

Requested by Senator PATTERSON

**PROPOSED AMENDMENTS TO
SENATE BILL 1556**

1 On page 1 of the printed bill, delete lines 4 through 28 and delete pages
2 2 through 4 and insert:

3 **“SECTION 1. (1) As used in this section and section 2 of this 2022
4 Act:**

5 **“(a) ‘Employer’ means:**

6 **“(A) The Home Care Commission, for caregivers described in para-
7 graph (b)(A) of this subsection.**

8 **“(B) An in-home care agency that hires, enters into an arrange-
9 ment with or contracts with a caregiver described in paragraph (b)(B)
10 of this subsection.**

11 **“(b) ‘Home or community-based services caregiver’ or ‘caregiver’
12 means:**

13 **“(A) A home care worker, as defined in ORS 410.600.**

14 **“(B) An individual providing in-home care services as an employee
15 of or under an arrangement or contract with an in-home care agency.**

16 **“(c) ‘In-home care agency’ has the meaning given that term in ORS
17 443.305.**

18 **“(d) ‘In-home care services’ has the meaning given that term in
19 ORS 443.305.**

20 **“(2) The Department of Human Services shall adopt by rule criteria
21 for the certification and continuing certification of home or**

1 community-based services caregivers. The criteria must include, but
2 are not limited to:

3 “(a) Requirements that the caregiver:

4 “(A) Be 18 years of age or older;

5 “(B) Not be excluded from participation in federal health care pro-
6 grams under 42 U.S.C. 1320a-7a;

7 “(C) Has in effect a satisfactorily completed criminal background
8 check through the Oregon Criminal History and Abuse Records Data
9 System or successor system; and

10 “(D) Complete all basic training requirements that are relevant to
11 the position and to the health and safety of workers and individuals
12 receiving care, including but not limited to requirements adopted by
13 the department under ORS 410.598 and 443.011; and

14 “(b) The department’s receipt of verification from an authorized
15 trainer or training entity approved by the department, including but
16 not limited to an employer, training institution or apprenticeship
17 program, that the caregiver was provided the training described in
18 paragraph (a)(D) of this subsection.

19 “(3) The department shall prescribe an application process and ver-
20 ification requirements for the certification and continuing certifica-
21 tion of home or community-based services caregivers.

22 “(4) Employers are responsible for initiating the certification of
23 home or community-based services caregivers who they employ. The
24 department may charge a fee to employers in an amount necessary to
25 cover the department’s costs in administering this section.

26 “(5) A home or community-based services caregiver maintains the
27 caregiver’s certification if all training requirements are completed
28 timely.

29 **“SECTION 2. (1) The Department of Human Services shall maintain**
30 **an online home or community-based services caregiver registry ac-**

1 **cessible to the public. The department shall adopt by rule the infor-**
2 **mation to be displayed on the registry for each caregiver, including**
3 **but not limited to the:**

4 **“(a) Name of the caregiver;**

5 **“(b) County and, if applicable, city where the caregiver resides;**

6 **“(c) Certification status of the caregiver under section 1 of this 2022**
7 **Act and any endorsements earned by the caregiver; and**

8 **“(d) Background check status of the caregiver.**

9 **“(2) The registry shall contain links to:**

10 **“(a) Sites that explain the training requirements for the certifica-**
11 **tion of each type of home or community-based services caregiver de-**
12 **scribed in section 1 (1)(b) of this 2022 Act; and**

13 **“(b) The home care registry, as defined in ORS 410.600, for members**
14 **of the public to find home care workers.**

15 **“(3) The department shall create a process and adopt by rule the**
16 **criteria for a home or community-based services caregiver to request**
17 **to be excluded from the registry if the caregiver:**

18 **“(a) Is a family caregiver only;**

19 **“(b) Is a survivor of intimate partner violence, domestic violence**
20 **or sexual assault or has an outstanding stalking order against a third**
21 **party; or**

22 **“(c) Otherwise has a safety need for additional privacy.**

23 **“SECTION 3. Section 1 of this 2022 Act is amended to read:**

24 **“Sec. 1. (1) As used in this section and section 2 of this 2022 Act:**

25 **“(a) ‘Employer’ means:**

26 **“(A) The Home Care Commission, for caregivers described in paragraph**
27 **(b)(A) of this subsection.**

28 **“(B) An in-home care agency that hires, enters into an arrangement with**
29 **or contracts with a caregiver described in paragraph (b)(B) of this sub-**
30 **section.**

1 **“(C) An owner or operator of a residential care facility that employs**
2 **a caregiver described in paragraph (b)(C) of this subsection.**

3 “(b) ‘Home or community-based services caregiver’ or ‘caregiver’ means:

4 “(A) A home care worker, as defined in ORS 410.600.

