

**Enrolled**  
**House Bill 4012**

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Human Services for Representative Anna Williams)

CHAPTER .....

AN ACT

Relating to children’s services provider compensation; and prescribing an effective date.

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

**SECTION 1. Child caring agency service provider rate structure.** (1) The Department of Human Services, in collaboration with the Oregon Health Authority and the Oregon Youth Authority, shall conduct a comprehensive review of service provider rate structures for child caring agencies licensed by or contracted with the department, the Oregon Health Authority or the Oregon Youth Authority.

(2) The department, in consultation with the Oregon Health Authority and the Oregon Youth Authority, shall submit a report to the interim committees of the Legislative Assembly related to human services, in the manner provided in ORS 192.245, no later than February 28, 2023. The report must include the findings from the review under subsection (1) of this section and recommendations for updates to the rate structures that the department, the Oregon Health Authority and the Oregon Youth Authority determine are necessary to promote long-term workforce sustainability.

**SECTION 2. Reimbursement rates for private duty nursing for medically fragile children.** (1) At least once each biennium, the Oregon Health Authority shall conduct a nursing market study for the purpose of determining the appropriate Medicaid reimbursement rates for providers of private duty nursing for medically fragile children.

(2) No later than July 1 each year, the authority shall seek approval from the Centers for Medicare and Medicaid Services to adjust the Medicaid reimbursement rates for providers of private duty nursing for medically fragile children, taking into consideration the results of the most recent study described in subsection (1) of this section and applying a cost-of-living adjustment, as determined on an annual basis by the authority by rule.

(3) As used in this section:

(a) “Medically fragile children” means children who have a health impairment requiring intensive, specialized services on a daily basis and who meet hospital level of care and the clinical criteria as defined by the Department of Human Services and the authority by rule.

(b) “Private duty nursing” has the meaning given that term by the authority by rule.

**SECTION 3. Medicaid reimbursement rate adjustments first due.** The Oregon Health Authority shall first seek the authority from the Centers for Medicare and Medicaid Services to adjust the Medicaid reimbursement rates described in section 2 of this 2022 Act no later than July 1, 2023, and every July 1 thereafter.

**SECTION 4. Repeals.** Sections 1 and 3 of this 2022 Act are repealed on January 2, 2024.

**SECTION 5. Captions.** The section captions used in this 2022 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2022 Act.

**SECTION 6. Effective date.** This 2022 Act takes effect on the 91st day after the date on which the 2022 regular session of the Eighty-first Legislative Assembly adjourns sine die.

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**Passed by House February 16, 2022**

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

**Passed by Senate February 24, 2022**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M.,....., 2022

**Approved:**

.....M.,....., 2022

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2022

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Shemia Fagan, Secretary of State