

Senate Bill 669

Sponsored by Senator MONNES ANDERSON; Senator TAYLOR, Representatives HOLVEY, KENY-GUYER

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**.

Modifies requirements for licensing of in-home care agencies. Prohibits retaliation against in-home caregiver for making complaint or reporting violation to Oregon Health Authority. Creates private right of action for retaliation against in-home caregiver who makes complaint or reports violation.

Requires all private agency caregivers that provide personal care services to complete specified training.

A BILL FOR AN ACT

1
2 Relating to assistance with activities of daily living provided to individuals in their own homes;
3 creating new provisions; and amending ORS 410.600, 443.025, 443.090, 443.305, 443.315, 443.327,
4 443.340, 443.350 and 443.355 and section 2, chapter 75, Oregon Laws 2018.

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

6 **SECTION 1.** ORS 443.305 is amended to read:

7 443.305. As used in ORS 443.305 to 443.350:

8 (1) “In-home care agency” means an agency primarily engaged in providing [*in-home*] **personal**
9 care services for compensation to an individual in that individual's place of residence. “In-home care
10 agency” does not include a home health agency as defined in ORS 443.014.

11 (2) **“In-home caregiver” means an individual employed by or contracting with an in-home**
12 **care agency to provide personal care services.**

13 [(2)] (3) “In-home care services” means personal care services furnished by an in-home care
14 agency, or an individual under an arrangement or contract with an in-home care agency, that are
15 necessary to assist an individual in meeting the individual's daily needs, but does not include
16 curative or rehabilitative services.

17 (4) **“Personal care services” means preventative or maintenance services that supple-**
18 **ment a client's own abilities and enable a client to accomplish activities of daily living and**
19 **other services.**

20 [(3)] (5) “Subunit” means an in-home care agency that provides services for a parent agency in
21 a geographic area different from that of the parent agency and more than 60 miles from the location
22 of the parent agency.

23 **SECTION 2.** ORS 443.315 is amended to read:

24 443.315. (1) A person may not establish, manage or operate an in-home care agency or purport
25 to manage or operate an in-home care agency without [*obtaining*] a license from the Oregon Health
26 Authority **and may not manage or operate an in-home care agency that provides services**
27 **outside of the scope of the services authorized by the classification of an in-home care**
28 **agency's license.**

29 (2) The authority shall establish classification requirements and qualifications for licensure un-

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 der **subsection (1) of** this section by rule. The authority shall issue a license to an applicant that
2 has the necessary qualifications and meets all requirements established by rule **in accordance with**
3 **ORS 443.340**, including the payment of required fees. An in-home care agency shall be required to
4 maintain administrative and professional oversight to ensure the quality of services provided **and**
5 **compliance with ORS 443.340.**

6 (3) An application [*for*] **to obtain, renew or change the classification of** a license required
7 under subsection (1) of this section shall be made in the form and manner required by the authority
8 by rule and shall be accompanied by any required fees, **information and documentation to verify**
9 **that the in-home care agency meets the requirements of ORS 443.340.**

10 (4) A license may be granted, or may be renewed annually, **if the authority determines that**
11 **the in-home care agency meets the requirements of ORS 443.305 to 443.350 and** upon payment
12 of a fee as follows:

13 (a) For the initial licensure of an in-home care agency that is classified as:

14 (A) Limited, the fee is \$2,000.

15 (B) Basic, the fee is \$2,250.

16 (C) Intermediate, the fee is \$2,500.

17 (D) Comprehensive, the fee is \$3,000.

18 (b) There is an additional fee of \$1,250 for the initial licensure of each subunit in any classi-
19 fication of in-home care agency.

20 (c) For the renewal of a license classified as:

21 (A) Limited or basic, the fee is \$1,000.

22 (B) Intermediate, the fee is \$1,250.

23 (C) Comprehensive, the fee is \$1,500.

24 (d) There is an additional fee of \$1,000 for the renewal of licensure for each subunit in any
25 classification of in-home care agency.

26 (e) For a change of ownership at a time other than the annual renewal date:

27 (A) The fee is \$350; and

28 (B) There is an additional fee of \$350 for each subunit.

29 (5) A license issued under this section is valid for one year. A license may be renewed by pay-
30 ment of the required renewal fee and by demonstration of compliance with requirements for renewal
31 established by rule **in accordance with ORS 443.340.**

32 (6) A license issued under this section is not transferable.

