

**PROPOSED AMENDMENTS TO  
SENATE BILL 774**

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating  
2 new provisions; 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  
5 of ORS 410.595 to 410.625.**

6 **“SECTION 2. (1) The Home Care Commission shall adopt a state-  
7 wide plan to:**

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

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

13 **“(c) Continue the commission’s work to create a career ladder for  
14 home care workers so that they may become greater skilled and ex-  
15 ceptional home care workers.**

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

19 **“(3) The commission shall contract with a public or private entity  
20 with appropriate expertise to recommend the design for the statewide  
21 plan described in this section.**

22 **“SECTION 3. In addition to and not in lieu of any other appropri-**

1 ation, there is appropriated to the Department of Human Services, for  
2 the biennium beginning July 1, 2015, out of the General Fund, the  
3 amount of \$1,500,000, which shall be made available to the Home Care  
4 Commission for expenses in carrying out section 2 of this 2015 Act.

5 **“SECTION 4. (1) The Legislative Assembly encourages the Depart-**  
6 **ment of Human Services to:**

7 **“(a) Implement a single online application for all home workers, as**  
8 **defined in ORS 410.600, to apply to be included on the registry main-**  
9 **tained by the Home Care Commission under ORS 410.604.**

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

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

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

16 **“(2) The department shall report to the interim committees of the**  
17 **Legislative Assembly related to human services, as appropriate, no**  
18 **later than December 1 of each year beginning in 2015, on the status**  
19 **of implementing an online application for, and assigning a unique**  
20 **provider number to, home care workers.**

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

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

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

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

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

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

30 **“(2) The commission shall report the findings of the work group to**

1 **the interim committees of the Legislative Assembly related to human**  
2 **services no later than September 16, 2015.**

3 **“SECTION 6.** ORS 410.604 is amended to read:

4 “410.604. (1) The Home Care Commission shall ensure the quality of home  
5 care services by:

6 “(a) Establishing qualifications for home care workers with the advice  
7 and consent of the Department of Human Services;

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

9 “[*b*] (c) Providing training opportunities for home care workers and el-  
10 derly persons and persons with disabilities who employ home care workers;

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

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

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

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

21 “(2)(a) The commission shall enter into an interagency agreement with  
22 the department to contract for a department employee to serve as executive  
23 director of the commission. The executive director shall be appointed by the  
24 Director of Human Services in consultation with the Governor and subject  
25 to approval by the commission, and shall serve at the pleasure of the Direc-  
26 tor of Human Services. The commission may delegate to the executive di-  
27 rector the authority to act on behalf of the commission to carry out its  
28 duties and responsibilities, including but not limited to:

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

30 “(B) Taking reasonable or necessary actions related to the commission’s

1 role as employer of record for home care workers under ORS 410.612.

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

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

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

10 “(b) Ensuring adequate hours of service are provided to elderly persons  
11 and persons with disabilities by home care workers; and

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

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

22 “(5) The commission shall ensure that each coordinated care organization  
23 honors all of the terms and conditions of employment established by the  
24 commission with respect to the community health workers and personal  
25 health navigators referred by the commission. This subsection does not re-  
26 quire a coordinated care organization to employ or contract with community  
27 health workers and personal health navigators certified by the commission  
28 so long as the community health workers and personal health navigators  
29 employed or otherwise retained by the organization meet competency stan-  
30 dards established by the authority under ORS 414.665.

1 “(6) The commission has the authority to contract for services, lease, ac-  
2 quire, hold, own, encumber, insure, sell, replace, deal in and with and dispose  
3 of real and personal property in its own name.

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

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

9 “410.604. (1) The Home Care Commission shall ensure the quality of home  
10 care services by:

11 “(a) Establishing qualifications for home care workers, with the advice  
12 and consent of the Department of Human Services, to ensure the effective  
13 delivery of home care services by a qualified, committed, experienced and  
14 well-trained home care workforce;

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

16 “[*b*] (c) Establishing training requirements for home care workers, in-  
17 cluding personal support workers, as the commission deems appropriate, and  
18 providing training opportunities for home care workers and elderly persons  
19 and persons with disabilities who employ home care workers or personal  
20 support workers;

21 “[*c*] (d) Establishing the home care registry and maintaining the registry  
22 with qualified home care workers;

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

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

28 “[*f*] (g) Establishing occupational health and safety standards for home  
29 care workers, in accordance with ORS 654.003 (3), and informing home care  
30 workers of the standards; and

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

4       “(2)(a) The commission shall enter into an interagency agreement with  
5 the department to contract for a department employee to serve as executive  
6 director of the commission. The executive director shall be appointed by the  
7 Director of Human Services in consultation with the Governor and subject  
8 to approval by the commission, and shall serve at the pleasure of the Direc-  
9 tor of Human Services. The commission may delegate to the executive di-  
10 rector the authority to act on behalf of the commission to carry out its  
11 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  
14 role as employer of record for home care workers under ORS 410.612.

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

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

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

23       “(b) Ensuring adequate hours of service are provided to elderly persons  
24 and persons with disabilities by home care workers; and

25       “(c) Ensuring that services, activities and purchases that are purchased  
26 by elderly persons and persons with disabilities other than home care ser-  
27 vices, including adult support services, are not compromised or diminished.

28       “(4) The commission shall work with culturally diverse community-based  
29 organizations to train and certify community health workers and personal  
30 health navigators. The workers and navigators shall work as part of a

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

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

14 “(6) The commission has the authority to contract for services, lease, ac-  
15 quire, hold, own, encumber, insure, sell, replace, deal in and with and dispose  
16 of real and personal property in its own name.

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

20 **“SECTION 8. Section 4 of this 2015 Act is repealed on January 2,**  
21 **2020.**

22 **“SECTION 9. Section 5 of this 2015 Act is repealed on January 2,**  
23 **2016.**

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

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