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# MEMORANDUM

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**To:** Human Services Subcommittee of the Joint Committee on Ways and Means

**From:** Kim To, Legislative Fiscal Office, 503-986-1830

**Date:** Tuesday, June 23, 2015

**Subject:** SB 774 Relating to the Home Care Commission  
Work Session Recommendation

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Senate Bill 774 directs the Home Care Commission (HCC) to adopt a statewide plan to address increasing participation in the home care registry, increasing the number of home care workers, continuing creation of a career ladder to help home care workers become more skilled and gain certifications, conducting orientation sessions for home care workers, and developing an outreach and marketing strategy. The bill encourages implementation of a single online application for all home care workers to apply to the registry and assignment of a universal provider number to each home care worker. The bill requires DHS to report, beginning in 2015, to an interim legislative committee by December 1st each year on the status of implementing an online application and assigning unique provider numbers to home care workers. An existing HCC subcommittee is charged with investigating the feasibility and benefits of certifying home care workers, ways to remove barriers to entry in the workforce, strategies for creating a career ladder, and ways to increase the number of home care workers on the registry. The bill requires DHS to report the findings of this investigation to an interim legislative committee by September 16, 2015.

The measure previously had hearings in the Senate Committee on Human Services and Early Childhood on 4/9/2015 and 4/21/2015.

The – A4 amendment , the original staff measure summary and the fiscal impact statement are attached to this memo, and available on the Oregon Legislative Information System (OLIS).

## **The – A4 Amendment**

The –A4 amendment:

- Appropriates \$1,000,000 General Fund to the Department of Human Services (DHS) for the 2015-17 biennium to help the Home Care Commission (HCC) adopt a statewide plan.
- Changes the reporting from September 16, 2015 to November 16, 2015 to coincide with Legislative Days.

**Fiscal Impact**

While the bill contains a specific General Fund appropriation, how that money would be spent will depend in part on the statewide design plan recommendations, which are unknown at this time. The Department of Human Services expects those plan components may include workforce development activities, which may include contracts with Workforce Investment Boards and partnerships with community colleges, along with marketing and communications efforts.

**Recommendation**

LFO recommends moving the – A4 amendment into the bill.

**Motion**

**Motion: Senator/Representative \_\_\_\_\_ :  
I move the dash A4 amendment into SB 774.**

**Motion**

**Motion: Senator/Representative \_\_\_\_\_ :  
I move SB 774 to the Full Committee with a “do pass” recommendation as amended.**

**Assignment of Carriers**

Full: \_\_\_\_\_

Senate: \_\_\_\_\_

House: \_\_\_\_\_

**PROPOSED AMENDMENTS TO  
A-ENGROSSED SENATE BILL 774**

1 On page 1 of the printed A-engrossed bill, line 11, delete “and”.

2 In line 13, after “skilled” delete the rest of the line and lines 14 through  
3 16 and insert “and gain certifications from the commission to provide ad-  
4 vanced or extensive medical or behavioral health services and support; and

5 “(d) Continue in-person home care worker orientation sessions in each  
6 geographic region of this state.

7 “(2) The plan must include an outreach and marketing strategy to recruit  
8 home care workers to provide home care services and support to individuals  
9 who require higher levels of services and support.”.

10 In line 21, delete “\$1,500,000” and insert “\$1 million”.

11 On page 2, line 4, delete “unique” and insert “universal”.

12 In line 10, delete “unique” and insert “universal”.

13 In line 12, after “shall” delete the rest of the line and insert “charge the  
14 subcommittee described in section 4, chapter 116, Oregon Laws 2014, with  
15 investigating:”.