33 (7) The authority shall conduct an on-site inspection of each in-home care agency prior to ser-
34 vices being rendered and once every [*three years*] **year** thereafter as a requirement for licensing.

35 **The on-site inspection must include but is not limited to:**

36 (a) **Interviews with and observation of clients and in-home caregivers; and**

37 (b) **An inspection of records to verify compliance with the requirements of ORS 443.340.**

38 (8) In lieu of the on-site inspection required by subsection (7) of this section, the authority may
39 accept a certification or accreditation from a federal agency or an accrediting body approved by the
40 authority that the state licensing standards have been met, if the in-home care agency:

41 (a) Notifies the authority to participate in any exit interview conducted by the federal agency
42 or accrediting body; and

43 (b) Provides copies of all **materials or** documentation concerning the certification or accredi-
44 tation requested by the authority **under ORS 443.340 (3).**

45 (9) **The authority may issue a probationary license, for up to 90 days, to an applicant who**

1 was denied a license based on failing to comply with a provision of ORS 443.340 (1)(b) or to
 2 an in-home care agency whose license was suspended based on any provision of ORS 443.340,
 3 to allow the applicant or in-home care agency to come into compliance with the provisions.

4 **SECTION 3. (1) As used in this section:**

5 (a) “Agency” means a:

6 (A) “Caregiver registry” as defined in ORS 443.014.

7 (B) “Home health agency” as defined in ORS 443.014.

8 (C) “In-home care agency” as defined in ORS 443.305.

9 (b) “Retaliate” means any adverse action, if taken by an agency within 90 days of a
 10 complaint or violation reported under ORS 443.355, including but not limited to:

11 (A) Discharge from or termination of employment;

12 (B) Transfer of a client to a different in-home caregiver or other negative change in a
 13 caregiver’s responsibilities or working conditions; or

14 (C) Demotion or reduction in the remuneration paid for services.

15 (2) An agency may not retaliate against a caregiver who makes a complaint or reports
 16 a violation in accordance with ORS 443.355.

17 (3) Any caregiver who suffers an ascertainable loss of money as a result of a violation
 18 of subsection (2) of this section may bring an individual action in an appropriate court to
 19 recover actual damages.

20 (4) In any action brought by a person under subsection (3) of this section, the court may
 21 award to the prevailing plaintiff reasonable attorney fees and costs.

22 (5) Actions brought under subsection (3) of this section shall be commenced within two
 23 years of the date of the retaliatory action complained of.

24 (6) An action under this section may be in addition to any other remedy available to a
 25 caregiver, including but not limited to ORS 659A.233.

26 **SECTION 4.** ORS 443.327 is amended to read:

27 443.327. (1) Notwithstanding the existence and pursuit of any other remedy, the Oregon Health
 28 Authority may, in the manner provided by law, maintain an action in the name of the state for in-
 29 junction or other process against any person to restrain or prevent the establishment, conduct,
 30 management or operation of an in-home care agency without a license. The authority may recover
 31 attorney fees and court costs for any such action, **and civil penalties imposed under ORS**
 32 **443.325.**

33 (2) If an in-home care agency is found to be operating without a valid license **or operating**
 34 **outside of the scope of services allowed by the classification of the agency’s license,** the in-
 35 home care agency must provide notice to its clients in a manner and period of time set forth by the
 36 authority. **The in-home care agency must also reimburse its clients for all fees collected for**
 37 **the unauthorized services.**

38 **SECTION 5.** ORS 443.340 is amended to read:

39 443.340. (1) The Oregon Health Authority shall adopt [*administrative*] rules necessary for the
 40 [*implementation and*] administration of ORS 443.305 to 443.350. [*These rules shall*] **The rules must**
 41 **include, but are not limited to, [a requirement that an in-home care agency must conduct] require-**
 42 **ments to ensure that an in-home care agency:**

43 (a) **Conducts** criminal background checks on all individuals employed by or contracting with
 44 the agency as in-home caregivers;

45 (b) **Has liquid reserves equal to at least two months of operating expenses;**

1 (c) Ensures that in-home caregivers receive the training required by section 2, chapter
2 75, Oregon Laws 2018; and

3 (d) Currently and during the previous three-year period:

4 (A) Has been in compliance with state or federal laws protecting from abuse, neglect or
5 deceptive practices older adults, persons with disabilities or clients receiving personal care
6 services;

7 (B) Has not been found by the Bureau of Labor and Industries to owe unpaid wages under
8 ORS 653.010 to 653.261;

