



March 13, 2025

The Honorable Representative Dacia Grayber, Chair
Oregon House Committee on Labor and Workplace Standards
900 Court Street, NE
Salem, OR 97301

Re: Opposition to Senate Bill 1138/House Bill 3838 – Establishment of a Home and Community-Based Services Workforce Standards Board

The [Home Care Association of America](#) (HCAOA), representing home care agencies across Oregon, writes on behalf of our member agencies that provide essential home and community-based services (HCBS) to thousands of individuals throughout the state. HCAOA shares the Legislature's commitment to ensuring high-quality care and support for Oregonians who rely on these vital services. However, after careful review of [Senate Bill 1138](#) / [House Bill 3838](#) (hereinafter HB3838), we respectfully oppose this legislation due to several significant concerns regarding its potential impacts on care delivery, workforce sustainability, and provider capacity.

We fully acknowledge the importance of workforce stability, safety, and quality within the HCBS sector. Nevertheless, we believe the creation of the Home and Community-Based Services Workforce Standards Board proposed in HB3838 introduces risks and burdens that outweigh its potential benefits.

Key areas of concern directly referencing provisions of HB3838 include:

1. **Rigid Minimum Workforce Standards (Section 4):** HB3838 calls for uniform standards related to compensation, work schedules, staffing, and training requirements. We support fair wages and training; however, overly prescriptive standards fail to account for the varied operational realities and individualized care plans necessary for diverse populations across Oregon. Such inflexibility could limit providers' capacity to offer tailored, responsive care and diminish overall care quality.
2. **Impact on Availability of Services (Sections 4 and 5):** Providers, especially smaller and rural-based agencies, already face challenges with workforce recruitment and retention. The stringent and potentially costly requirements imposed by HB3838, including mandated training programs and staffing ratios, could worsen existing labor shortages and inadvertently result in fewer available caregivers, reduced service hours, and diminished care access for vulnerable individuals.
3. **Duplicative Regulatory Oversight (Section 2):** The proposed creation of a new Workforce Standards Board would significantly duplicate regulatory oversight already exercised by Oregon agencies such as the Oregon Health Authority (OHA) and Department of Human Services (DHS). This redundancy is likely to create confusion, inefficiency, and divert limited resources from direct care into unnecessary administrative processes.
4. **Privacy Concerns (Section 4(2)(g) and Section 12):** Requiring employers to share employees' personal information—including home addresses, phone numbers, and email addresses—with external third-party organizations raises significant privacy and security



concerns. Such provisions may discourage workforce participation and impose additional administrative burdens on providers without clear benefits for the workforce or care recipients.

5. **Overreach via Enforcement Mechanisms and Subpoena Authority (Sections 8 and 10):** The bill grants expansive investigatory and subpoena powers to the Workforce Standards Board, enabling the board to compel testimony and the production of sensitive documents. This could result in overly adversarial enforcement actions that erode collaborative relationships between providers and workforce members, potentially creating a contentious environment rather than promoting cooperative solutions.
6. **Fiscal Uncertainty and Legislative Ratification (Section 4(4)):** The requirement for legislative ratification of standards with fiscal impacts introduces unnecessary uncertainty and delays. Providers face significant challenges in planning and budgeting for care delivery when crucial workforce policies depend on periodic and unpredictable legislative approval processes. This uncertainty may lead to instability in care delivery and diminished responsiveness to client needs.
7. **Potential Negative Impact on Client Care Outcomes (Section 7):** Mandatory uniform training and certification requirements could unintentionally impede the flexibility and responsiveness required to address the unique and evolving needs of home care clients. Training standards should support individualized care approaches rather than impose rigid curricula that might fail to reflect the diverse needs of clients across Oregon.
8. **Risk of Increased Litigation (Section 10):** The bill explicitly provides avenues for civil actions against employers alleging violations of board standards. This increased potential for litigation could divert provider resources from care delivery toward legal defense, potentially increasing operational costs and further negatively affecting service availability.

We strongly encourage the Legislature to reconsider HB3838 in light of these critical concerns. Alternative measures should focus on targeted investments in workforce development, training, and supportive resources for providers without imposing burdensome and prescriptive regulatory standards.

Thank you for your consideration. HCAOA remains committed to partnering with the Legislature to ensure sustainable, high-quality home and community-based care for all Oregonians.

Respectfully,

A handwritten signature in black ink, appearing to read "Jason Lee".

Jason Lee, CEO
Home Care Association of America