16 In line 16, after “workers;” insert “and”.

17 Delete line 17.

18 In line 18, delete “(e)” and insert “(d)”.

19 In line 20, delete “work group” and insert “subcommittee”.

20 In line 21, delete “September” and insert “November”.

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**FISCAL IMPACT OF PROPOSED LEGISLATION**

**Measure: SB 774 - A4**

Seventy-Eighth Oregon Legislative Assembly – 2015 Regular Session  
Legislative Fiscal Office

*Only Impacts on Original or Engrossed  
Versions are Considered Official*

Prepared by: Kim To  
Reviewed by: Laurie Byerly  
Date: 6/22/2015

**Measure Description:**

Creates task force to investigate expanding authority of Home Care Commission to provide services to home care workers.

**Government Unit(s) Affected:**

Department of Human Services (DHS)

**Summary of Expenditure Impact:**

	<b>2015-17 Biennium</b>	<b>2017-19 Biennium</b>
Services and Supplies	\$1,000,000	\$0
<b>TOTAL GENERAL FUND</b>	<b>\$1,000,000</b>	<b>\$0</b>

**Local Government Mandate:**

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

**Analysis:**

Senate Bill 774 with the –A4 amendment appropriates \$1,000,000 to the Department of Human Services (DHS) for the 2015-17 biennium to help the Home Care Commission (HCC) adopt a statewide plan. The plan, the design for which is to be recommended through a third party contract, is to address increasing participation in the home care registry, increasing the number of home care workers, continuing creation of a career ladder to help home care workers become more skilled and gain certifications, conducting orientation sessions for home care workers, and developing an outreach and marketing strategy

The bill also encourages implementation of a single online application for all home care workers to apply to the registry and assignment of a universal provider number to each home care worker. The bill requires DHS to report, beginning in 2015, to an interim legislative committee by December 1<sup>st</sup> each year on the status of implementing an online application and assigning unique provider numbers to home care workers.

An existing HCC subcommittee is charged with investigating the feasibility and benefits of certifying home care workers, ways to remove barriers to entry in the workforce, strategies for creating a career ladder, and ways to increase the number of home care workers on the registry. The bill requires DHS to report the findings of this investigation to an interim legislative committee by November 16, 2015. The bill contains an emergency clause, and takes effect on passage.

While the bill contains a specific General Fund appropriation, how that money would be spent will depend in part on the statewide design plan recommendations, which are unknown at this time. The Department of Human Services expects those plan components may include workforce development activities, which may include contracts with Workforce Investment Boards and partnerships with community colleges, along with marketing and communications efforts.

**STAFF MEASURE SUMMARY****Senate Committee On Human Services and Early Childhood****Fiscal:** Fiscal impact issued**Revenue:** No Revenue Impact**Action Date:** 04/21/15**Action:** Do Pass With Amendments And Requesting Referral To Ways And Means.  
(Printed A-Engrossed.)**Meeting Dates:** 04/09, 04/21**Vote:**

Yeas: 5 - Dembrow, Gelser, Kruse, Monnes Anderson, Olsen

**Prepared By:** Chyenne Ross, Committee Administrator

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**WHAT THE MEASURE DOES:**

Requires adoption of statewide plan by Home Care Commission (HCC). Describes purpose and required content of plan. Requires HCC contract with another entity to recommend plan design. Appropriates \$1.5 million to Department of Human Services (DHS) for HCC to implement. Makes two specific recommendations to DHS. Requires annual report from DHS beginning December 1, 2015, on status of recommendations. Repeals recommendations and DHS reporting requirement January 2, 2020. Requires HCC convene work group. Specifies work group focus. Requires report from HCC by September 16, 2015. Repeals HCC work group and report provisions January 2, 2016. Requires HCC conduct orientations for home care workers. Authorizes HCC to work independently as well as cooperatively. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Pending amendment
- Shortage of home care workers, projected to increase over time
- Recruiting and retaining home care workers across systems
- Investing in training and providing career path

**EFFECT OF COMMITTEE AMENDMENT:**

Replaces original measure.

