

March 13, 2025

The Honorable Members of the Oregon Legislature  
Oregon House Committee on Labor and Workplace Standards

RE: Opposition to House Bill 3838 and the Home and Community-Based Services  
Workforce Standards Board

I write to you today as the CEO a home care agency serving the state of Oregon in opposition to House Bill 3838. We care for the most vulnerable Oregonians each week, who rely on us for support and comfort from our 14 locations in Corvallis, Eugene, Hermiston, Hillsboro, Gresham, Lincoln City, Newport, McMinnville, Medford, Milwaukie, Pendleton, Roseburg, Salem and The Dalles. We serve clients with compassion and respect, regardless of payor type from Medicaid, to VA, private pay or long-term care insurance. We invest in recruiting, retaining and motivating caregivers to ensure the most at-risk and fragile in our communities get the care they deserve.

The threat that HB3838/SB1138 poses to both those who rely on home care every day and the home care agencies that employ thousands of Oregonians is of serious concern. As a leader, I put my heart into ensuring our clients can continue to receive the highest quality care and HB3838 presents burdens that will gravely affect the future state of home care in Oregon.

We focus each and every day on strategies to create workforce stability, safety, and quality within the home care industry. Nothing is more important to us than our employees and we make continual improvements to ensure they have the best work experience possible. The Home and Community-Based Services Workforce Standards Board as proposed in HB3838 has far too many risks that overshadow its intended benefits. It would add burdens that could make operating a home care agency in Oregon very difficult and threaten the ability to provide care to the many citizens who need our help.

Ultimately and unfortunately, an overreaching administrative board will create bureaucracy and redundancies that could impact the individuals on the receiving end – the elderly, disabled and financially unstable. For these reasons, **we strongly oppose HB3838 and specifically these key areas of concern:**

1. Rigid Minimum Workforce Standards (Section 4): HB3838 calls for uniform standards related to compensation, work schedules, staffing, and training requirements. We offer and support fair wages and training. Overly prescriptive standards don't account

for the 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): Our industry already faces 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.

With these concerns and in consideration of protecting the vulnerable populations that rely on home care providers, we strongly encourage the Legislature to reconsider HB3838. Attention should focus on investments in workforce development, training, and supportive resources for providers without imposing burdensome, redundant and prescriptive regulatory standards.

Please protect home care in Oregon by rejecting HB3838/SB1138.

Respectfully,

Hector Barragan, CEO  
Family Resource Home Care