

Requested by Senator MONNES ANDERSON

**PROPOSED AMENDMENTS TO  
SENATE BILL 669**

1 On page 1 of the printed bill, line 3, delete “443.025, 443.090” and insert  
2 “441.025, 443.025, 443.085, 443.090, 443.105”.

3 On page 2, line 44, delete “(3)” and insert “(2)”.

4 On page 4, line 1, delete “the training required by section 2” and insert  
5 “training that is approved by the Department of Human Services as meeting  
6 the standards adopted by the department under section 2 (1)”.

7 Delete lines 20 through 27.

8 In line 28, delete “(3)” and insert “(2)”.

9 On page 5, line 5, delete “(4)” and insert “(3)”.

10 In line 6, delete “(3)” and insert “(2)”.

11 On page 9 delete lines 26 through 45 and delete page 10 and insert:

12 “**SECTION 12.** Section 2, chapter 75, Oregon Laws 2018, is amended to  
13 read:

14 “**Sec. 2.** (1) The Department of Human Services, acting on behalf of and  
15 subject to the approval of the Home Care Commission, shall adopt by rule  
16 minimum training standards for home care workers and personal support  
17 workers and shall establish procedures for testing home care workers and  
18 personal support workers on their mastery of the skills and knowledge to be  
19 acquired through the training.

20 “(2) **Except as provided in subsection (6) of this section,** the depart-  
21 ment shall provide training on the mandatory training topics established

1 under this subsection and on any other training that the department or the  
2 commission deems appropriate for the professionalization of home care  
3 workers and personal support workers. The training provided pursuant to  
4 this section may include, but is not limited to, training on the following  
5 topics:

6 “(a) Safety and emergency measures.

7 “(b) Understanding the requirements for providers paid with Medicaid  
8 funds.

9 “(c) Providing person-centered care.

10 “(d) Understanding how to support the physical and emotional needs of  
11 the individual who is receiving care.

12 “(e) Managing medications.

13 “(f) Providing personal care and assistance with activities of daily living.

14 “(3) The training provided in accordance with this section must be ge-  
15 ographically accessible in all areas of this state and culturally appropriate  
16 for workers of all language abilities.

17 “(4) In developing the training provided under this section, the depart-  
18 ment shall:

19 “(a) Consider the needs of each worker type, including workers who are  
20 relatives of the individuals receiving care, workers who provide respite care,  
21 experienced workers and new workers; and

22 “(b) Strive to align the training with the training requirements for care  
23 providers in other long term care settings.

24 “(5) The department shall consult with the Developmental Disabilities and  
25 Mental Health Committee, unions representing home care workers and per-  
26 sonal support workers and other stakeholders in the adoption of rules to  
27 carry out the provisions of this section.

28 “(6) **A caregiver providing personal care services, as defined in ORS**  
29 **443.305, in a private home through a caregiver registry described in**  
30 **ORS 443.100, in a home health agency as defined in ORS 443.014 or in**

1 a health care facility licensed under ORS 441.020 must complete a  
2 training approved by the department as meeting the standards adopted  
3 by the department under subsection (1) of this section unless the  
4 caregiver is licensed or certified by the Oregon State Board of Nursing.

5 **“SECTION 13.** ORS 443.105 is amended to read:

6 “443.105. The Oregon Health Authority may adopt rules governing  
7 caregiver registries, including but not limited to:

8 “(1) The minimum qualifications of individuals whose services are offered  
9 through a caregiver registry;

10 **“(2) Requiring an individual placed on a roster by a caregiver reg-**  
11 **istry to complete training that is approved by the Department of Hu-**  
12 **man Services as meeting the standards adopted by the department**  
13 **under section 2 (1), chapter 75, Oregon Laws 2018;**

14 “[2] (3) Standards for the organization and quality of client care;

15 “[3] (4) Procedures for maintaining records;

16 “[4] (5) Requirements for contractual arrangements for professional and  
17 ancillary services;

18 “[5] (6) Requiring criminal background checks on individuals placed on  
19 a roster by a caregiver registry;

20 “[6] (7) Procedures for complaints against caregiver registries; and

21 “[7] (8) Procedures for inspection of caregiver registries.

22 **“SECTION 14.** ORS 443.085 is amended to read:

23 “443.085. The Oregon Health Authority shall adopt rules to implement  
24 ORS 443.014 to 443.105 including, but not limited to:

25 “(1) The qualifications of professional and ancillary personnel in order to  
26 adequately furnish home health services;

27 **“(2) Requiring that personnel complete training that is approved by**  
28 **the Department of Human Services as meeting the standards adopted**  
29 **by the department under section 2 (1), chapter 75, Oregon Laws 2018;**

30 “[2] (3) Standards for the organization and quality of client care;

1        “[3] (4) Procedures for maintaining records;

2        “[4] (5) Provision for contractual arrangements for professional and an-  
3 cillary health services; and

4        “[5] (6) Complaint and inspection procedures.

5        **“SECTION 15.** ORS 441.025, as amended by section 12, chapter 50, Oregon  
6 Laws 2018, is amended to read:

7        “441.025. (1)(a) Upon receipt of a license fee and an application to operate  
8 a health care facility other than a long term care facility, the Oregon Health  
9 Authority shall review the application and conduct an on-site inspection of  
10 the health care facility. The authority shall issue a license if it finds that  
11 the applicant and health care facility comply with ORS 441.015 to 441.087 and  
12 441.196 and the rules of the authority provided that the authority does not  
13 receive within the time specified a certificate of noncompliance issued by the  
14 State Fire Marshal, deputy, or approved authority pursuant to ORS 479.215.

