

**TEMPORARY FILING**  
**INCLUDING STATEMENT OF NEED & JUSTIFICATION**  
*For internal agency use only.*

Oregon Department of Human Services, Aging and People with Disabilities (APD) Oregon Home Care Commission (OHCC)		418
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**FILING CAPTION**

*OHCC: Extended Completion Due Date for Mandatory Training for Home Care Workers*

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Agency Approved Date: [ 04/21/2022 ]

Effective Date: [ 04/22/2022 ] through [ 10/18/2022 ]

**RULEMAKING ACTION**

*List each rule number separately (000-000-0000). Attach clean text for each rule at the end of the filing*

**AMEND:**

OAR 418-020-0035

**RULE SUMMARY:**

*Include a summary for each rule included in this filing.*

The Oregon Department of Human Services (ODHS), Aging and People with Disabilities Program (APD), and the Oregon Home Care Commission are immediately amending rules in chapter 418, division 020 that govern mandatory training for homecare workers, personal support workers, and personal care attendants.

**Amend:** OAR 418-020-0035

**Rule Title:** Mandatory Training and Competency Evaluations – Effective 9/1/2021

**Rule Summary:** This rule is being amended to change the completion due date for required refresher training for incumbent workers from March 31, 2022, to June 30, 2022.

#### STATEMENT OF NEED AND JUSTIFICATION

Need for the Rule(s):

As mandated by Senate Bill 1534 (2018), rules in OAR chapter 418, division 020 were adopted to implement training standards for homecare workers, personal support workers, and personal care attendants to ensure workers have the skills, knowledge, and abilities to provide quality services and supports to individuals receiving Medicaid or Oregon Project Independence funded in-home services. The Commission needs to adopt and amend the rules in OAR chapter 418, division 20 to extend the completion due date for refresher training required for workers enrolled prior to Sept. 1, 2021 (referred to as incumbent workers in rule).

Justification of Temporary Filing:

Failure to act promptly and immediately amend OAR chapter 411, division 020 will result in serious prejudice to the public interest, the Commission, Oregon Department of Human Services, the Oregon Health Authority, homecare workers, personal support workers, personal care attendants, and individuals who receive in-home services. These rules need to be amended and adopted promptly to allow additional time for the current workforce to complete required refresher training.

Over 38,000 homecare workers, personal support workers, and personal care attendants were required to complete refresher training by March 31, 2022, and approximately 65 percent have completed refresher training as of the due date. Of those required to complete refresher training, 26,293 are actively providing services and supports to individuals experiencing disabilities, and over 84 percent have completed the required training.

OAR chapter 418, division 020 needs to be amended promptly because failure to extend the completion date for refresher training will result in the disenrollment of over 13,000 workers, 4,000 of whom are actively providing services and supports to individuals experiencing disabilities. Extending the deadline to June 30, 2022, will allow those who are currently registered for

training sufficient time to complete the required training, and accommodate those who do not have access to technology to complete the training offline.

Documents Relied Upon, and where they are available:

Enrolled Senate Bill 1534 (2018):

<https://olis.oregonlegislature.gov/liz/2018R1/Downloads/MeasureDocument/SB1534/Enrolled>

/s/ Cheryl Miller, Executive Director, Oregon Home Care Commission

04/21/2022

Signature

Date

**OREGON HOME CARE COMMISSION  
OREGON ADMINISTRATIVE RULES**

**CHAPTER 418  
DIVISION 20**

**OREGON HOME CARE COMMISSION FUNCTIONS**

**418-020-0035 Mandatory Training and Competency Evaluations –  
Effective 9/1/2021**

*(Temporary effective 04/22/2022 through 10/18/2022)*

- (1) Training curricula shall be reviewed and approved by the Commission prior to use at mandatory training.
- (2) Mandatory training shall be geographically accessible in all areas of the state.
- (3) Mandatory training shall be culturally appropriate for workers of all language abilities.
  - (a) If a training is not available in the worker's preferred language, interpreter services shall be made available.
  - (b) Training materials shall be culturally appropriate and accessible to workers in their preferred language. Reasonable efforts shall be made to accommodate language requests when there is adequate demand for the materials in the preferred language.
  - (c) Reasonable accommodations shall be provided in accordance with Title II of the Americans with Disabilities Act for homecare and personal support workers who experience a disability.
- (4) Mandatory core training.
  - (a) Effective September 1, 2021, homecare and personal support workers are required to complete eight hours of core training within 120 days of enrolling as a Medicaid provider.

(b) Homecare and personal support workers are exempt from 418-020-0035(4)(a) if they have a current certification awarded by the Commission as described in 418-020-0030(3) and continue to meet the on-going certification requirements.

(c) Core training topics include, but are not limited to:

(A) Safety and emergency measures.

(B) Understanding requirements for providers paid with Medicaid funds.

(C) Providing person-centered services and supports.

(D) Understanding how to support the physical and emotional needs of the individual receiving services.

(E) Managing medications.

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

(d) In addition to the core training topics described in OAR 418-020-0035(4)(c)(A) through (F), DHS and the Commission may establish other training topics deemed appropriate for the professionalization of the homecare and personal support worker workforce.

(5) Continuing education.

(a) Homecare and personal support workers with an approved to work end date of September 1, 2023 or later, are required to complete 12 hours of continuing education by the end of the worker's 24-month approved to work credential on an ongoing basis.

(b) Homecare and personal support workers are exempt from 418-020-0035(5)(a) if they have a current certification awarded by the Commission as described in 418-020-0030(3) and continue to meet the on-going certification requirements.

(c) Homecare and personal support workers are required to complete cultural competency training as part of their continuing education requirements.

(6) Orientation and core training competency evaluations.

(a) Competency evaluations shall be based on the CMS Direct Service Workforce Core Competencies.

(b) Competency evaluations shall measure a homecare or personal support worker's mastery of the skills and knowledge acquired through training.

(c) Homecare and personal support workers enrolled on or after September 1, 2021 shall complete competency evaluations after the completion of orientation and core training.

(d) Homecare and personal support workers enrolled on or after September 1, 2021 must pass competency evaluations to receive credit for completing orientation and core training.

(e) Competency evaluations shall be available in a manner that accommodates an individual's literacy skills and preferred language.

(f) The methodology and standards used for competency evaluations must be reviewed and approved by the Oregon Home Care Commission.

(7) Refresher Training. Incumbent workers are required to complete a refresher training by ~~March 31, 2022~~ June 30, 2022.

(8) Training Pilot. Homecare and personal support workers who participate in the DHS-approved training pilot between March 8, 2020 and August 31, 2021 shall be granted equivalent credit when training becomes mandatory on September 1, 2021.

Stat. Auth.: ORS 410.602

Stats. Implemented: ORS 410.603, 410.604, 410.625, Ch. 75 Oregon Laws 2018