

SB 1521-9
(LC 78)
2/9/24 (LHF/ps)

Requested by Senator GELSER BLOUIN

**PROPOSED AMENDMENTS TO
SENATE BILL 1521**

1 On page 1 of the printed bill, line 2, after “individuals;” delete the rest
2 of the line and delete line 3 and insert “creating new provisions; amending
3 ORS 418.257, 427.181, 443.889 and section 2, chapter 568, Oregon Laws 2023;
4 and declaring an emergency.”.

5 After line 4 insert:

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

7 **“(a) ‘Enhanced supports to employers of personal support workers’**
8 **means support given to an individual in self-directing the individual’s**
9 **services or in managing personal support workers who are providing**
10 **in-home services and supports to the individual, using a person-**
11 **centered approach to ensure that the individual is at the center of the**
12 **decision-making process regarding what services are needed, including**
13 **by providing:**

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

16 **“(i) Self-direction; and**

17 **“(ii) The roles and responsibilities of the individual and the personal**
18 **support worker;**

19 **“(B) Training, coaching and other forms of support to the individual**
20 **in the overall management of personal support workers providing**
21 **personal support services to the individual, including in the recruit-**

1 ment, hiring, scheduling and training of personal support workers,
2 performance assessments of personal support workers and dismissal
3 of personal support workers; and

4 “(C) Other administrative and employment-related supports.

5 “(b) ‘Individual’ means a child or adult with an intellectual or de-
6 velopmental disability, or the representative of the child or adult, who
7 receives in-home services and supports through the Department of
8 Human Services.

9 “(2) The department shall contract with one or more organizations
10 to provide enhanced supports to employers of personal support work-
11 ers.

12 “(3) An organization contracting with the department under sub-
13 section (2) of this section shall be expected, at a minimum, to:

14 “(a) Maximize an individual’s self-direction and autonomy by sup-
15 porting the individual to direct the individual’s personal support
16 workers and manage the day-to-day services of the individual’s per-
17 sonal support workers;

18 “(b) Have a commitment to work with a broad coalition of
19 stakeholders in an effort to understand the changing needs of the
20 workforce and of individuals’ needs, rights and preferences; and

21 “(c) Have the ability to meet the state’s interest in preventing or
22 mitigating disruptions to individuals’ in-home services and supports.

23 “(4) The department may not contract with an organization under
24 subsection (2) of this section to provide enhanced supports to employ-
25 ers of personal support workers if the owner of or an executive officer
26 of the organization has been convicted of Medicaid fraud in any state
27 within the 25-year period prior to entering into the contract.

28 “SECTION 2. The Department of Human Services shall contract
29 with at least one organization to provide enhanced supports to em-
30 ployers of personal support workers, as defined in section 1 of this 2024

1 **Act, no later than July 1, 2024.**

2 **“SECTION 3.** ORS 427.181 is amended to read:

3 **“427.181. (1) As used in this section and section 5 of this 2024 Act:**

4 **“(a) ‘Agency with choice services’ means support given to an individual**
5 **in self-directing the individual’s services or in managing staff who are pro-**
6 **viding in-home services and supports to the individual, using a person-**
7 **centered approach to ensure that the individual is at the center of the**
8 **decision-making process regarding what services are needed, including by**
9 **providing:**

10 **“(A) Training, coaching and other forms of support to the individual on:**

11 **“(i) Self-direction; and**

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

14 **“(B) Training, coaching and other forms of support to the individual in**
15 **the overall management of staff providing direct support services to the in-**
16 **dividual, including in the recruitment, hiring, scheduling and training of**
17 **staff, performance assessments of staff and dismissal of staff; and**

18 **“(C) Other administrative and employment-related supports.**

19 **“(b) ‘Individual’ means a child or adult with an intellectual or develop-**
20 **mental disability[, or the representative of the child or adult,] who receives**
21 **in-home services and supports through the Department of Human Services.**

22 **“(2) The department shall contract with one or more **endorsed** organiza-**
23 **tions to deliver agency with choice services as a community-based services**
24 **option under ORS 427.007 (1)(d).**

25 **“[(3) An organization contracting with the department under subsection (2)**
26 **of this section shall be expected, at a minimum, to:]**

