

SENATE AMENDMENTS TO SENATE BILL 774

By COMMITTEE ON HUMAN SERVICES AND EARLY CHILDHOOD

April 28

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating new provisions;
2 amending ORS 410.604;”.

3 Delete lines 4 through 30 and delete page 2 and insert:

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

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

7 **“(a) Increase participation in the home care registry maintained by the commission un-
8 der ORS 410.604;**

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

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

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

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

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

22 **“SECTION 4. (1) The Legislative Assembly encourages the Department of Human Ser-
23 vices to:**

24 **“(a) Implement a single online application for all home care workers, as defined in ORS
25 410.600, to apply to be included on the registry maintained by the Home Care Commission
26 under ORS 410.604.**

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

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

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

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

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

1 “(a) **The feasibility and benefits of certifying home care workers;**
2 “(b) **Ways to remove barriers to the entry into the workforce of new home care workers**
3 **and personal support workers;**
4 “(c) **Strategies for creating a career ladder for home care workers;**
5 “(d) **Appropriate training for home care workers; and**
6 “(e) **Ways to increase the number of home care workers on the registry maintained by**
7 **the commission under ORS 410.604.**
8 “(2) **The commission shall report the findings of the work group to the interim commit-**
9 **tees of the Legislative Assembly related to human services no later than September 16, 2015.**
10 “**SECTION 6.** ORS 410.604 is amended to read:
11 “410.604. (1) The Home Care Commission shall ensure the quality of home care services by:
12 “(a) Establishing qualifications for home care workers with the advice and consent of the De-
13 partment of Human Services;
14 “(b) **Conducting orientation sessions for home care workers;**
15 “[(b)] (c) Providing training opportunities for home care workers and elderly persons and per-
16 sons with disabilities who employ home care workers;
17 “[(c)] (d) Establishing and maintaining a registry of qualified home care workers;
18 “[(d)] (e) Providing routine, emergency and respite referrals of home care workers;
19 “[(e)] (f) Entering into contracts with public and private organizations and individuals for the
20 purpose of obtaining or developing training materials and curriculum or other services as may be
21 needed by the commission; and
22 “[(f)] (g) **Working on its own, if resources are available, or** cooperatively with area agencies
23 and state and local agencies to accomplish the duties listed in paragraphs (a) to [(e)] (f) of this
24 subsection.
25 “(2)(a) The commission shall enter into an interagency agreement with the department to con-
26 tract for a department employee to serve as executive director of the commission. The executive
27 director shall be appointed by the Director of Human Services in consultation with the Governor
28 and subject to approval by the commission, and shall serve at the pleasure of the Director of Human
29 Services. The commission may delegate to the executive director the authority to act on behalf of
30 the commission to carry out its duties and responsibilities, including but not limited to:
31 “(A) Entering into contracts or agreements; and
32 “(B) Taking reasonable or necessary actions related to the commission’s role as employer of
33 record for home care workers under ORS 410.612.
34 “(b) The commission shall enter into an interagency agreement with the department for carrying
35 out any of the duties or functions of the commission, for department expenditures and for the pro-
36 vision of staff support by the department.
37 “(3) When conducting its activities, and in making decisions relating to those activities, the
38 commission shall first consider the effect of its activities and decisions on:
39 “(a) Improving the quality of service delivered by home care workers;
40 “(b) Ensuring adequate hours of service are provided to elderly persons and persons with disa-
41 bilities by home care workers; and
42 “(c) Ensuring that services, activities and purchases that are purchased by elderly persons and
43 persons with disabilities other than home care services, including adult support services, are not
44 compromised or diminished.
45 “(4) The commission shall work with culturally diverse community-based organizations to train

1 and certify community health workers and personal health navigators. The workers and navigators
2 shall work as part of a multidisciplinary team under the direction of a licensed or certified health
3 care professional. The commission shall recruit qualified home care workers who desire to be
4 trained and certified as community health workers or personal health navigators.

5 “(5) The commission shall ensure that each coordinated care organization honors all of the
6 terms and conditions of employment established by the commission with respect to the community
7 health workers and personal health navigators referred by the commission. This subsection does
8 not require a coordinated care organization to employ or contract with community health workers
9 and personal health navigators certified by the commission so long as the community health workers
10 and personal health navigators employed or otherwise retained by the organization meet competency
11 standards established by the authority under ORS 414.665.

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

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

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

19 “410.604. (1) The Home Care Commission shall ensure the quality of home care services by:

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

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

24 “[b] **(c)** Establishing training requirements for home care workers, including personal support
25 workers, as the commission deems appropriate, and providing training opportunities for home care
26 workers and elderly persons and persons with disabilities who employ home care workers or per-
27 sonal support workers;

28 “[c] **(d)** Establishing the home care registry and maintaining the registry with qualified home
29 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;

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

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

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

45 “(A) Entering into contracts or agreements; and

1 “(B) Taking reasonable or necessary actions related to the commission’s role as employer of
2 record for home care workers under ORS 410.612.

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

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

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

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

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

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

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

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

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

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

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

33 “**SECTION 10. This 2015 Act being necessary for the immediate preservation of the public**
34 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
35 **on its passage.”.**