



Health Care Regulation & Quality Improvement
800 NE Oregon Street, Suite 305
Portland, Oregon 97232
971-673-0540
971-673-0556 (Fax)

March 21, 2016

It has come to our attention that your business may need to be licensed as an In-Home Care Agency or Caregiver Registry. A person may not establish, manage or operate an in-home care agency/caregiver registry or purport to manage or operate an in-home care agency/caregiver registry without obtaining a license from the Oregon Health Authority.

An In-Home Care Agency is defined as:

“An agency primarily engaged in providing in-home care services for compensation to an individual in that individual’s place of residence.” In-home care agency” does not include a home health agency or portion of an agency providing home health services as defined in ORS 443.005.

“In –home care services” are defined as:

“[P]ersonal care services furnished by an in-home care agency, or an individual under an agreement or contract with an in-home care agency, that are necessary to assist an individual in meeting the individual’s daily needs, but do not include curative or rehabilitative services.”

A Caregiver Registry is defined as:

“Caregiver registry” or “Registry” means an agency that prequalifies, establishes and maintains a list of qualified private contractor caregivers that is provided to a client for caregiver services within the client’s place of residence.

"Caregiver services" are defined as:

"Caregiver services" means providing assistance with the activities of daily living and can include more skilled services such as medication reminders, medication assistance, or medication administration or nursing services if the caregiver has the necessary licensure, certification, skills, education, or training to safely provide the skilled services.

Please help us determine whether or not your business meets the definition of an In-Home Care Agency or Caregiver Registry by answering all the questions on the enclosed "Determination of Eligibility for In-Home Care Agency or Caregiver Registry Licensure" form. Please make sure to sign and date the form, and return it by April 20, 2016 to:

Health Care Regulation & Quality Improvement
800 NE Oregon St. Suite 305
Portland, OR 97232

We will review the answers you provide and notify your business of our final determination. If we determine that your business does not meet the definition of an in-home care agency or caregiver registry, nothing more needs to be done. If we determine that your business does meet the definition of an In-Home Care Agency or Caregiver Registry we will contact you about the process for obtaining a license.

If this office does not receive a response by April 20, 2016, we will follow up by phone and may pursue other legal actions against you if we believe you have established or are managing or operating an in-home care agency without a license. A copy of this letter will be sent to the Department of Justice.

If you have any questions please feel free to contact our office at 971-673-0540.

Sincerely,

HFLC Survey Team
Health Facility Licensure and Certification
Oregon Health Authority
Public Health Division
Health Care Regulation and Quality Improvement



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 Portland, Oregon 97232
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Determination of Eligibility for In Home Care or Caregiver Registry Licensure

Business Name _____ **Date:** _____

Name of Business Owner or Operator _____ **Date:** _____

Address: _____

Phone: _____ **E-mail:** _____

An in-home care agency is defined in ORS 443.315 as: an agency primarily engaged in providing in-home care services for compensation to an individual in that individual’s place of residence.” In-home care agency” does not include a home health agency or portion of an agency providing home health services as defined in ORS 443.005.

“**In-home care services**” is defined in ORS 443.315 as: "personal care services furnished by an in-home care agency, or an individual under an agreement or contract with an in-home care agency, that are necessary to assist an individual in meeting the individual’s daily needs, but do not include curative or rehabilitative services.”

As in Oregon Administrative Rules 333-536-0010 (1) : Entities that provide referral or matching services that link in-home care services with clients are not required to be licensed under these rules, unless they do one or more of the following:

- (a) Schedule caregivers;
- (b) Assign work;
- (c) Assign compensation rates;
- (d) Define working conditions;
- (e) Negotiate for a caregiver or client for the provision of services; or
- (f) Place a caregiver with a client.

A Caregiver Registry is defined in OAR 333-540-0010(4) “Caregiver registry” or “Registry” means an agency that prequalifies, establishes and maintains a list of qualified private contractor caregivers that is provided to a client for caregiver services within the client’s place of residence.

"Caregiver Registry services" are defined in OAR 333-540-0010(5) "Caregiver services" means providing assistance with the activities of daily living and can include more skilled services such as medication reminders, medication assistance, or medication administration or nursing services if the caregiver has the necessary licensure, certification, skills, education, or training to safely provide the skilled services.

Please answer the following questions:

1. Do you or does your business provide in-home care services or use the term “in-home care agency” in its advertising, publicity, or any other form of communication?

Yes No

2. Do you or does your business do one or more of the following? (Please check Yes or No)

Negotiate for a caregiver or client for the provision of services Yes No

Place a caregiver with a client Yes No

Schedule caregivers Yes No

Assign work to caregivers Yes No

Assign compensation rates for caregivers Yes No

Define working conditions for caregivers Yes No

3. Do you or does anyone that you hire or contract with provide any of the following services within someone's home? (Please check Yes or No)

Medication services, which include: assistance with self-administration of non-injectable medication, Medication administration and medication management

Yes No

Nursing services, which include: nursing assessment, monitoring, and nursing care

Yes No

4. Do you or does your business provide any of following personal care services in someone's home? (Please check all that apply)

Bathing

Dressing

Personal grooming and hygiene

Toileting and elimination

Mobility and Movement

Nutrition/hydration and feeding

5. Do you or does your business provide any of the following services? (Please check all that apply)

Prequalify Caregivers

Maintain a list of qualified caregivers

Establish a list of qualified caregivers

Provide a list of caregivers to clients

6. In addition, please provide us with documentation (such as business brochures, advertisements, web site reference or other) that will help us determine whether or not your business meets or does not meet the OAR definition of an In-Home Care Agency or Caregiver Registry.

I attest, under penalties of perjury, that I have answered all the above questions to the best of my knowledge and belief; and that this information is true, correct and complete.

Signature _____ **Date:** _____

Print Name _____