

**OREGON HOME CARE COMMISSION
OREGON ADMINISTRATIVE RULES**

**CHAPTER 418
DIVISION 10**

PURPOSE AND RULEMAKING

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PURPOSE AND RULEMAKING

418-010-0010 Purpose

(Adopted 12/01/2014)

(1) In accordance with [Article XV, Section 11 of the Oregon State Constitution](#), the Commission ensures the high quality of homecare services by working cooperatively with area agencies and state and local agencies to accomplish the following:

- (a) Establish qualifications for homecare and personal support workers with the advice and consent of the Department of Human Services (DHS) and Oregon Health Authority (OHA);
- (b) Provide training opportunities for homecare and personal support workers; and seniors and individuals experiencing disabilities who employ homecare or personal support workers;
- (c) Maintain a Registry of qualified homecare and personal support workers;
- (d) Provide routine, emergency, and substitute referrals of homecare and personal support workers;
- (e) Enter into contracts with public and private organizations and individuals for the purpose to obtain or develop training materials and curriculum or other services as may be needed by the Commission;
- (f) Serve as employer of record for collective bargaining with homecare and personal support workers;

(g) Select workers' compensation coverage on behalf of a senior or individual experiencing disability who hires a homecare or personal support worker through a publicly funded program; and

(h) Train and certify homecare or personal support workers who desire to become certified community health workers or personal health navigators and meet eligibility criteria and ensure Coordinated Care Organizations honor employment terms and conditions of Community Health Workers and Personal Health Navigator established by the Commission.

(2) The rules in Oregon Administrative Rules (OAR) Chapter 418 establish procedures for the Commission to fulfill its mission to ensure high quality, comprehensive homecare services are provided for seniors and individuals with disabilities who receive services from homecare and personal support workers who they hire and are paid with public funds.

Stat. Auth.: [ORS 410.602](#)

Stats. Implemented: [ORS 410.602](#)

418-010-0020 Rulemaking

(Adopted 12/01/2014)

The Commission adopts the Attorney General Model Rules applicable to rulemaking, effective on November 1, 2014, with the exception of [137-001-0080](#).

Stat. Auth.: [ORS 183.341](#), [410.602](#)

Stats. Implemented: [ORS 183.341](#), [410.602](#)

418-010-0030 Notice of Proposed Rulemaking and Adoption of Temporary Rules

(Adopted 12/01/2014)

(1) Except as provided in [ORS 183.335\(7\), \(12\), or 183.341](#), before permanently adopting, amending, or repealing an administrative rule, the Commission shall give notice of the intended action:

(a) To legislators specified in [ORS 183.335\(15\)](#) at least 49 days before the effective date of the rule;

(b) To Individuals in the interested parties lists described in section (2) of this rule for the pertinent OAR chapter or pertinent subtopics or programs within an OAR chapter at least 28 days before the effective date of the rule;

(c) In the Secretary of State's Bulletin referred to in [ORS 183.360](#) at least 21 days before the effective date of the rule;

(d) To other individuals, agencies, or organizations the Commission is required to provide an opportunity to comment pursuant to state statute or federal law or as a requirement of receiving federal funding, at least 28 days before the effective date of the rule;

(e) To the Associated Press and the Capitol Press Room at least 28 days before the effective date of the rule; and

(f) In addition to the above, the Commission may send notice of intended action to other individuals, agencies, or organizations the Commission, in its discretion, believes to have an interest in the subject matter of the proposed rule at least 28 days before the effective date of the rule.

(2) Pursuant to [ORS 183.335\(8\)](#), the Commission shall maintain an interested parties list for each OAR chapter of rules for which the Commission has administrative responsibility, and an interested parties list for subtopics or programs within those chapters. An individual, group, or entity that desires to be placed on such a list to receive notices regarding proposed permanent adoption, amendment, or repeal of a rule must make

such a request in writing or by electronic mail to the rules coordinator for the chapter. The request must include either a mailing address or an electronic mail address to which notices may be sent, if requested.

(3) Notices under this rule may be sent by use of hand delivery, state shuttle, postal mail, electronic mail, or facsimile. The Commission recognizes state shuttle as mail and may use this means to notify other state agencies. An email notification under section (1) of this rule may consist of any of the following:

(a) An email that attaches the Notice of Proposed Rulemaking or Notice of Proposed Rulemaking Hearing and Statement of Need and Fiscal Impact.

(b) An email that includes a link within the body of the email, allowing direct access online to the Notice of Proposed Rulemaking or Notice of Proposed Rulemaking Hearing and Statement of Need and Fiscal Impact.

(c) An email with specific instructions within the body of the email, usually including an electronic Universal Resource Locator (URL) address, to find the Notice of Proposed Rulemaking or Notice of Proposed Rulemaking Hearing and Statement of Need and Fiscal Impact.

(d) The Commission may use facsimile as an added means of notification, if necessary. Notification by facsimile under section (1) of this rule shall include the Notice of Proposed Rulemaking or Notice of Proposed Rulemaking Hearing and Statement of Need and Fiscal Impact, or specific instructions to locate these documents online.

(e) The Commission shall honor all written requests that notification be sent by postal mail instead of electronically if a mailing address is provided.

(4) If the Commission adopts or suspends a temporary rule, the Commission shall notify:

(a) Legislators specified in [ORS 183.335\(15\)](#);

(b) Individuals on the interested parties list described in section (2) of this rule for the pertinent OAR chapter or pertinent subtopics or programs within an OAR chapter;

(c) Other individuals, agencies, or organizations the Commission is required to notify pursuant to state statute or federal law or as a requirement of receiving federal funding;

(d) The Associated Press and the Capitol Press Room;

(e) In addition to the above, the Commission may send notice to other persons, agencies, or organizations the Commission, in its discretion, believes to have an interest in the subject matter of the temporary rulemaking; and

(f) In lieu of providing a copy of the rule or rules as proposed with the notice of intended action or notice concerning the adoption of a temporary rule, the Commission may state how and where a copy may be obtained on paper, by electronic mail, or from a specified web site.

Stat. Auth.: [ORS 410.602](#)

Stats. Implemented: [ORS 183.330](#), [183.335](#), [183.341](#), [410.602](#)

418-010-0040 Delegation of Rulemaking Authority

(Adopted 12/01/2014)

Any member or employee of the Commission who is identified on a completed Delegation of Authority form signed by the Executive Director or Chair of the Commission and filed with the Secretary of State, Administrative Rules Unit, is vested with the authority to adopt, amend,

repeal, or suspend administrative rules as provided on that form until such delegation is revoked by the Executive Director or Chair of the Commission, or the person leaves employment with the Commission.

Stat. Auth.: [ORS 410.602](#)

Stats. Implemented: [ORS 183.325](#), [410.602](#)