**BACKGROUND:**

The Home Care Commission (HCC) was established in 2000 via constitutional amendment. It is responsible for ensuring the quality of home care services for seniors and people with disabilities funded by the Department of Human Services (DHS).

Senate Bill 774-A requires HCC to adopt a statewide plan in anticipation of an increasing shortage of home care workers. The measure directs HCC to convene a work group and appropriates funds to the Department of Human Services (DHS) for HCC to contract with an outside entity on plan design. The measure also requires reports to the legislature from both DHS and the HCC.

**A-Engrossed**  
**Senate Bill 774**

Ordered by the Senate April 28  
Including Senate Amendments dated April 28

Sponsored by COMMITTEE ON HUMAN SERVICES AND EARLY CHILDHOOD

**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.

*[Creates task force to investigate expanding authority of Home Care Commission to provide services to home care workers.]*

*[Sunsets task force on date of convening of 2016 regular session of Legislative Assembly.]*

**Requires Home Care Commission to adopt statewide plan to expand home care worker workforce. Encourages Department of Human Services to implement single online application for inclusion on registry maintained by commission and to assign unique provider numbers to home care workers. Requires commission to convene work group to address specified issues related to home care workers.**

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to the Home Care Commission; creating new provisions; amending ORS 410.604; and de-  
3 claring an emergency.

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

5 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS 410.595 to**  
6 **410.625.**

7 **SECTION 2. (1) The Home Care Commission shall adopt a statewide plan to:**

8 **(a) Increase participation in the home care registry maintained by the commission under**  
9 **ORS 410.604;**

10 **(b) Increase the number of home care workers in this state in order to meet the need**  
11 **that will arise with the implementation of the Fair Labor Standards Act; and**

12 **(c) Continue the commission's work to create a career ladder for home care workers so**  
13 **that they may become greater skilled and exceptional home care workers.**

14 **(2) The plan must include an outreach and marketing strategy and skills development**  
15 **provisions for home care workers who provide home care services to individuals requiring a**  
16 **higher level of support.**

17 **(3) The commission shall contract with a public or private entity with appropriate ex-**  
18 **pertise to recommend the design for the statewide plan described in this section.**

19 **SECTION 3. In addition to and not in lieu of any other appropriation, there is appropri-**  
20 **ated to the Department of Human Services, for the biennium beginning July 1, 2015, out of**  
21 **the General Fund, the amount of \$1,500,000, which shall be made available to the Home Care**  
22 **Commission for expenses in carrying out section 2 of this 2015 Act.**

23 **SECTION 4. (1) The Legislative Assembly encourages the Department of Human Services**  
24 **to:**

**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) Implement a single online application for all home care workers, as defined in ORS**  
2 **410.600, to apply to be included on the registry maintained by the Home Care Commission**  
3 **under ORS 410.604.**

4       **(b) Assign a unique provider number to each home care worker who is providing home**  
5 **care services in this state, regardless of whether the recipient of the services:**

6           **(A) Has a physical disability, a mental illness or a developmental disability; or**

7           **(B) Is an elderly person, an adult or a child.**

8       **(2) The department shall report to the interim committees of the Legislative Assembly**  
9 **related to human services, as appropriate, no later than December 1 of each year beginning**  
10 **in 2015, on the status of implementing an online application for, and assigning a unique pro-**  
11 **vider number to, home care workers.**

12       **SECTION 5. (1) The Home Care Commission shall convene a work group to investigate:**

13           **(a) The feasibility and benefits of certifying home care workers;**

14           **(b) Ways to remove barriers to the entry into the workforce of new home care workers**  
15 **and personal support workers;**

16           **(c) Strategies for creating a career ladder for home care workers;**

17           **(d) Appropriate training for home care workers; and**

18           **(e) Ways to increase the number of home care workers on the registry maintained by the**  
19 **commission under ORS 410.604.**

20       **(2) The commission shall report the findings of the work group to the interim committees**  
21 **of the Legislative Assembly related to human services no later than September 16, 2015.**