9 (C) Has not been issued a decision by the National Labor Relations Board finding that the
10 in-home care agency has committed an unfair labor practice or has not entered into a
11 settlement with the board to resolve a charge that the in-home care agency committed an
12 unfair labor practice;

13 (D) Has been in compliance with ORS chapter 659A;

14 (E) Has not committed an unlawful practice under ORS 646.608;

15 (F) Has not been found to have violated the federal False Claims Act, 31 U.S.C. 3729 et
16 seq. as in effect on January 1, 2010, or ORS 180.755; and

17 (G) Has not been found to be in violation of the federal Health Insurance Portability and
18 Accountability Act of 1996 (P.L. 104-191) and regulations adopted under that law, including
19 45 C.F.R. parts 160 and 164.

20 (2) The authority may not deny, revoke or suspend the license of an in-home care agency
21 based upon a violation of the requirements of subsection (1)(d)(B), (C) or (D) of this section
22 if an in-home care agency:

23 (a) Has entered into a collective bargaining agreement that establishes a bona fide pro-
24 cess for resolving labor disputes and violations of labor standards described in subsection
25 (1)(d)(B), (C) and (D) of this section; and

26 (b) The violation of the requirement under subsection (1)(d)(B), (C) or (D) of this section
27 occurred prior to effective date of the collective bargaining agreement.

28 (3) The authority may require any of the following materials or documentation from an
29 agency applying for or renewing a license under ORS 443.315:

30 (a) A list of ongoing or past civil, regulatory, administrative or bankruptcy proceedings
31 or investigations to which the agency or administrator of the agency is a party and any
32 judgments or orders resulting from the proceedings;

33 (b) A list of any ongoing or past investigations related to an alleged commission of:

34 (A) A violation of consumer protection laws;

35 (B) An unlawful practice described in ORS 646.608;

36 (C) Elder abuse or neglect;

37 (D) A violation of health information privacy laws;

38 (E) Unlawful billing practices; and

39 (F) Unlawful employment practices including practices related to termination, discrimi-
40 nation, harassment, retaliation, leaves of absence, hours of work, wages and pay, employee
41 health and safety, temporary and on-call staff and engagement and classification of inde-
42 pendent contractors;

43 (c) Verification of liquid reserves;

44 (d) A list of any debt obligations, unsatisfied judgments, liens and unpaid taxes;

45 (e) Copies of any material contracts, including but not limited to franchise agreements,

1 **broker agreements, partnership agreements and referral agreements;**

2 **(f) Copies of consumer contracts and fee schedules; and**

3 **(g) Personnel policies, including but not limited to the employee handbook, collective**
 4 **bargaining agreement, restrictive covenants and the wage scale.**

5 **(4) The authority shall make publicly available all materials or documentation received**
 6 **under subsection (3) of this section. Information that is not subject to disclosure as pro-**
 7 **ected health information or trade secrets must be withheld from disclosure or redacted**
 8 **from the materials or documentation.**

9 **SECTION 6.** ORS 443.355 is amended to read:

10 443.355. (1) Rules adopted by the Oregon Health Authority pursuant to ORS 443.085 and 443.340
 11 shall include procedures for the filing of complaints **and reporting of violations** as to the care or
 12 services provided by home health agencies, in-home care agencies or caregiver registries that ensure
 13 the confidentiality of the identity of the complainant **or reporter**.

14 *[(2) An employee or contract provider with knowledge of a violation of law or rules of the authority*
 15 *shall use the reporting procedures established by the home health agency, in-home care agency or*
 16 *caregiver registry before notifying the authority or other state agency of the inappropriate care or vio-*
 17 *lation, unless the employee or contract provider:]*

18 *[(a) Believes a client's health or safety is in immediate jeopardy; or]*

19 *[(b) Files a complaint in accordance with rules adopted under subsection (1) of this section.]*

20 *[(3)]* **(2)** Information obtained by the authority during an investigation of a complaint or reported
 21 violation under this section is confidential and not subject to public disclosure under ORS 192.311
 22 to 192.478. Upon the conclusion of the investigation, the authority may publicly release a report of
 23 its findings but may not include information in the report that could be used to identify the
 24 complainant or any client of the home health agency, in-home care agency or caregiver registry.
 25 The authority may use any information obtained during an investigation in an administrative or ju-
 26 dicial proceeding concerning the licensing of a home health agency, in-home care agency or
 27 caregiver registry.

28 *[(4)]* **(3)** As used in this section:

29 **(a) "Caregiver registry"** has the meaning given that term in ORS 443.014.

