

## B-Engrossed Senate Bill 1168

Ordered by the Senate June 19  
Including Senate Amendments dated April 8 and June 19

Sponsored by Senator CAMPOS, Representatives NOSSE, NELSON; Senators GELSER BLOUIN, GORSEK, MAN-  
NING 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

Relating to per-visit compensation for home health care entities; creating new provisions; and amending ORS 652.260.

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

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

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

(a) **“Home health care staff” means individuals who provide home health services. “Home health care staff” does not include:**

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

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

(C) **Physicians;**

(D) **Nurse practitioners;**

(E) **Psychiatrists;**

(F) **Psychologists;**

(G) **Volunteers; or**

(H) **Individuals classified as a supervisor under an applicable collective bargaining agreement or certified as a supervisor by the National Labor Relations Board or the Employment Relations Board.**

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

(c) **“Home hospice care staff” means individuals who provide home hospice services. “Home hospice care staff” does not include:**

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

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

(C) **Physicians;**

(D) **Nurse practitioners;**

(E) **Psychiatrists;**

**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       **(F) Psychologists;**

2       **(G) Volunteers; or**

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

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

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

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

12       **[(1)] (2) A home health agency providing home health services may not compensate [a nurse]**  
13 **home health care staff providing home health services for the agency on a per-visit basis.**

14       **[(2)] (3) A hospice program providing hospice services may not compensate [a nurse] home**  
15 **hospice care staff providing hospice services for the program on a per-visit basis.**

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

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

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

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

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

27       **SECTION 2. Notwithstanding any other provision of law, the General Fund appropriation**  
28 **made to the Bureau of Labor and Industries by section 1, chapter \_\_\_\_\_, Oregon Laws 2025**  
29 **(Enrolled House Bill 5015), for the biennium beginning July 1, 2025, is increased by \$159,362,**  
30 **to enforce compliance with the provisions under section 1 of this 2025 Act prohibiting per-**  
31 **visit compensation for home health care staff and home hospice care staff.**