15        “(b) The authority shall, following payment of the fee, annually renew  
16 each license issued under this subsection unless:

17        “(A) The health care facility’s license has been suspended or revoked; or

18        “(B) The State Fire Marshal, a deputy or an approved authority has is-  
19 sued a certificate of noncompliance pursuant to ORS 479.215.

20        “(2)(a) Upon receipt of a license fee and an application to operate a long  
21 term care facility, the Department of Human Services shall review the ap-  
22 plication and conduct an on-site inspection of the long term care facility.  
23 The department shall issue a license if the department finds that the appli-  
24 cant and long term care facility comply with ORS 441.015 to 441.087 and  
25 441.196 and the rules of the department provided that it does not receive  
26 within the time specified a certificate of noncompliance issued by the State  
27 Fire Marshal, deputy, or approved authority pursuant to ORS 479.215.

28        “(b) The department shall, following an on-site inspection and payment  
29 of the fee, annually renew each license issued under this subsection unless:

30        “(A) The long term care facility’s license has been suspended or revoked;

1       “(B) The long term care facility is found not to be in substantial compli-  
2       ance following the on-site inspection; or

3       “(C) The State Fire Marshal, a deputy or an approved authority has is-  
4       sued a certificate of noncompliance pursuant to ORS 479.215.

5       “(3) Each license shall be issued only for the premises and persons or  
6       governmental units named in the application and shall not be transferable  
7       or assignable.

8       “(4) Licenses shall be posted in a conspicuous place on the licensed  
9       premises as prescribed by rule of the authority or the department.

10       “(5) No license shall be issued or renewed for any health care facility or  
11       health maintenance organization that is required to obtain a certificate of  
12       need under ORS 442.315 until a certificate of need has been granted. An  
13       ambulatory surgical center is not subject to the certificate of need require-  
14       ments in ORS 442.315.

15       “(6) No license shall be issued or renewed for any skilled nursing facility  
16       or intermediate care facility, unless the applicant has included in the appli-  
17       cation the name and such other information as may be necessary to establish  
18       the identity and financial interests of any person who has incidents of own-  
19       ership in the facility representing an interest of 10 percent or more thereof.  
20       If the person having such interest is a corporation, the name of any stock-  
21       holder holding stock representing an interest in the facility of 10 percent or  
22       more shall also be included in the application. If the person having such  
23       interest is any other entity, the name of any member thereof having incidents  
24       of ownership representing an interest of 10 percent or more in the facility  
25       shall also be included in the application.

26       “(7) A license may be denied to any applicant for a license or renewal  
27       thereof or any stockholder of any such applicant who has incidents of own-  
28       ership in the health care facility representing an interest of 10 percent or  
29       more thereof, or an interest of 10 percent or more of a lease agreement for  
30       the facility, if during the five years prior to the application the applicant

1 or any stockholder of the applicant had an interest of 10 percent or more in  
2 the facility or of a lease for the facility and has divested that interest after  
3 receiving from the authority or the department written notice that the au-  
4 thority or the department intends to suspend or revoke the license or to de-  
5 certify the facility from eligibility to receive payments for services provided  
6 under this section.

7 “(8) The Department of Human Services may not issue or renew a license  
8 for a long term care facility, unless the applicant has included in the appli-  
9 cation the identity of any person who has incident of ownership in the long  
10 term care facility who also has a financial interest in any pharmacy, as de-  
11 fined in ORS 689.005.

12 “(9) The authority shall adopt rules for each type of health care facility,  
13 except long term care facilities, to carry out the purposes of ORS 441.015 to  
14 441.087 including, but not limited to:

15 “(a) Establishing classifications and descriptions for the different types  
16 of health care facilities that are licensed under ORS 441.015 to 441.087;  
17 [*and*]

18 “(b) Standards for patient care and safety[.];

19 “(c) Adequate professional staff organizations[.];

20 “(d) Training of staff, for whom no other state regulation exists, **that is**  
21 **approved by the department as meeting the standards adopted by the**  
22 **department under section 2 (1), chapter 75, Oregon Laws 2018;**

23 “(e) Suitable delineation of professional privileges; and

24 “(f) Adequate staff analyses of clinical records.

25 “(10) The department shall adopt rules for each type of long term care  
26 facility to carry out the purposes of ORS 441.015 to 441.087 including, but  
27 not limited to:

28 “(a) Establishing classifications and descriptions for the different types  
29 of long term care facilities that are licensed under ORS 441.015 to 441.087;  
30 [*and*]

1       “(b) Standards for patient care and safety[,];

2       “(c) Adequate professional staff organizations[,];

3       “(d) Training of staff, for whom no other state regulation exists, **that is**  
4 **approved by the department as meeting the standards adopted by the**  
5 **department under section 2 (1), chapter 75, Oregon Laws 2018;**

6       “(e) Suitable delineation of professional privileges; and

7       “(f) Adequate staff analyses of clinical records.

8       “(11) The authority or department may not adopt a rule requiring a health  
9 care facility to serve a specific food as long as the necessary nutritional food  
10 elements are present in the food that is served.

11       “(12) A health care facility licensed by the authority or department may  
12 not:

13       “(a) Offer or provide services beyond the scope of the license classifica-  
14 tion assigned by the authority or department; or

15       “(b) Assume a descriptive title or represent itself under a descriptive title  
16 other than the classification assigned by the authority or department.

17       “(13) A health care facility must reapply for licensure to change the  
18 classification assigned or the type of license issued by the authority or de-  
19 partment.”.

20

---