

Requested by Senator GELSER BLOUIN

**PROPOSED AMENDMENTS TO
SENATE BILL 1548**

1 On page 1 of the printed bill, delete lines 17 through 22 and delete page
2 2.

3 On page 3, delete lines 1 through 34 and insert:

4 **“SECTION 1. (1) As used in this section:**

5 **“(a) ‘Agency with choice services’ means performing, on behalf of**
6 **an individual, the following functions as the employer of record for**
7 **direct support professionals who are providing in-home services and**
8 **supports to the individual:**

9 **“(A) Coordinating the schedules and responsibilities of direct sup-**
10 **port professionals who are providing in-home services and supports to**
11 **the individual;**

12 **“(B) For each direct support professional providing in-home services**
13 **and supports to the individual, withholding, filing and paying income**
14 **and employment-related taxes, including workers’ compensation pre-**
15 **miums and unemployment taxes;**

16 **“(C) Verifying the qualifications of each direct support professional;**
17 **and**

18 **“(D) Providing other administrative and employment-related sup-**
19 **ports.**

20 **“(b) ‘Individual’ means a child or adult with an intellectual or de-**
21 **velopmental disability who receives in-home services and supports**

1 through the Department of Human Services.

2 “(2) The department shall certify agencies to deliver agency with
3 choice services as a community-based services option under ORS
4 427.007 (1)(d).

5 “(3) The department shall adopt by rule:

6 “(a) Minimum qualifications for agencies to be certified by the de-
7 partment to deliver agency with choice services; and

8 “(b) Reimbursement rates for the services.

9 “(4) Minimum qualifications for agencies certified to deliver agency
10 with choice services include, but are not limited to:

11 “(a) The ability to provide support for individuals in directing the
12 individual’s direct support professional and the day-to-day services of
13 the direct support professional;

14 “(b) A commitment to recruit and retain a high quality and diverse
15 workforce to provide agency with choice services;

16 “(c) A commitment to work with a broad coalition of stakeholders
17 in an effort to understand the changing needs of the workforce and
18 of individuals’ needs, rights and preferences;

19 “(d) The ability to meet the state’s interest in preventing or miti-
20 gating disruptions to individuals’ in-home services and supports; and

21 “(e) The ability to implement an electronic visit verification system
22 that complies with state and federal requirements or, in the absence
23 of an electronic visit verification system, to monitor a statistically
24 valid sample of each claim for reimbursement for the cost of services
25 to the receipt of the services by the individual.

26 “(5) The department may not certify an agency to provide agency
27 with choice services if the owner of the agency or an executive officer
28 of the agency has been convicted of Medicaid fraud in any state within
29 the 25 year period prior to the certification.

30 **SECTION 2.** The Department of Human Services shall adopt rules

1 to ensure fiscal transparency in the provision of community-based
2 services to individuals with intellectual or developmental disabilities
3 and to ensure individuals with intellectual or developmental disabili-
4 ties receive high quality services from providers that are licensed,
5 certified or endorsed by the department to provide community-based
6 services. At a minimum, the rules must establish, for providers of
7 community-based services to individuals with intellectual or develop-
8 mental disabilities:

9 “(1) Requirements to annually submit staffing data to a reporting
10 survey organization specified by the department;

11 “(2) Requirements to submit an annual report to the department
12 that includes:

13 “(a) A disclosure of executive compensation and benefits;

14 “(b) A disclosure of starting, average and highest wages for direct
15 support professionals that are employed by, under contract with or
16 otherwise engaged with the provider to deliver community-based ser-
17 vices to individuals with intellectual or developmental disabilities;

18 “(c) A disclosure of the provider’s overhead expenses and expendi-
19 tures; and

20 “(d) Any other fiscal matters prescribed by the department;

21 “(3) Requirements to ensure that wages and health benefits paid to
22 direct support professionals delivering community-based supports re-
23 flect any increase in rates approved by the Legislative Assembly for
24 the purpose of improving wages and health benefits;

25 “(4) Criteria for conditions under which a provider may be prohib-
26 ited from applying for a license, certificate or endorsement;

27 “(5) Criteria for the inclusion of information about the organiza-
28 tional history of an applicant for a new license, certification or
29 endorsement, not to exceed the 10 previous years; and

30 “(6) A process for the consideration of the regulatory and safety

1 compliance and operational experience of all providers in this state or
2 in any other jurisdiction when issuing an initial license, certification
3 or endorsement or renewing a license, certification or endorsement.

