

SB 1168 A STAFF MEASURE SUMMARY

Senate Committee On Human Services

Action Date: 04/01/25

Action: Do pass with amendments and requesting referral to Ways and Means. (Printed A-Engrossed.)

Vote: 3-2-0-0

Yeas: 3 - Gelser Blouin, Prozanski, Reynolds

Nays: 2 - Linthicum, Nash

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: Matthew Perreault, LPRO Analyst

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 exclude home care workers, direct caregivers employed by an in-home care agency, physicians, nurse practitioners, psychiatrists, psychologists, volunteers, individuals classified supervisors under an applicable an applicable collective bargaining agreement, or individuals certified as a supervisor by the National Labor Relations Board or the Employment Relations Board.
- Defines "term or condition of employment" to include bonuses, productivity-based pay raises, and disciplinary procedures.
- Defines "home hospice services" as hospice services provided in an individual's temporary or permanent home by home hospice care staff.
- Defines "home health services" and "hospice services" as currently defined in Oregon law.
- 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.

ISSUES DISCUSSED:

- Comparison to alternative compensation schemes in other professions
- Judgment of health care providers in assessing patient needs

EFFECT OF AMENDMENT:

The amendment inserts definitions for "home health services," "home hospice services," and "hospice services."

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

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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](#)).