

Requested by Senator GELSER BLOUIN

**PROPOSED AMENDMENTS TO  
SENATE BILL 105**

1 In line 2 of the printed bill, after “services” insert “; creating new pro-  
2 visions; and amending sections 1 and 2, chapter 91, Oregon Laws 2022”.

3 Delete lines 4 through 9 and insert:

4 **“SECTION 1.** Section 1, chapter 91, Oregon Laws 2022, is amended to  
5 read:

6 **“Sec. 1.** (1) As used in this section:

7 *“(a) ‘Agency with choice services’ means [performing, on behalf of an in-*  
8 *dividual, the following functions as the employer of record for direct support*  
9 *professionals]* **support given to an individual in self-directing the**  
10 **individual’s services or in managing the individual’s direct support**  
11 **workers** who are providing in-home services and supports to the  
12 individual, **using a person-centered approach to ensure that the indi-**  
13 **vidual is at the center of the decision-making process regarding what**  
14 **services are needed, including by providing:**

15 *“[(A) Coordinating the schedules and responsibilities of direct support*  
16 *professionals who are providing in-home services and supports to the individ-*  
17 *ual;]*

18 *“[(B) For each direct support professional providing in-home services and*  
19 *supports to the individual, withholding, filing and paying income and*  
20 *employment-related taxes, including workers’ compensation premiums and un-*  
21 *employment taxes;]*

1        *“(C) Verifying the qualifications of each direct support professional; and]*

2        **“(A) Training, coaching and other forms of support to the individ-**  
3 **ual on:**

4        **“(i) Self-direction; and**

5        **“(ii) The roles and responsibilities of the individual and the agency**  
6 **with choice services provider;**

7        **“(B) Training, coaching and other forms of support to the individual**  
8 **in the overall management of direct support workers including in the**  
9 **recruitment, hiring, scheduling and training of direct support workers,**  
10 **performance assessments of direct support workers, and dismissal of**  
11 **direct support workers; and**

12        *“[(D)] (C) [Providing] Other administrative and employment-related sup-*  
13 *ports.*

14        *“(b) ‘Individual’ means a child or adult with an intellectual or develop-*  
15 *mental disability, or the representative of the child or adult, who re-*  
16 *ceives in-home services and supports through the Department of Human*  
17 *Services.*

18        *“(2) The department shall [certify agencies] **contract with one or more***  
19 **organizations** to deliver agency with choice services as a community-based  
20 services option under ORS 427.007 (1)(d).

21        *“[(3) The department shall adopt by rule:]*

22        *“[(a) Minimum qualifications for agencies to be certified by the department*  
23 *to deliver agency with choice services; and]*

24        *“[(b) Reimbursement rates for the services.]*

25        *“[(4)] (3) [Minimum qualifications for agencies certified to deliver agency*  
26 *with choice services include, but are not limited] **An organization con-***  
27 **tracting with the department under subsection (2) of this section shall**  
28 **be expected, at a minimum, to:**

29        *“[(a) The ability to provide support for individuals in directing the*  
30 *individual’s direct support professional and the day-to-day services of the di-*

1 *rect support professional;]*

2 “[*(b)* A commitment to recruit and retain a high quality and diverse  
3 workforce to provide agency with choice services;]

4 “**(a) Maximize an individual’s self-direction and autonomy by sup-**  
5 **porting the individual to direct the individual’s direct support workers**  
6 **and manage the day-to-day services of the individual’s direct support**  
7 **workers;**

8 “[*(c)*] **(b) Have** a commitment to work with a broad coalition of  
9 stakeholders in an effort to understand the changing needs of the workforce  
10 and of individuals’ needs, rights and preferences; **and**

11 “[*(d)*] **(c) Have** the ability to meet the state’s interest in preventing or  
12 mitigating disruptions to individuals’ in-home services and supports[; *and*].