4 “(7) Rules adopted by the department must, to the greatest extent
5 practicable, consolidate new reporting requirements with existing re-
6 porting requirements to avoid the need for providers to make
7 duplicative reports of the same information.

8 **“SECTION 3. Notwithstanding ORS 443.760 or any Low-Rise Resi-
9 dential Dwelling Code requirements established pursuant to ORS
10 455.610, an applicant for an initial license, certification or endorsement
11 to provide foster care or residential treatment for children under ORS
12 chapter 418, to operate a foster family home under ORS chapter 419A
13 or 419B, to operate an adult foster home, as defined in ORS 443.705,
14 or to operate a residential training home, as defined in ORS 443.400,
15 may not be required to have installed a commercial or residential
16 sprinkler system if the applicant:**

17 **“(1) Will be serving five or fewer individuals; and**

18 **“(2) Meets all other fire, life and safety requirements established
19 by the Department of Human Services or the Oregon Health Authority
20 by rule.**

21 **“SECTION 4. Notwithstanding ORS 443.760 or any Low-Rise Resi-
22 dential Dwelling Code requirements established pursuant to ORS
23 455.610, an applicant for a renewal of a license, certification or
24 endorsement to provide foster care or residential treatment for chil-
25 dren under ORS chapter 418, to operate a foster family home under
26 ORS chapter 419A or 419B, to operate an adult foster home, as defined
27 in ORS 443.705, or to operate a residential training home, as defined
28 in ORS 443.400, may not be required to have installed a commercial
29 or residential sprinkler system if the applicant:**

30 **“(1) Will be serving five or fewer individuals; and**

1 **“(2) Meets all other fire, life and safety requirements established**
2 **by the Department of Human Services or the Oregon Health Authority**
3 **by rule.”.**

4 On page 4, delete lines 9 through 34 and insert:

5 **“SECTION 6. No later than October 1, 2022, the Department of Hu-**
6 **man Services shall report to the interim committees of the Legislative**
7 **Assembly related to human services and to health, in the manner**
8 **provided in ORS 192.245, program options for community-based ser-**
9 **vices for seniors and people with disabilities offered by agencies with**
10 **consumer-directed hiring of personal care workers and direct support**
11 **professionals. The report should include a description of models cur-**
12 **rently implemented by other states.**

13 **“SECTION 7. No later than October 1, 2022, the Department of Hu-**
14 **man Services shall report to the interim committees of the Legislative**
15 **Assembly related to human services and to health, in the manner**
16 **provided in ORS 192.245, recommendations for modernizing the licens-**
17 **ing, certification and endorsement fee schedules and the adminis-**
18 **tration of civil penalties related to services provided to individuals**
19 **with intellectual or developmental disabilities including, at a mini-**
20 **mum:**

21 **“(1) How fees and penalties may be adjusted for inflation;**

22 **“(2) Whether the department should have the authority to decrease**
23 **or waive fees in certain circumstances;**

24 **“(3) Whether licensing, certification or endorsement fees should be**
25 **required for agencies providing supported living, community living**
26 **supports or other licenses, certifications and endorsements offered by**
27 **the division of the department that is responsible for developmental**
28 **disability services;**

29 **“(4) Whether licensing, certification or endorsement fees should**
30 **reflect the size of the agency or number of individuals served by the**

1 **agency;**

2 **“(5) The extent to which licensing, certification and endorsement**
3 **fees cover the cost of licensing, certification and endorsement activ-**
4 **ities;**

5 **“(6) Any legislative changes to simplify civil penalties or structure**
6 **civil penalties to ensure fairness, equity and effectiveness in improving**
7 **the quality of services to individuals with intellectual or develop-**
8 **mental disabilities; and**

9 **“(7) Any legislative changes necessary to implement modern,**
10 **sustainable and equitable licensing, certification and endorsement fee**
11 **and civil penalty schedules.”.**

12 On page 6, line 24, delete “worker” and insert “person”.

13
