

Senate Bill 1168

Sponsored by Senator CAMPOS, Representatives NOSSE, NELSON; Senators GORSEK, MANNING JR, PROZANSKI, 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 **as introduced**. 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; 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 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;**

(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.**

(c) **“Term or condition of employment” includes bonuses, productivity-based pay raises**

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.

and disciplinary procedures.

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

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

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

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

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

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

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