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

31 **(c) "In-home care agency"** has the meaning given that term in ORS 443.305.

32 **SECTION 7.** ORS 443.025 is amended to read:

33 443.025. **(1) As used in this section:**

34 **(a) "Hospital" means a hospital licensed under ORS 441.015.**

35 **(b) "Personal care services" has the meaning given that term in ORS 443.305.**

36 **(2)** A hospital licensed under ORS 441.015 may provide home health services without maintain-
 37 ing a separate governing body and administrative staff so long as the services provided meet the
 38 requirements of ORS 443.014 to 443.105 and the hospital pays the home health licensing fee under
 39 ORS 443.035.

40 **(3) A hospital may provide personal care services without maintaining an in-home care**
 41 **agency license if the hospital meets the requirements of ORS 443.315 and 443.340, including**
 42 **paying a fee and submitting documentation.**

43 **SECTION 8.** ORS 443.090 is amended to read:

44 443.090. **(1) As used in this section, "personal care services" has the meaning given that**
 45 **term in ORS 443.305.**

1 [(1)] (2) Notwithstanding ORS 443.305 to 443.350, a home health agency licensed under ORS
 2 443.015 that provides personal care services that are necessary to assist an individual in meeting
 3 the individual’s daily needs, but do not include curative or rehabilitative services, is not required
 4 to be licensed as an in-home care agency under ORS 443.315.

5 [(2)] (3) A licensed home health agency that provides personal care services shall comply with
 6 all laws and rules concerning in-home care services except for the [*licensing*] requirements in ORS
 7 443.315 (1) and (7).

8 **SECTION 9.** ORS 443.350 is amended to read:

9 443.350. The provisions of ORS 443.305 to 443.350 [*do not*] apply to organizations licensed, reg-
 10 istered or certified under ORS 101.030, 410.495, 443.410, 443.485, 443.725, 443.860 or 443.886 **only**
 11 **with respect to the provision of personal care services.**

12 **SECTION 10.** ORS 410.600 is amended to read:

13 410.600. As used in ORS 410.595 to 410.625:

14 (1) “Activities of community inclusion” includes but is not limited to volunteer activities, em-
 15 ployment, development of community life skills and participation in social and recreational commu-
 16 nity events.

17 (2) “Activities of daily living” includes but is not limited to the following:

- 18 (a) Bathing and personal hygiene;
- 19 (b) Dressing and grooming;
- 20 (c) Eating;
- 21 (d) Mobility;
- 22 (e) Bowel and bladder management; and
- 23 (f) Cognition.

24 (3) “Adult support services” means individually determined services, activities and purchases,
 25 whether those services, activities and purchases are necessary for an individual to live in the
 26 individual’s own home or the individual’s family’s home or to fully participate in community life or
 27 work, that:

- 28 (a) Complement existing services, activities or purchases available to the individual;
- 29 (b) Are designed, selected and managed by the individual or the individual’s legal representative;
- 30 (c) Are provided in accordance with an individualized plan; and
- 31 (d) Allow individuals to choose and have control over services and life goals.

32 (4) “Area agency” has the meaning given that term in ORS 410.040.

33 (5) “Commission” means the Home Care Commission established and operated pursuant to sec-
 34 tion 11, Article XV of the Oregon Constitution, and ORS 410.595 to 410.625.

35 (6) “Elderly person” has the meaning given that term in ORS 410.040.

36 (7) “Home care registry” means the registry described in ORS 410.604 (1)(d).

37 (8) “Home care services” means assistance with activities of daily living, activities of community
 38 inclusion and self-management provided by a home care worker for an elderly person or a person
 39 with a disability.

40 (9) “Home care worker” means:

41 (a) A person:

42 (A) Who is hired or selected by an elderly person or a person with a physical disability or by
 43 a parent or guardian of an elderly person or a person with a physical disability;

44 (B) Who receives moneys from the Department of Human Services for the purpose of providing
 45 care to the elderly person or the person with a physical disability;

1 (C) Whose compensation is funded in whole or in part by the department, an area agency or
2 other public agency; and

3 (D) Who provides either hourly or live-in home care services;

4 (b) A personal support worker; or

5 (c) A person who provides home care services to private payers through the program described
6 in ORS 410.605.

7 **(10) “In-home caregiver” has the meaning given that term in ORS 443.305.**

8 [(10)] **(11)** “Payment rates” means the cost to a private payer to purchase home care services
9 through the program described in ORS 410.605.