5 “(B) An individual providing in-home care services as an employee of or
6 under an arrangement or contract with an in-home care agency.

7 **“(C) An individual who is direct care staff, as defined in ORS**
8 **443.400, in a residential care facility, as defined in ORS 443.400, which**
9 **includes a residential care facility with a memory care endorsement**
10 **under ORS 443.886 and an assisted living facility.**

11 “(c) ‘In-home care agency’ has the meaning given that term in ORS
12 443.305.

13 “(d) ‘In-home care services’ has the meaning given that term in ORS
14 443.305.

15 “(2) The Department of Human Services shall adopt by rule criteria for
16 the certification and continuing certification of home or community-based
17 services caregivers. The criteria must include, but are not limited to:

18 “(a) Requirements that the caregiver:

19 “(A) Be 18 years of age or older;

20 “(B) Not be excluded from participation in federal health care programs
21 under 42 U.S.C. 1320a-7a;

22 “(C) Has in effect a satisfactorily completed criminal background check
23 through the Oregon Criminal History and Abuse Records Data System or
24 successor system; and

25 “(D) Complete all basic training requirements that are relevant to the
26 position and to the health and safety of workers and individuals receiving
27 care, including but not limited to requirements adopted by the department
28 under ORS 410.598 and 443.011; and

29 “(b) The department’s receipt of verification from an authorized trainer
30 or training entity approved by the department, including but not limited to

1 an employer, training institution or apprenticeship program, that the
2 caregiver was provided the training described in paragraph (a)(D) of this
3 subsection.

4 “(3) The department shall prescribe an application process and verifica-
5 tion requirements for the certification and continuing certification of home
6 or community-based services caregivers.

7 “(4) Employers are responsible for initiating the certification of home or
8 community-based services caregivers who they employ. The department may
9 charge a fee to employers in an amount necessary to cover the department’s
10 costs in administering this section.

11 “(5) A home or community-based services caregiver maintains the
12 caregiver’s certification if all training requirements are completed timely.

13 **“SECTION 4. (1) The Department of Human Services shall work
14 with stakeholder groups to design certification requirements under
15 section 1 of this 2022 Act to improve the skill level and training of
16 home or community-based services caregivers, as defined in section 1
17 of this 2022 Act, and to improve pathways for caregivers to access
18 continued education and advancement.**

19 **“(2) In the department’s report to the Joint Interim Committee on
20 Ways and Means, as required in the department’s 2021-2023 biennial
21 budget, the department shall report on the implementation of sections
22 1 and 2 of this 2022 Act and the department’s efforts under subsection
23 (1) of this section.**

24 **“SECTION 5. (1) The Department of Human Services shall complete
25 rulemaking to implement the provisions of sections 1 and 2 of this 2022
26 Act no later than January 1, 2023, and take all steps necessary to im-
27 plement the provisions of sections 1 and 2 of this 2022 Act on and after
28 the operative date specified in section 6 (1) of this 2022 Act.**

29 **“(2) The department shall take all steps necessary to implement the
30 amendments to section 1 of this 2022 Act by section 3 of this 2022 Act**

1 no later than the operative date specified in section 6 (2) of this 2022
2 Act.

3 **“SECTION 6. (1) Sections 1 and 2 of this 2022 Act become operative
4 on December 31, 2023.**

5 **“(2) The amendments to section 1 of this 2022 Act by section 3 of
6 this 2022 Act become operative on December 31, 2024.**

7 **“SECTION 7. Section 4 of this 2022 Act is repealed on January 2,
8 2024.**

9 **“SECTION 8. This 2022 Act being necessary for the immediate
10 preservation of the public peace, health and safety, an emergency is
11 declared to exist, and this 2022 Act takes effect on its passage.”.**

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