22       **SECTION 6. ORS 410.604 is amended to read:**

23       410.604. (1) The Home Care Commission shall ensure the quality of home care services by:

24           (a) Establishing qualifications for home care workers with the advice and consent of the De-  
25 partment of Human Services;

26           **(b) Conducting orientation sessions for home care workers;**

27           [(b)] **(c) Providing training opportunities for home care workers and elderly persons and persons**  
28 **with disabilities who employ home care workers;**

29           [(c)] **(d) Establishing and maintaining a registry of qualified home care workers;**

30           [(d)] **(e) Providing routine, emergency and respite referrals of home care workers;**

31           [(e)] **(f) Entering into contracts with public and private organizations and individuals for the**  
32 **purpose of obtaining or developing training materials and curriculum or other services as may be**  
33 **needed by the commission; and**

34           [(f)] **(g) Working on its own, if resources are available, or cooperatively with area agencies**  
35 **and state and local agencies to accomplish the duties listed in paragraphs (a) to [(e)] (f) of this**  
36 **subsection.**

37       **(2)(a) The commission shall enter into an interagency agreement with the department to con-**  
38 **tract for a department employee to serve as executive director of the commission. The executive**  
39 **director shall be appointed by the Director of Human Services in consultation with the Governor**  
40 **and subject to approval by the commission, and shall serve at the pleasure of the Director of Human**  
41 **Services. The commission may delegate to the executive director the authority to act on behalf of**  
42 **the commission to carry out its duties and responsibilities, including but not limited to:**

43           **(A) Entering into contracts or agreements; and**

44           **(B) Taking reasonable or necessary actions related to the commission's role as employer of re-**  
45 **cord for home care workers under ORS 410.612.**

1 (b) The commission shall enter into an interagency agreement with the department for carrying  
2 out any of the duties or functions of the commission, for department expenditures and for the pro-  
3 vision of staff support by the department.

4 (3) When conducting its activities, and in making decisions relating to those activities, the  
5 commission shall first consider the effect of its activities and decisions on:

6 (a) Improving the quality of service delivered by home care workers;

7 (b) Ensuring adequate hours of service are provided to elderly persons and persons with disa-  
8 bilities by home care workers; and

9 (c) Ensuring that services, activities and purchases that are purchased by elderly persons and  
10 persons with disabilities other than home care services, including adult support services, are not  
11 compromised or diminished.

12 (4) The commission shall work with culturally diverse community-based organizations to train  
13 and certify community health workers and personal health navigators. The workers and navigators  
14 shall work as part of a multidisciplinary team under the direction of a licensed or certified health  
15 care professional. The commission shall recruit qualified home care workers who desire to be  
16 trained and certified as community health workers or personal health navigators.

17 (5) The commission shall ensure that each coordinated care organization honors all of the terms  
18 and conditions of employment established by the commission with respect to the community health  
19 workers and personal health navigators referred by the commission. This subsection does not re-  
20 quire a coordinated care organization to employ or contract with community health workers and  
21 personal health navigators certified by the commission so long as the community health workers and  
22 personal health navigators employed or otherwise retained by the organization meet competency  
23 standards established by the authority under ORS 414.665.

24 (6) The commission has the authority to contract for services, lease, acquire, hold, own, en-  
25 cumber, insure, sell, replace, deal in and with and dispose of real and personal property in its own  
26 name.

27 (7) As used in this section, “community health worker,” “coordinated care organization” and  
28 “personal health navigator” have the meanings given those terms in ORS 414.025.

