

SB 1168 STAFF MEASURE SUMMARY

Senate Committee On Human Services

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Meeting Dates: 3/20, 4/1

WHAT THE MEASURE DOES:

The measure modifies a prohibition on per-visit compensation by home health agencies and hospice programs to apply to home health care staff and home hospice care staff, rather than nurses.

Detailed Summary:

- Defines "home health care staff" and "home hospice care staff" as individuals who provide those services and that those terms exclude supervisors, volunteers, and certain other health care professionals.
- Defines "term or condition of employment" to include bonuses, productivity-based pay raises, and disciplinary procedures.
- Modifies a prohibition on per-visit compensation by home health agencies and hospice programs to apply to home health care staff and home hospice care staff, rather than nurses.
- Specifies that per-visit compensation includes a term or condition of employment that is related to the number of patients served or the number of visits made to patients by a home health care or home hospice care staff person.

REVENUE: May have revenue impact, but no statement yet issued

FISCAL: May have fiscal impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Home health agencies are public or private service providers, which are licensed and regulated by the Oregon Health Authority, that employ contracted caregivers through a registry to provide in-home health services ([ORS 443.014 to 443.105](#)). Home health services are currently defined in Oregon law as, "items and services furnished to an individual by a home health agency, or by others under arrangements with such agency, on a visiting basis, in a place of temporary or permanent residence used as the individual's home for the purpose of maintaining that individual at home" ([ORS 443.014\(3\)](#)). Home health services are also outlined [Title XVIII of the Social Security Act](#) and must adhere to federal regulations governing home health services that are covered under Medicare and Medicaid ([42 CFR Part 484](#)).

Hospice programs provide coordinated, 24-hour palliative care and support to individuals experiencing a life-threatening disease with a limited prognosis ([ORS 443.850 to 443.869](#)). Hospice programs are required to be licensed by OHA, but are not required to obtain a separate license as an in-home health agency in order to provide in-home hospice care ([ORS 443.860](#); [ORS 443.867](#)). Hospice programs are also outlined in [Title XVIII of the Social Security Act](#) and are regulated by the Centers for Medicare and Medicaid Services ([42 CFR Part 418](#)).

Oregon law currently prohibits a home health agency or hospice program from compensating a nurse providing home health or hospice services on a per-visit basis and empowers the Bureau of Labor and Industries to enforce these requirements ([ORS 652.260](#)).