13 “[*(e)* *The ability to implement an electronic visit verification system that*  
14 *complies with state and federal requirements or, in the absence of an electronic*  
15 *visit verification system, to monitor a statistically valid sample of each claim*  
16 *for reimbursement for the cost of services to the receipt of the services by the*  
17 *individual.*]

18 “[*(5)*] **(4)** The department may not [*certify an agency*] **contract with an**  
19 **organization under subsection (2) of this section** to provide agency with  
20 choice services if the owner of **or an executive officer of the organization**  
21 [*the agency*] has been convicted of Medicaid fraud in any state within the  
22 25-year period prior to [*the certification*] **entering into the contract.**

23 “**SECTION 2.** Section 2, chapter 91, Oregon Laws 2021, is amended to  
24 read:

25 “**Sec. 2.** (1) The Department of Human Services shall adopt rules to en-  
26 sure fiscal transparency in the provision of community-based services to in-  
27 dividuals with intellectual or developmental disabilities and to ensure  
28 individuals with intellectual or developmental disabilities receive high qual-  
29 ity services from providers that are licensed, certified or endorsed by the  
30 department to provide community-based services. At a minimum, the rules

1 must establish, for providers of community-based services to individuals with  
2 intellectual or developmental disabilities:

3 “(a) **A reasonable fee to be paid by an organization when applying**  
4 **to become certified or to be recertified to provide community-based**  
5 **services to individuals with intellectual or developmental disabilities;**

6 “[a] (b) Requirements to annually submit staffing data to a reporting  
7 survey organization specified by the department;

8 “[b] (c) Requirements to submit an annual report **by April 15 of each**  
9 **year** to the department that includes:

10 “(A) A disclosure of executive compensation and benefits;

11 “(B) A disclosure of starting, average and highest wages for direct support  
12 [*professionals*] **workers** that are employed by, under contract with or other-  
13 wise engaged with the provider to deliver community-based services to indi-  
14 viduals with intellectual or developmental disabilities;

15 “(C) A disclosure of the provider’s overhead expenses and expenditures,  
16 **including for advertising, recruitment, purchasing property, employee**  
17 **benefits and training;** [*and*]

18 “(D) **A description of the retirement, health care and other benefits**  
19 **offered to employees, including the participation cost for each em-**  
20 **ployee and the rate of employee participation;**

21 “(E) **Disclosure of all revenue sources;**

22 “(F) **All realized profits; and**

23 “[D] (G) Any other fiscal matters prescribed by the department;

24 “[c] (d) Requirements to ensure that wages and health benefits paid to  
25 direct support [*professionals*] **workers** delivering community-based supports  
26 reflect any increase in rates approved by the Legislative Assembly for the  
27 purpose of improving wages and health benefits;

28 “[d] (e) Criteria for conditions under which **the department may:**

29 “(A) **Prohibit** a provider [*may be prohibited*] from applying for a license,  
30 certificate or endorsement; **and**

1       **“(B) Revoke, suspend or place a condition on the certification of a**  
2 **provider;**

3       ~~“(e) (f)~~ **Criteria for the inclusion of information about the organizational**  
4 **history of an applicant for a new license, certification or endorsement, not**  
5 **to exceed the 10 previous years; and**

6       ~~“(f) (g)~~ **A process for the consideration of the regulatory and safety**  
7 **compliance and operational experience of all providers in this state or in any**  
8 **other jurisdiction when issuing an initial license, certification or endorse-**  
9 **ment or renewing a license, certification or endorsement[.] **including, at a****  
10 **minimum:**

11       **“(A) Criteria for determining the appropriate sanction for failure**  
12 **to comply with employment and wage laws;**

13       **“(B) Completing criminal background checks; and**

14       **“(C) Complying with requirements for providing training for direct**  
15 **care workers.**

16       **“(2) A nonprofit organization may meet the requirements in sub-**  
17 **section (1)(c) of this section by submitted to the department the**  
18 **organization’s Internal Revenue form 990.**

19       ~~“(2) (3)~~ **Rules adopted by the department must, to the greatest extent**  
20 **practicable, consolidate new reporting requirements with existing reporting**  
21 **requirements to avoid the need for providers to make duplicative reports of**  
22 **the same information.**

23       **“SECTION 3. The Department of Human Services shall issue re-**  
24 **quests for proposals for up to two contracts under section 1, chapter**  
25 **91, Oregon Laws 2022, no later than December 31, 2024.”.**

26