in an effort to understand the changing needs of the
24 workforce and of individuals’ needs, rights and preferences; and

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

27 “(4) The department may not contract with an organization under
28 subsection (2) of this section to provide enhanced supports to employ-
29 ers of personal support workers if the owner or an executive officer
30 of the organization has been convicted of Medicaid fraud in any state

1 **within the 25-year period prior to entering into the contract.**

2 **“SECTION 2. The Department of Human Services shall contract**
3 **with at least one organization to provide enhanced supports to em-**
4 **ployers of personal support workers, as defined in section 1 of this 2024**
5 **Act, no later than July 1, 2024.**

6
7 **“AGENCY WITH CHOICE SERVICES**

8
9 **“SECTION 3. ORS 427.181 is amended to read:**

10 **“427.181. (1) As used in this section and section 5 of this 2024 Act:**

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

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

18 **“(i) Self-direction; and**

19 **“(ii) The roles and responsibilities of the individual and the agency with**
20 **choice services provider;**

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

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

26 **“(b) ‘Individual’ means a child or adult with an intellectual or develop-**
27 **mental disability[, or the representative of the child or adult,] who receives**
28 **in-home services and supports through the Department of Human Services.**

29 **“(2) The department shall contract with one or more **endorsed** organiza-**
30 **tions to deliver agency with choice services as a community-based services**

1 option under ORS 427.007 (1)(d).

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

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

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

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

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

18 **“(3) The department shall adopt by rule minimum qualifications for**
19 **agencies to be endorsed by the department to deliver agency with**
20 **choice services.**

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

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

26 **“(b) A commitment to work with a broad coalition of stakeholders**
27 **in an effort to understand the changing needs of the workforce and**
28 **of individuals’ needs, rights and preferences; and**

29 **“(c) The ability to meet the state’s interest in preventing or miti-**
30 **gating disruptions to individuals’ in-home services and supports.**

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

5 “(6) For the purpose of monitoring and evaluating workforce ca-
6 pacity and trends, an agency endorsed to provide agency with choice
7 services must annually provide to the department in the manner and
8 at intervals specified by the department by rule:

9 “(a) A list of direct support workers for which the agency billed the
10 department for services provided through the agency with choice
11 model;

12 “(b) The zip codes where the direct support workers provided ser-
13 vices; and

14 “(c) Verification of the completion of training required for each di-
15 rect support worker.

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

18 “**Sec. 2.** The Department of Human Services shall contract with [*an*] at
19 **least one** organization to deliver agency with choice services under [*section*
20 *1, chapter 91, Oregon Laws 2022,*] **ORS 427.181** no later than [*July 1, 2024*]
21 **January 1, 2026.**

22
23 “**AGENCIES THAT EMPLOY DIRECT SUPPORT WORKERS**

24
25 “SECTION 5. (1) As used in this section:

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

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

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

3 **“(a) Offer bonus prizes or other forms of consideration to a poten-**
4 **tial client in exchange for the client enrolling with the agency;**

5 **“(b) Offer bonus payments, prizes, wage enhancements or other**
6 **forms of consideration to direct support staff in exchange for the di-**
7 **rect support staff agreeing to work for the agency;**

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

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

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

15 **“(f) Enroll only clients who receive direct support services exclu-**
16 **sively from family members or close associates of the client; or**

17 **“(g) Facilitate financial exploitation by engaging in targeted com-**
18 **munications that encourage a health care provider to steer a client to**
19 **the agency.**

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

22

23 **“MEDICAID FRAUD AND ABUSE UNIT**

24

25 **“SECTION 6. The Oregon Health Authority shall hire for one posi-**
26 **tion in the authority’s unit that is responsible for investigating**
27 **Medicaid fraud or abuse and taking enforcement actions, in addition**
28 **to the positions in the unit on the effective date of this 2024 Act.**

29

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

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

2 In line 16, delete “and rights”.

3 On page 2, line 31, delete “reassessing” and insert “using the tool to re-
4 view”.

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

6 Delete pages 3 and 4 and insert:

7

8 **“PLACEMENT SAFETY OR CRISIS SUPPORTS**

9

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

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

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

15 **“(b)(A) ‘Placement safety or crisis supports’ means services for the**
16 **care or supervision of a child who is in the protective, temporary or**
17 **legal custody of the Department of Human Services under ORS chap-**
18 **ter 419B or 419C, regardless of the presence of a department employee**
19 **or certified foster parent, if the services are provided directly to the**
20 **child for the purpose of:**

21 **“(i) Ensuring the safety of the child and others when the child’s**
22 **needs or behaviors exceed the resources available in the child’s cur-**
23 **rent placement;**

24 **“(ii) Providing acute temporary lodging prevention supervision to**
25 **the child if the child is in substitute care, as defined in ORS 419A.004,**
26 **has needs or behaviors that exceed the resources available in the**
27 **child’s current placement and has been determined by the department,**
28 **consistent with rules adopted by the department, to be at risk of ex-**
29 **periencing temporary lodging; or**

30 **“(iii) Providing daytime or nighttime care or supervision to the**

1 **child after the department has approved, consistent with rules adopted**
2 **by the department, the child for temporary lodging.**

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

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

5 **“(ii) Mentoring;**

6 **“(iii) Services provided by a respite provider certified by the de-**
7 **partment;**

8 **“(iv) Services provided in a respite home certified by the depart-**
9 **ment;**

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

11 **“(vi) Services provided by a qualified mental health professional, a**
12 **qualified mental health associate or a licensed health care professional**
13 **acting within the scope of the professional’s license.**

