



**Oregon Home Care Commission (OHCC)**  
**Meeting Minutes**  
 October 6, 2022

Members Present:	Ruth McEwen (Chair), Paul Johnson, Marsha Wentzell, Mary Mayer, George Adams
Members Absent:	Randi Moore
Others:	Marlee Baker and Mel Keller
Staff:	Cheryl Miller, Roberta Lilly, Ahmed Abdirizak, Nancy Janes, Kelly Rosenau, David Vining, Heidi Alasio, Miguel Cordova, Massarra Eiwaz-Ransom, Andrea Kempel, Jenny Cokeley

***Meeting Called to Order***

The meeting was called to order at 10:05 a.m. by Chair McEwen.

***Introductions***

Current and new commissioners introduced themselves and their service periods at OHCC. Also, OHCC staff introduced themselves and their roles.

***Adoption of Agenda***

Motion to approve the agenda was made by Commissioner Wentzell and **seconded** by Commissioner Mayer. **Motion carried.**

***Approval of Minutes***

Motion to approve the minutes was made by Commissioner Mayer and **seconded** by Commissioner Johnson. **Motion carried.**

***Announcements – Introduction of New Commissioners***

Commissioner Mayer spent 30 years in the United States Air Force and has worked with veterans. She is the representative for the Governor’s Commission on Senior Services (GCSS) now and enjoys giving back to the community. She worked on the Advisory Committee to the Director of Veterans Affairs for 4 years. Cheryl expressed interest in drawing veterans into the provider workforce and invited Mary to join our Workforce Collaborative (workgroup).

Commissioner Adams is the Chairperson for Jackson Care Connect for medical rides. He is the Chair for Valley Lift for seniors and people with disabilities and is also on the Community Advisory Committee for Jackson Care Connect. He was on the Board of Directors for Care Coordinated Organization and has been simultaneously Chair, Vice Chair, and Board of Director. George is on the ODOT ADA Transition Plan Committee which is coming to fruition in November.

He advocates with the City of Medford to answer questions for ODOT, OHA, and Oregon Health Renewal Services. He has participated on several Rule Advisory Committees, as well.

### ***Public Testimony***

None.

### ***Oregon Association of Area Agencies on Aging (O4AD) Report***

Commissioner Moore is absent.

### ***Oregon Disability Council (ODC) Report***

Commissioner Wentzell reported that there is a new workgroup for persons with disabilities. The goal is to increase the amount of allowed earnings that will permit people to aspire to a level of job that they are capable of without being penalized for their earnings and still have access to personal Medicaid coverage. This has exciting possibilities.

Work was done on Equity and Inclusion with detailed discussion about cultural points of view. This is an ongoing project to open our lives to become more culturally aware and inclusive.

### ***Aging and People with Disabilities (APD) Report***

Commissioner Johnson noted that there may some information from APD to share at the next meeting. Mat Rapoza may be at the next meeting to discuss the progress being made in several program areas of APD's work.

He had no updates on the Oregon Project Independence (OPI-M). This has not been approved by CMS, yet. We will have Jane-Ellen Weidanz in December, and we hope to have answers by then.

We have a recent pilot project with GrandPad that has a tablet for senior adults. It can be used to address loneliness and social isolation with in-home consumers. They have a letter to send out to 2,000 consumers to see how this device can help with homebound people to minimize loneliness. It has taken some time to work through the contract with GrandPad, but we are anticipating that GrandPad tablets will be shipped to the pilot participants in early December.

### ***Governor's Commission on Senior Services***

Commissioner Mary Mayer reported that they will have a meeting next Thursday.

### ***Community Advisory Committee***

Commissioner Adams reported that there will be Medicare people who will go on to CCO Dental. This is for people eligible for Fee for Service. They may be using Non-Emergency Medical Transportation starting in January 2023.

***OHCC Executive Director Report***

Cheryl Miller, OHCC Executive Director, provided her monthly report.

**New Commissioner – Welcome**

Please join me in welcoming George Adams and Mary Mayer to the Oregon Home Care Commission (OHCC)!

George Adams is a Consumer-Commissioner and joins us with a wealth of advocacy experience. Mary Mayer is the Governor's Commission on Senior Services representative to the Commission. Thank you both for your service to Oregonians!

**Rulemaking and APD Consumers**

APD would like to create a training for consumers who are interested in participating in rules advisory committee (RAC) meetings. Cheryl is interested in commissioner feedback.

Some questions to ask are:

- Are trainings needed?
- Should it be a requirement?
- Should the RAC participants complete an application?
- Do you want to participate in the training development?

Commissioner Johnson noted the difficulty in getting people to participate and would like to see more communications go out and removal of barriers.

Commissioner Wentzell would like to see a broader representation of the people with various skills and backgrounds. She said that completing an application for each RAC would discourage her participation due to the length of the document and the process. She would like to see TV ads to encourage people to contribute and vote.

Chair McEwen said that many people still feel like victims of the services and do not feel like they have the power to bring about change and contribute.

Commissioner Adams suggests us all coming together to create a friendly brochure to send out to DSACs and local offices in Oregon to recruit people to the OHCC. Cheryl will send him our brochure so he can provide feedback.