10 [(11)] **(12)** “Person with a disability” means a person with a physical disability, developmental
11 disability or mental illness.

12 [(12)] **(13)** “Personal support worker” means a person:

13 (a) Who is hired or selected by a person with a developmental disability or mental illness or a
14 parent or guardian of a person with a developmental disability or mental illness;

15 (b) Who receives moneys from the department for the purpose of providing care to the person
16 with a developmental disability or mental illness;

17 (c) Whose compensation is provided in whole or in part through the department, a support ser-
18 vices brokerage or other public agency; and

19 (d) Who provides home care services in the home or community.

20 **(14) “Private agency caregiver” means an in-home caregiver or other caregiver, other
21 than a home care worker, providing personal care services, as defined in ORS 443.305, for
22 compensation in a private home.**

23 [(13)] **(15)** “Private pay home care worker” means a home care worker who provides home care
24 services purchased from the commission by a private payer through the program described in ORS
25 410.605.

26 [(14)(a)] **(16)(a)** “Private payer” means an individual who purchases from the commission home
27 care services that are not otherwise covered by the medical assistance program.

28 (b) “Private payer” does not include the Home Care Commission, the Department of Human
29 Services, the Oregon Health Authority, an area agency or a support services brokerage.

30 [(15)] **(17)** “Self-management” includes but is not limited to the following activities, other than
31 activities of daily living, required by an individual to continue living independently in the
32 individual’s own home:

33 (a) Medication and oxygen management;

34 (b) Transportation;

35 (c) Meal preparation;

36 (d) Shopping; and

37 (e) Client-focused general household work.

38 [(16)] **(18)** “Support services brokerage” means an entity that performs the functions associated
39 with the planning and implementation of adult support services, including the provision of services
40 and the arrangement of activities and purchases, for the purpose of maximizing individual choice
41 and self-determination for persons with developmental disabilities or mental illnesses.

42 **SECTION 11.** ORS 410.600, as amended by section 4, chapter 75, Oregon Laws 2018, is amended
43 to read:

44 410.600. As used in ORS 410.595 to 410.625:

45 (1) “Activities of community inclusion” includes but is not limited to volunteer activities, em-

1 ployment, development of community life skills and participation in social and recreational commu-
2 nity events.

3 (2) “Activities of daily living” includes but is not limited to the following:

- 4 (a) Bathing and personal hygiene;
5 (b) Dressing and grooming;
6 (c) Eating;
7 (d) Mobility;
8 (e) Bowel and bladder management; and
9 (f) Cognition.

10 (3) “Adult support services” means individually determined services, activities and purchases,
11 whether those services, activities and purchases are necessary for an individual to live in the
12 individual’s own home or the individual’s family’s home or to fully participate in community life or
13 work, that:

- 14 (a) Complement existing services, activities or purchases available to the individual;
15 (b) Are designed, selected and managed by the individual or the individual’s legal representative;
16 (c) Are provided in accordance with an individualized plan; and
17 (d) Allow individuals to choose and have control over services and life goals.

18 (4) “Area agency” has the meaning given that term in ORS 410.040.

19 (5) “Commission” means the Home Care Commission established and operated pursuant to sec-
20 tion 11, Article XV of the Oregon Constitution, and ORS 410.595 to 410.625.

21 (6) “Elderly person” has the meaning given that term in ORS 410.040.

22 (7) “Home care registry” means the registry described in ORS 410.604 (1)(e).

23 (8) “Home care services” means assistance with activities of daily living, activities of community
24 inclusion and self-management provided by a home care worker or personal support worker for an
25 elderly person or a person with a disability.

26 (9) “Home care worker” means a person:

- 27 (a)(A) Who is hired or selected by an elderly person or a person with a physical disability or
28 by a parent or guardian of an elderly person or a person with a physical disability;
29 (B) Who receives moneys from the Department of Human Services for the purpose of providing
30 care to the elderly person or the person with a physical disability;
31 (C) Whose compensation is funded in whole or in part by the department, an area agency or
32 other public agency; and
33 (D) Who provides either hourly or live-in home care services; or

34 (b) Who provides home care services to private payers through the program described in ORS
35 410.605.

36 **(10) “In-home caregiver” has the meaning given that term in ORS 443.305.**

37 [(10)] **(11)** “Payment rates” means the cost to a private payer to purchase home care services
38 through the program described in ORS 410.605.

39 [(11)] **(12)** “Person with a disability” means a person with a physical disability, developmental
40 disability or mental illness.