29 **SECTION 7.** ORS 410.604, as amended by section 6, chapter 116, Oregon Laws 2014, is amended  
30 to read:

31 410.604. (1) The Home Care Commission shall ensure the quality of home care services by:

32 (a) Establishing qualifications for home care workers, with the advice and consent of the De-  
33 partment of Human Services, to ensure the effective delivery of home care services by a qualified,  
34 committed, experienced and well-trained home care workforce;

35 **(b) Conducting orientation sessions for home care workers;**

36 [(b)] (c) Establishing training requirements for home care workers, including personal support  
37 workers, as the commission deems appropriate, and providing training opportunities for home care  
38 workers and elderly persons and persons with disabilities who employ home care workers or per-  
39 sonal support workers;

40 [(c)] (d) Establishing the home care registry and maintaining the registry with qualified home  
41 care workers;

42 [(d)] (e) Providing routine, emergency and respite referrals of home care workers;

43 [(e)] (f) Entering into contracts with public and private organizations and individuals for the  
44 purpose of obtaining or developing training materials and curriculum or other services as may be  
45 needed by the commission;



1        [(f)] (g) Establishing occupational health and safety standards for home care workers, in ac-  
2 cordance with ORS 654.003 (3), and informing home care workers of the standards; and

3        [(g)] (h) Working **on its own, if resources are available, or** cooperatively with area agencies  
4 and state and local agencies to accomplish the duties listed in paragraphs (a) to [(f)] (g) of this  
5 subsection.

6        (2)(a) The commission shall enter into an interagency agreement with the department to con-  
7 tract for a department employee to serve as executive director of the commission. The executive  
8 director shall be appointed by the Director of Human Services in consultation with the Governor  
9 and subject to approval by the commission, and shall serve at the pleasure of the Director of Human  
10 Services. The commission may delegate to the executive director the authority to act on behalf of  
11 the commission to carry out its duties and responsibilities, including but not limited to:

12        (A) Entering into contracts or agreements; and

13        (B) Taking reasonable or necessary actions related to the commission's role as employer of re-  
14 cord for home care workers under ORS 410.612.

15        (b) The commission shall enter into an interagency agreement with the department for carrying  
16 out any of the duties or functions of the commission, for department expenditures and for the pro-  
17 vision of staff support by the department.

18        (3) When conducting its activities, and in making decisions relating to those activities, the  
19 commission shall first consider the effect of its activities and decisions on:

20        (a) Improving the quality of service delivered by home care workers;

21        (b) Ensuring adequate hours of service are provided to elderly persons and persons with disa-  
22 bilities by home care workers; and

23        (c) Ensuring that services, activities and purchases that are purchased by elderly persons and  
24 persons with disabilities other than home care services, including adult support services, are not  
25 compromised or diminished.

26        (4) The commission shall work with culturally diverse community-based organizations to train  
27 and certify community health workers and personal health navigators. The workers and navigators  
28 shall work as part of a multidisciplinary team under the direction of a licensed or certified health  
29 care professional. The commission shall recruit qualified home care workers who desire to be  
30 trained and certified as community health workers or personal health navigators.

31        (5) The commission shall ensure that each coordinated care organization honors all of the terms  
32 and conditions of employment established by the commission with respect to the community health  
33 workers and personal health navigators referred by the commission. This subsection does not re-  
34 quire a coordinated care organization to employ or contract with community health workers and  
35 personal health navigators certified by the commission so long as the community health workers and  
36 personal health navigators employed or otherwise retained by the organization meet competency  
37 standards established by the authority under ORS 414.665.

38        (6) The commission has the authority to contract for services, lease, acquire, hold, own, en-  
39 cumber, insure, sell, replace, deal in and with and dispose of real and personal property in its own  
40 name.

41        (7) As used in this section, "community health worker," "coordinated care organization" and  
42 "personal health navigator" have the meanings given those terms in ORS 414.025.

43        **SECTION 8. Section 4 of this 2015 Act is repealed on January 2, 2020.**

44        **SECTION 9. Section 5 of this 2015 Act is repealed on January 2, 2016.**

45        **SECTION 10. This 2015 Act being necessary for the immediate preservation of the public**

1 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
2 **on its passage.**

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