14 **“(c) ‘Temporary lodging’ means time spent in a hotel, motel, inn,**
15 **short term rental or other setting approved by the department, con-**
16 **sistent with rules adopted by the department, due to a lack of appro-**
17 **priate placement in a foster home subject to ORS 418.625 to 418.645,**
18 **licensed child-caring agency or developmental disabilities residential**
19 **facility.**

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

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

25 **“418.205. As used in ORS 418.205 to 418.327, 418.330, 418.470, 418.475,**
26 **418.950 to 418.970 and 418.992 to 418.998, unless the context requires other-**
27 **wise:**

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

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

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

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

4 “(ii) Adoption placement services;

5 “(iii) Residential care, including but not limited to foster care or resi-
6 dential treatment for children;

7 “(iv) Residential care in combination with academic education and
8 therapeutic care, including but not limited to treatment for emotional, be-
9 havioral or mental health disturbances;

10 “(v) Outdoor youth programs; [*or*]

11 “**(vi) Placement safety or crisis supports, as defined in section 9 (1)**
12 **of this 2024 Act, under a contract with the Department of Human**
13 **Services; or**

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

15 “(B) Any private organization or person that provides secure transporta-
16 tion services as defined in ORS 418.241 during any segment of a child’s trip
17 to or from a child-caring agency, certified foster home as defined in ORS
18 418.241 or developmental disabilities residential facility as defined in ORS
19 418.241, if the route of the child’s trip begins or ends in this state.

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

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

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

26 “(C) A private residential boarding school;

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

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

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

1 “(A) Residential facilities or foster care homes certified or licensed by the
2 Department of Human Services under ORS 443.400 to 443.455, 443.830 and
3 443.835 for children receiving developmental disability services;

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

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

12 “(D) A shelter-care home that is a foster home subject to ORS 418.625 to
13 418.645;

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

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

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

20 **“(H) A private agency, private organization or individual that pro-
21 vides home and community-based services as described in ORS 427.007
22 to children with intellectual or developmental disabilities as author-
23 ized by an individualized service plan developed in accordance with
24 ORS 427.154;**

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

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

1 “(3) ‘Child-caring facility’ has the meaning given that term in ORS
2 418.950.

3 “(4)(a) ‘County program’ means any county operated program that pro-
4 vides care or services to children:

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

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

8 “(b) ‘County program’ does not include any local juvenile detention fa-
9 cility that receives state services provided and coordinated by the Depart-
10 ment of Corrections under ORS 169.070.

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

15 “(6) ‘Independent residence facility’ means a facility as described in ORS
16 418.475.

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

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

22 “(A) Operated by a governmental entity;

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

24 “(C) Licensed by the Department of Human Services under other author-
25 ity of the department; or

26 “(D) Operated by a youth job development organization as defined in ORS
27 344.415.

28 “(8) ‘Private’ means not owned, operated or administered by any govern-
29 mental agency or unit.

30 “(9) ‘Private residential boarding school’ means either of the following

1 as the context requires:

2 “(a) A child-caring agency that is a private school that provides residen-
3 tial care in combination with academic education and therapeutic care, in-
4 cluding but not limited to treatment for emotional, behavioral or mental
5 health disturbances; or

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

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

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

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

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

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

20 “418.210. **Except as otherwise specifically provided by statute,** ORS
21 418.205 to 418.327 [*shall*] **does** not apply to:

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

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

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

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

1 “(5) Any private agency or organization facilitating the provision of re-
2 spite services, as defined in ORS 418.205, for parents pursuant to a properly
3 executed power of attorney under ORS 109.056; or

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

5 “(7) Any governmental entity, other than a county program, that is a
6 provider of care or services for children, including but not limited to the
7 Oregon Youth Authority.

8 **“SECTION 12. (1) Notwithstanding ORS 418.215, a private school,**
9 **private agency, private organization or county program that is a**
10 **child-caring agency solely because it provides placement safety or cri-**
11 **sis supports as described in ORS 418.205 (2)(a)(A)(vi), and that is not**
12 **already a licensed child-caring agency, may continue to provide such**
13 **placement safety or crisis supports without a license through Decem-**
14 **ber 31, 2024.**

15 **“(2) Notwithstanding section 9 of this 2024 Act, the Department of**
16 **Human Services may continue to contract with an unlicensed child-**
17 **caring agency described in subsection (1) of this section to provide**
18 **placement safety or crisis supports, as defined in section 9 (1) of this**
19 **2024 Act, through December 31, 2024.**

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

23

24 “AUTOMATIC SPRINKLER SYSTEMS

25

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

28 **“Sec. 3.** Notwithstanding any provision of the state building code, as de-
29 fined in ORS 455.010, a single-family detached dwelling that is used to oper-
30 ate a residential training home, as defined in ORS 443.400, or an adult foster

1 home, as defined in ORS 443.705, is not required to have installed an auto-
2 matic sprinkler system if:

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

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

7 “(3) The operator and the dwelling meet all other fire, life and safety re-
8 quirements established by the Department of Human Services or the Oregon
9 Health Authority by rule.

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

12 **“Sec. 9.** [(1)] Section 3, **chapter 91, Oregon Laws 2022**, [of this 2022
13 Act] is repealed on January 2, [2026] **2027**.

14 “[2) Sections 4, 5 and 6 of this 2022 Act are repealed on January 2,
15 2023.]

16

17 **“CAPTIONS**

18

19 **“SECTION 15.** The unit captions used in this 2024 Act are provided
20 only for the convenience of the reader and do not become part of the
21 statutory law of this state or express any legislative intent in the
22 enactment of this 2024 Act.

23

24 **“EMERGENCY CLAUSE**

25

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

29