



Oregon Administrative Rules Fact Sheet for In-Home Care Agencies: OAR 333-536-0005 through OAR 333-536-0075

The Oregon Health Authority, Public Health Division has amended Oregon Administrative Rules chapter 333, division 536 to address community input, feedback received from the Oregon Health Care Association, guidance received from Oregon State Board of Nursing, and passage of SB 226. The Authority has made changes to clarify language and definitions previously addressed through interpretive guidance, revised who can provide training to caregivers, service plan review, Registered Nurse requirements for 90-day medication regimen evaluation, and timeline for implementing orders from physicians located out-of-state.

This document is a summary of the recently amended rule requirements. This document does not identify the rules where only minor changes to text occurred for purposes of grammatical corrections, updating the term "Division" to "Authority" or when the intent of the rule remains the same but was re-written for clarity.

OAR 333-536-0005 – Definitions

Several definitions were amended for purposes of clarity, removal of duplicative information, and to add in the new trainer category for caregiver training.

- Medication
- Medication Administration
- Medication Assistance
- Professional Experience
- Qualified Trainer

OAR 333-536-0007 – Classifications

Information about who shall provide training was added to the table.

OAR 333-536-0065 – Service Plan

Language was added clarifying the service plan, including:

- Must have documented confirmation by the caregiver that they have reviewed the client's service plan prior to providing services;
- Must have the caregiver and administrator, administrator's designee, or administrator's delegate signatures or electronic identifiers documented; and,

- Must include a list of assigned caregivers documented in the client's record.

Additionally, per OSBN guidance, the term “nursing procedure” replaced the term “task”.

OAR 333-536-0070 – Caregiver Qualifications and Requirements

In follow-up to feedback from the Oregon Health Care Association, caregiver training requirements have been amended to add a qualified trainer option for caregiver training.

Additional changes include:

- Addition of agency specific orientation instructor and qualified trainer to the list of signatures required for caregiver training documentation;
- Requirement of documented proof of trainer credentials;
- Addition of the qualified trainer to the continued education list of trainer options; and,
- Clarification that caregivers providing medication services must have an additional hour of continued education relating to providing medication services.

OAR 333-536-0075 – Medication Services

Pursuant to SB 226 and Oregon State Board of Nursing guidance, language was added to clarify who can provide the nurse 90-day medication regimen and to provide a timeline for out of state medication orders. The language includes:

- Clarification of the requirement of Registered Nurse medication regimen evaluation for client's receiving medication administration services;
- Removal of Licensed Practical Nurses being able to provide the medication regimen evaluation;
- Clarification around what tasks the LPN can provide to the RN for the medication regimen evaluation; and,
- Addition of a timeline for accepting medication or treatment orders from an out of state physician.