

Requested by Representative OWENS

**PROPOSED AMENDMENTS TO
HOUSE BILL 2500**

1 In line 2 of the printed bill, after “410.607” insert “and 443.011”.

2 Delete lines 4 through 26 and insert:

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

4 **“(a) ‘Activities of daily living’ has the meaning given that term in**
5 **ORS 410.600.**

6 **“(b) ‘Elderly person’ has the meaning given that term in ORS**
7 **410.040.**

8 **“(c) ‘Home care services’ means assistance with activities of daily**
9 **living, activities of community inclusion and self-management pro-**
10 **vided to an elderly person or a person with a disability.**

11 **“(d) ‘Home care worker’ has the meaning given that term in ORS**
12 **410.600.**

13 **“(e) ‘Person with a disability’ has the meaning given that term in**
14 **ORS 410.600.**

15 **“(f) ‘Personal care attendant’ means an individual who:**

16 **“(A) Provides home care services to a person with a behavioral**
17 **health condition or disability in the person’s own home; and**

18 **“(B) Has met the requirements prescribed by the Oregon Health**
19 **Authority to be paid with Medicaid funds.**

20 **“(g) ‘Personal support worker’ has the meaning given that term in**
21 **ORS 410.600.**

1 “(h) ‘Provider’ means a home care worker, a personal support
2 worker or a personal care attendant.

3 “(i) ‘Remote’ means a location that is 25 miles or more from an
4 available provider.

5 “(2) Subject to the terms of any collective bargaining agreement
6 under ORS 410.612, the Department of Human Services and the au-
7 thority shall adopt rules to require the payment of mileage re-
8 imbursement, at the state reimbursement rate, to a provider of home
9 care services, paid for by the department, for individuals who live in
10 remote locations. The rules must require the individual receiving
11 home care services:

12 “(a) To apply to the department for the mileage reimbursement in
13 the form and manner prescribed by the department or the authority;

14 “(b) To demonstrate that the individual’s needs cannot be fully met
15 by household members or members of the community who live less
16 than 25 miles from the individual; and

17 “(c) To demonstrate that the individual has used available resources
18 to find a suitable provider who lives less than 25 miles from the indi-
19 vidual.

20 “SECTION 2. ORS 410.607 is added to and made a part of ORS 410.595
21 to 410.625.

22 “SECTION 3. ORS 410.607 is amended to read:

23 “410.607. (1) As used in this section, ‘remote’ means a location that
24 is 25 miles or more from an available home care worker or personal
25 support worker.

26 “[(1)] (2) The Home Care Commission shall convene a subcommittee of the
27 commission to define and establish classifications of home care workers and
28 personal support workers. The classifications shall be based on the worker’s
29 training, level of skill and the scope of the services provided by the worker.

30 “[(2)] (3) The commission shall:

1 “(a) Establish payment rates for each classification of home care worker
2 *[participating in the program described in ORS 410.605]* and **personal sup-**
3 **port worker; and**

4 “(b) **Require the payment of mileage reimbursement to a home care**
5 **worker or personal support worker who provides home care services**
6 **to an individual who resides in a remote location.**

7 “(4) **The state shall provide funding to agencies that provide home**
8 **care workers or personal support workers sufficient to reimburse the**
9 **cost of mileage reimbursement required by this section.**

10 “**SECTION 4.** ORS 443.011 is amended to read:

11 “443.011. (1) The Oregon Health Authority shall establish by rule training
12 requirements that must be met before an individual may be permitted to
13 provide in-home care services, as defined in ORS 443.305. The training re-
14 quirements must include a minimum number of hours of orientation and as-
15 sessment of competency. The minimum number of hours may be greater for
16 an individual who will be providing enhanced care and services, such as
17 medication management.

18 “(2) Except as provided in subsection (3) of this section, the training re-
19 quirements apply to any individual who is not licensed or certified to provide
20 health care in this state and who provides in-home care services as an em-
21 ployee or contractor of a licensed:

22 “(a) In-home care agency as defined in ORS 443.305;

23 “(b) Home health agency as defined in ORS 443.014; or

24 “(c) Hospital as defined in ORS 442.015.

25 “(3) The training requirements shall not apply to an individual providing
26 personal care services that are incidental to the provision of home health
27 care or hospital services.

28 “(4) **An in-home care agency may request approval from the au-**
29 **thority to be responsible for the training required under subsection (1)**
30 **of this section for the agency’s own employees and contractors. The**

1 **authority shall approve the request if the training:**

2 **“(a) Covers all topics and content as prescribed by the authority by**
3 **rule; and**

4 **“(b) Is provided in a manner that will equip in-home care services**
5 **workers to provide the level of in-home care services that the workers**
6 **will be responsible to provide.**

7 **“(5) The authority shall establish a process for in-home care agen-**
8 **cies to submit requests to provide the training for their own employees**
9 **and contractors under subsection (4) of this section. The process must**
10 **include a written application from the in-home care agency accompa-**
11 **nied by:**

12 **“(a) A statement of the method by which the training will be pro-**
13 **vided, such as on-the-job or in-person training;**

14 **“(b) An outline of the training program and copies of written ma-**
15 **terials used in the training; and**

16 **“(c) A statement of the qualifications and experience of the trainer**
17 **or trainers.**

18 **“(6) The authority must issue a notice approving or denying a re-**
19 **quest under subsection (4) of this section no later than 90 days after**
20 **the authority receives the request. The notice must be in accordance**
21 **with ORS 183.415 and specify the reasons for any denial.”.**

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