

Senate Bill 223

Sponsored by Senator RILEY (at the request of Donna Cole) (Pre-session filed.)

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 as introduced.

Requires in-home caregivers employed by or contracting with in-home care agencies to meet training requirements for home care workers established by Home Care Commission.

A BILL FOR AN ACT

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Relating to in-home caregivers; creating new provisions; and amending ORS 443.340.

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

SECTION 1. ORS 443.340 is amended to read:

443.340. The Oregon Health Authority shall adopt [*administrative*] rules necessary for the implementation and administration of ORS 443.305 to 443.350. [*These*] **The** rules shall include, but are not limited to, [*a requirement*] **requirements** that:

(1) An in-home care agency [*must*] conduct criminal background checks on all individuals employed by or contracting with the agency as in-home caregivers; **and**

(2) **All individuals employed by or contracting with an in-home care agency as in-home caregivers meet the training requirements established for home care workers by the Home Care Commission under ORS 410.604.**

SECTION 2. The amendments to ORS 443.340 by section 1 of this 2017 Act apply to in-home caregivers employed by in-home care agencies on or after the effective date of this 2017 Act and in-home caregivers entering into contracts with in-home care agencies on or after the effective date of this 2017 Act.

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.

Senate Bill 53

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for Oregon Health Authority)

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 as introduced.

Modifies licensing fees paid to Oregon Health Authority by in-home care agencies and hospice providers.

A BILL FOR AN ACT

Relating to licensing fees paid to the Oregon Health Authority; amending ORS 443.315 and 443.860.

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

SECTION 1. ORS 443.315 is amended to read:

443.315. (1) A person may not establish, manage or operate an in-home care agency or purport to manage or operate an in-home care agency without obtaining a license from the Oregon Health Authority.

(2) The authority shall establish **classification** requirements and qualifications for licensure under this section by rule. The authority shall issue a license to an applicant that has the necessary qualifications and meets all requirements established by rule, including the payment of required fees. An in-home care agency shall be required to maintain administrative and professional oversight to ensure the quality of services provided.

(3) Application for a license required under subsection (1) of this section shall be made in the form and manner required by the authority by rule and shall be accompanied by any required fees.

(4) A license may be granted, or may be renewed annually, upon payment of a fee as follows:

(a) For the initial licensure of an in-home care agency **that is classified as:**

(A) Limited, the fee is \$1,750.

(B) Basic, the fee is \$2,000.

(C) Intermediate, the fee is \$2,250.

(D) Comprehensive, the fee is \$3,000.

(b) There is an additional fee of \$1,250 for the initial licensure of each subunit in any classification of in-home care agency.

(c) For the renewal of a license classified as:

(A) Limited or basic, the fee is \$850.

(B) Intermediate, the fee is \$1,250.

(C) Comprehensive, the fee is \$1,850.

(d) There is an additional fee of \$1,000 for the renewal of licensure for each subunit in any classification of in-home care agency.[.]

[(A) \$1,500; and]

[(B) An additional \$750 for each subunit.]

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 [(b) For renewal of a license:]

2 [(A) \$750; and]

3 [(B) An additional \$750 for each subunit.]

4 [(c)] (e) For a change of ownership at a time other than the annual renewal date:

5 (A) **The fee is \$350;** and

6 (B) **There is an additional fee of \$350** for each subunit.

7 (5) A license issued under this section is valid for one year. A license may be renewed by pay-
8 ment of the required renewal fee and by demonstration of compliance with requirements for renewal
9 established by rule.

10 (6) A license issued under this section is not transferable.

11 (7) The authority shall conduct an on-site inspection of each in-home care agency prior to ser-
12 vices being rendered and once every three years thereafter as a requirement for licensing.

13 (8) In lieu of the on-site inspection required by subsection (7) of this section, the authority may
14 accept a certification or accreditation from a federal agency or an accrediting body approved by the
15 authority that the state licensing standards have been met, if the in-home care agency:

16 (a) Notifies the authority to participate in any exit interview conducted by the federal agency
17 or accrediting body; and

18 (b) Provides copies of all documentation concerning the certification or accreditation requested
19 by the authority.

20 **SECTION 2.** ORS 443.860 is amended to read:

21 443.860. (1) A person may not establish, conduct or maintain a hospice program providing
22 hospice services, or hold itself out to the public as a hospice program, without obtaining a license
23 from the Oregon Health Authority.

24 (2) The authority:

25 (a) Shall adopt rules to carry out the provisions of ORS 443.850 to 443.869, including but not
26 limited to rules for licensure that require an on-site inspection of each licensed hospice program at
27 least once every three years.

28 (b) May accept certification by a federal agency or accreditation by an accrediting organization
29 approved by the authority as evidence of compliance with the requirements for licensure adopted
30 under paragraph (a) of this subsection if:

31 (A) The certification or accreditation meets standards and conditions established for hospice
32 programs by the Centers for Medicare and Medicaid Services;

33 (B) The hospice program invites the authority to participate in any exit interview conducted by
34 the agency or organization; and

35 (C) The hospice program provides the authority with copies of all documentation requested by
36 the authority concerning the certification or accreditation.

37 (3) The fee to obtain or renew a hospice program license is [~~\$750~~] **\$1,140**.

38 (4) The authority shall prescribe by rule the form and manner for application for or renewal of
39 a license. The authority shall issue a license to an applicant that has the necessary qualifications,
40 meets all requirements established by the authority by rule and has paid the fee.

41 (5) A license issued under this section is valid for one year and is not transferable. A license
42 may be renewed by payment of the fee and demonstration of compliance with requirements for re-
43 newal established by the authority by rule.

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