27 **“[(a) Maximize an individual’s self-direction and autonomy by supporting**
28 **the individual to direct the individual’s staff hired to provide direct support**
29 **services to the individual and manage the day-to-day services of the**
30 **individual’s staff hired to provide direct support services to the individual;]**

1 *“(b) Have a commitment to work with a broad coalition of stakeholders in*
2 *an effort to understand the changing needs of the workforce and of individuals’*
3 *needs, rights and preferences; and]*

4 *“(c) Have the ability to meet the state’s interest in preventing or mitigating*
5 *disruptions to individuals’ in-home services and supports.]*

6 *“(4) The department may not contract with an organization under sub-*
7 *section (2) of this section to provide agency with choice services if the owner*
8 *of or an executive officer of the organization has been convicted of Medicaid*
9 *fraud in any state within the 25-year period prior to entering into the*
10 *contract.]*

11 **“(3) The department shall adopt by rule minimum qualifications for**
12 **agencies to be endorsed by the department to deliver agency with**
13 **choice services.**

14 **“(4) Minimum qualifications for agencies endorsed to deliver agency**
15 **with choice services include, but are not limited to:**

16 **“(a) The ability to provide support for individuals in directing the**
17 **individual’s direct support worker and the day-to-day services of the**
18 **direct support worker;**

19 **“(b) A commitment to work with a broad coalition of stakeholders**
20 **in an effort to understand the changing needs of the workforce and**
21 **of individuals’ needs, rights and preferences; and**

22 **“(c) The ability to meet the state’s interest in preventing or miti-**
23 **gating disruptions to individuals’ in-home services and supports.**

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

28 **“(6) For the purpose of monitoring and evaluating workforce ca-**
29 **capacity and trends an agency endorsed to provide agency with choice**
30 **services must annually provide to the department in the manner and**

1 at intervals specified by the department by rule:

2 “(a) A list of direct support workers for which the agency billed the
3 department for services provided through the agency with choice
4 model;

5 “(b) The zip codes where the direct support workers provided ser-
6 vices; and

7 “(c) Verification of the completion of training required for each di-
8 rect support worker.

9 **“SECTION 4.** Section 2, chapter 568, Oregon Laws 2023, is amended to
10 read:

11 **“Sec. 2.** The Department of Human Services shall contract with [*an*] at
12 **least one** organization to deliver agency with choice services under [*section*
13 *1, chapter 91, Oregon Laws 2022,*] **ORS 427.181** no later than [*July 1, 2024*]
14 **January 1, 2026.**

15 **“SECTION 5. (1) As used in this section:**

16 “(a) ‘Assessed hours’ means the number of hours of direct support
17 services that the Department of Human Services determines is needed
18 by an individual in a month.

19 “(b) ‘Client’ means an individual who enrolls with an agency that
20 provides direct support services to the individual.

21 “(2) An agency that employs staff to provide direct support services
22 may not:

23 “(a) Offer bonus prizes or other forms of consideration to a poten-
24 tial client in exchange for the client enrolling with the agency;

25 “(b) Offer bonus payments, prizes, wage enhancements or other
26 forms of consideration to direct support staff in exchange for the di-
27 rect support staff agreeing to work for the agency;

28 “(c) Require a client to commit the majority of the client’s assessed
29 hours to the agency as a condition of enrollment;

30 “(d) Limit services only to individuals who agree to bring the

1 individual’s direct support staff to the agency;

2 “(e) Require direct support staff, as a condition of employment with
3 the agency, to bring to the agency the individuals to whom the direct
4 support staff provide services;

5 “(f) Enroll only clients who receive direct support services exclu-
6 sively from family members or close associates of the client; or

7 “(g) Facilitate financial exploitation by engaging in targeted com-
8 munications that encourage a health care provider to steer a client to
9 the agency.

10 “(3) It is solely the choice of an individual to select an agency to
11 provide direct support services.

12 “SECTION 6. The Oregon Health Authority shall hire for one posi-
13 tion in the authority’s unit that is responsible for investigating
14 Medicaid fraud or abuse and taking enforcement actions, in addition
15 to the positions in the unit on the effective date of this 2024 Act.”.

16 In line 5, delete “1” and insert “7”.

17 On page 3, line 1, delete “2” and insert “8”.

18 On page 4, line 42, delete “3” and insert “9”.

19
