

**A-Engrossed**  
**Senate Bill 1168**

Ordered by the Senate April 8  
Including Senate Amendments dated April 8

Sponsored by Senator CAMPOS, Representatives NOSSE, NELSON; Senators GORSEK, MANNING JR, MEEK, PROZANSKI, REYNOLDS, Representatives GAMBA, HUDSON, MUNOZ, NERON, RUIZ, WALTERS

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act would ban paying certain home health staff on a per-visit basis. (Flesch Readability Score: 76.5).

Prohibits per-visit compensation for home health care and home hospice care staff.

**A BILL FOR AN ACT**

1  
2 Relating to per-visit compensation for home health care entities; amending ORS 652.260.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 652.260 is amended to read:

5 652.260. **(1) As used in this section:**

6 **(a) "Home health care staff" means individuals who provide home health services. "Home**  
7 **health care staff" does not include:**

8 **(A) Home care workers, as defined in ORS 410.600;**

9 **(B) Direct caregivers employed by an in-home care agency as defined in ORS 443.305;**

10 **(C) Physicians;**

11 **(D) Nurse practitioners;**

12 **(E) Psychiatrists;**

13 **(F) Psychologists;**

14 **(G) Volunteers; or**

15 **(H) Individuals classified as a supervisor under an applicable collective bargaining agree-**  
16 **ment or certified as a supervisor by the National Labor Relations Board or the Employment**  
17 **Relations Board.**

18 **(b) "Home health services" has the meaning given that term in ORS 443.014.**

19 **(c) "Home hospice care staff" means individuals who provide home hospice services.**  
20 **"Home hospice care staff" does not include:**

21 **(A) Home care workers, as defined in ORS 410.600;**

22 **(B) Direct caregivers employed by an in-home care agency as defined in ORS 443.305;**

23 **(C) Physicians;**

24 **(D) Nurse practitioners;**

25 **(E) Psychiatrists;**

26 **(F) Psychologists;**

27 **(G) Volunteers; or**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1       **(H) Individuals classified as a supervisor under an applicable collective bargaining agree-**  
2 **ment or certified as a supervisor by the National Labor Relations Board or the Employment**  
3 **Relations Board.**

4       **(d) “Home hospice services” means hospice services that are furnished to an individual**  
5 **by home hospice care staff in a place of temporary or permanent residence used as the**  
6 **individual’s home for the purpose of maintaining that individual at home.**

7       **(e) “Hospice services” has the meaning given that term in ORS 443.850.**

8       **(f) “Term or condition of employment” includes bonuses, productivity-based pay raises**  
9 **and disciplinary procedures.**

10       [(1)] **(2) A home health agency providing home health services may not compensate [a nurse]**  
11 **home health care staff providing home health services for the agency on a per-visit basis.**

12       [(2)] **(3) A hospice program providing hospice services may not compensate [a nurse] home**  
13 **hospice care staff providing hospice services for the program on a per-visit basis.**

14       **(4) For purposes of this section, compensation shall be considered to be on a per-visit**  
15 **basis if paid in connection with any term or condition of employment that is directly or in-**  
16 **directly related to or based in whole or in part on:**

17       **(a) The total number of patients served by a home health care staff person or a home**  
18 **hospice care staff person; or**

19       **(b) The number of visits made to patients by a home health care staff person or a home**  
20 **hospice care staff person.**

21       [(3)(a)] **(5)(a) The Bureau of Labor and Industries shall enforce compliance with the provisions**  
22 **of this section.**

23       **(b) In accordance with the provisions of ORS chapter 183, the Commissioner of the Bureau of**  
24 **Labor and Industries may adopt rules to carry out the provisions of this section.**

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