

CHAPTER 796

AN ACT

SB 774

Relating to the Home Care Commission; creating new provisions; amending ORS 410.604; and declaring an emergency.

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

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

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

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

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

(c) Continue the commission's work to create a career ladder for home care workers so that they may become greater skilled and gain certifications from the commission to provide advanced or extensive medical or behavioral health services and support; and

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

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

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

SECTION 3. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Human Services, for the biennium beginning July 1, 2015, out of the General Fund, the amount of \$1 million, which shall be made available to the Home Care Commission for expenses in carrying out section 2 of this 2015 Act.

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

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

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

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

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

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

SECTION 5. (1) The Home Care Commission shall charge the subcommittee described in section 4, chapter 116, Oregon Laws 2014, with investigating:

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

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

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

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

(2) The commission shall report the findings of the subcommittee to the interim committees of the Legislative Assembly related to human services no later than November 16, 2015.

SECTION 6. ORS 410.604 is amended to read:

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

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

(b) Conducting orientation sessions for home care workers;

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

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

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

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

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

(2)(a) The commission shall enter into an interagency agreement with the department to contract for a department employee to serve as executive director of the commission. The executive director shall be appointed by the Director of Human Services in consultation with the Governor and subject to approval by the commission, and shall serve at the pleasure of the Director of Human Services. The commission may delegate to the executive director

the authority to act on behalf of the commission to carry out its duties and responsibilities, including but not limited to:

(A) Entering into contracts or agreements; and

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Conducting orientation sessions for home care workers;

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

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

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

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

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

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

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

(A) Entering into contracts or agreements; and

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

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

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

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

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

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

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

(5) The commission shall ensure that each coordinated care organization honors all of the terms and conditions of employment established by the commission with respect to the community health workers and personal health navigators referred by the commission. This subsection does not require a coordinated care organization to employ or contract with community health workers and personal health navigators certified by the commission so long as the community health workers and personal health

navigators employed or otherwise retained by the organization meet competency standards established by the authority under ORS 414.665.

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

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

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

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

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

Approved by the Governor July 27, 2015

Filed in the office of Secretary of State July 27, 2015

Effective date July 27, 2015