41 [(12)] **(13)** “Personal support worker” means a person:

- 42 (a) Who is hired or selected by a person with a developmental disability or mental illness or a
43 parent or guardian of a person with a developmental disability or mental illness;
44 (b) Who receives moneys from the department for the purpose of providing care to the person
45 with a developmental disability or mental illness;

1 (c) Whose compensation is provided in whole or in part through the department, a support ser-
2 vices brokerage or other public agency; and

3 (d) Who provides home care services in the home or community.

4 **(14) “Private agency caregiver” means an in-home caregiver or other caregiver, other**
5 **than a home care worker, providing personal care services, as defined in ORS 443.305, for**
6 **compensation in a private home.**

7 [(13)] **(15)** “Private pay home care worker” means a home care worker who provides home care
8 services purchased from the commission by a private payer through the program described in ORS
9 410.605.

10 [(14)(a)] **(16)(a)** “Private payer” means an individual who purchases from the commission home
11 care services that are not otherwise covered by the medical assistance program.

12 (b) “Private payer” does not include the Home Care Commission, the Department of Human
13 Services, the Oregon Health Authority, an area agency or a support services brokerage.

14 [(15)] **(17)** “Self-management” includes but is not limited to the following activities, other than
15 activities of daily living, required by an individual to continue living independently in the
16 individual’s own home:

17 (a) Medication and oxygen management;

18 (b) Transportation;

19 (c) Meal preparation;

20 (d) Shopping; and

21 (e) Client-focused general household work.

22 [(16)] **(18)** “Support services brokerage” means an entity that performs the functions associated
23 with the planning and implementation of adult support services, including the provision of services
24 and the arrangement of activities and purchases, for the purpose of maximizing individual choice
25 and self-determination for persons with developmental disabilities or mental illnesses.

26 **SECTION 12.** Section 2, chapter 75, Oregon Laws 2018, is amended to read:

27 **Sec. 2.** (1) The Department of Human Services, acting on behalf of and subject to the approval
28 of the Home Care Commission, shall adopt by rule minimum training standards for home care
29 workers, **private agency caregivers** and personal support workers and shall establish procedures
30 for testing home care workers, **in-home caregivers** and personal support workers on their mastery
31 of the skills and knowledge to be acquired through the training.

32 (2) The department shall provide training on the mandatory training topics established under
33 this subsection and on any other training that the department or the commission deems appropriate
34 for the professionalization of home care workers, **private agency caregivers** and personal support
35 workers. The training provided pursuant to this section may include, but is not limited to, training
36 on the following topics:

37 (a) Safety and emergency measures.

38 (b) Understanding the requirements for providers paid with Medicaid funds.

39 (c) Providing person-centered care.

40 (d) Understanding how to support the physical and emotional needs of the individual who is re-
41 ceiving care.

42 (e) Managing medications.

43 (f) Providing personal care and assistance with activities of daily living.

44 (3) The training provided in accordance with this section must be geographically accessible in
45 all areas of this state and culturally appropriate for workers **and caregivers** of all language abili-

1 ties.

2 (4) In developing the training provided under this section, the department shall:

3 (a) Consider the needs of each worker **and caregiver** type, including [*workers*] **those** who are
4 relatives of the individuals receiving care, [*workers*] **those** who provide respite care[,] **and** experi-
5 enced [*workers*] and new workers **and caregivers**; and

6 (b) Strive to align the training with the training requirements for care providers in other long
7 term care settings.

8 (5) The department shall consult with the Developmental Disabilities and Mental Health Com-
9 mittee, unions representing home care workers, **private agency caregivers** and personal support
10 workers and other stakeholders in the adoption of rules to carry out the provisions of this section.

11 **(6) A caregiver providing personal care services, as defined in ORS 443.305, in a private**
12 **home through a caregiver registry described in ORS 443.100, in a home health agency as de-**
13 **defined in ORS 443.014, in a health care facility licensed under ORS 441.020 or for a health care**
14 **service contractor as defined in ORS 750.005 must complete the training described in this**
15 **section unless the caregiver is licensed or certified by the Oregon State Board of Nursing.**

16 **SECTION 13. (1) Private agency caregivers, as defined in ORS 410.600, shall be responsible**
17 **for the cost of their training under section 2, chapter 75, Oregon Laws 2018.**

18 **(2) The Department of Human Services may not impose a charge for the training of a**
19 **private agency caregiver that exceeds the amount necessary to reimburse the department's**
20 **cost in providing the training to the caregiver.**

21