### **OHCC Consumer Vacancies**

The Oregon Home Care Commission (OHCC) consists of nine commissioners appointed by the Governor for up to three (three-year) terms. Five are consumers of homecare services. The other four represent the Department of Human Services, the Governor's Commission on Senior Services, the Oregon Disabilities Commission, and the Oregon Association of Area Agencies on Aging and Disabilities.

Share this the links below with an in-home consumer interested in joining the Oregon Home Care Commission.

- [OHCC recruitment brochure](#)
- [OHCC Commissioner manual](#)
- [Apply today in Workday](#)
- [Workday application instructions](#)

### ***“Nothing about us without us”***

Commissioner Wentzell would like to see public schools offer courses with the awareness of participating in advocacy and government by voting.

### ***October is National Disability Employment Awareness Month***

**My disability is one part of who I am.**

***At work, it's what people can do that matters.***

### **Carina Registry Update**

We are working on communication flyers to send out to consumers about the new registry. DD advocates have raised concerns regarding confidentiality issues and additional needed edits to the Carina platform. ODHS, OHA, and OHCC meet with Carewell/Carina Friday morning.

OHCC and APD continue to work through the process for the OIS Mainframe team to create a webservice. The webservice will allow Carina to confirm if the consumer is Medicaid or Oregon Project Independence eligible. No data will be exchanged. Carina will only receive a yes or no response through the webservice.

**Provider - Personal Protective Equipment - Requests**

OHCC - SEIU	Aug 22	Sept 22	2022	4/20-7/22 Total
SEIU	0	0	2,000	10,357
OHCC	49	33	434	1,316
<b>Total</b>	49	33	2,434	11,673

**Carewell/Rise Partnership - Refresher Training Data**

Provider Type	Providers Working	% Incomplete	Training Completed	% Completed
All	23,532	6.2%	22,075	93.8%
Homecare Worker	12,867	8.0%	11,835	92.0%
Personal Care Attendant	234	7.7%	216	92.3%
Personal Support Worker	11,319	4.0%	10,862	96.0%
<i>Paid providers (paid within the past three months)</i>				

**OHCC Projects and Workgroups – Your Voice Matters – Get Involved****Workforce Collaborative**

- OHCC is connecting with high schools, workforce investment boards, WorkSource Oregon, resettlement agencies, veterans, and other non-traditional venues, such as the Deaf and Hard of Hearing community.
- OHCC will share a brochure with commissioners and partners for feedback and possible revision.

**Workforce Development Pilot Project**

- Virtual Chat Bot Recruiter & Workforce Readiness Assessment
- DocuSign Online Application

**OSU PACE Learning Management System**

Roberta Lilly, OHCC Training Manager collaborated with Oregon State University to bring its Professional and Continuing Education (PACE) Learning Management System to providers. PACE will make the Professional Development Certification

and other OHCC certifications more accessible to providers. All OHCC certifications offer a pathway to higher wages for providers.

### ***Oregon Fair Housing Council (FHCO)***

Marlee Baker is the Education and Outreach Specialist for the Portland Metro and Salem Regions. Mel Keller is the Education and Outreach Specialist for the Mid-Willamette Valley. Melissa reported on the role of FHCO, specifically the protected disabilities class, red flags, ways to identify discrimination, reasonable accommodations and modifications, and service animals.

#### **What is FHCO?**

FHCO is a statewide civil rights organization and deals with housing, discrimination, education, and enforcement.

#### **Fair Housing Laws**

- Fair Housing Act passed in 1968
- Civil rights laws promoted equal access to housing
- Makes it illegal for housing providers to discriminate against protected classes (different from landlord-tenant law)

#### **What is Fair Housing?**

- The right of all people to be free from illegal discrimination in the rental, sale, or financing of housing.
- In rental housing, these laws cover the application process, tenancy, and move out.

#### **What is Discrimination?**

- Treating a person differently in any housing transaction because of their protected class

#### **Federal Protected Classes**

- Race
- Color
- National origin
- Religion
- Sex, including domestic violence survivors, sexual orientation, gender identity, familial status (families with children)

- Disability

### **Oregon Protected Classes**

- Marital status
- Source of income (Section 8, Agency rent payments, TANF, SSI, SSDI)
- Sexual Orientation/Gender Identity
- Local protected classes (college towns)

### **Application of Fair Housing**

Who must comply: owners/landlords; property managers, maintenance staff, homeowners' associations, real estate agents, mortgage lenders/financial institutions, insurers, neighbors, jurisdictions, and advertising media.

Federal Housing Laws apply to dwellings: houses, apartments, condos, floating homes, mobile homes, retirement housing, assisted living, non-profit housing, motel rooms (depending on length of stay).

### **When is it legal for a landlord to treat someone differently?**

Applicants with problem histories:

- Rental references
- Criminal backgrounds
- Credit histories
- Insufficient incomes

### **Residents who violate their rental agreement:**

- Residents who do not pay rent on time
- Disturb the neighbors
- Damage property
- Are involved in illegal activities

### **Ask Yourself:**

Is the housing provider treating the applicant/tenant differently?  
Is this because they are part of a protected class?

### **Red Flags when applying:**

- Refusal to rent, sell, or finance

- False or inconsistent information
- Linguistic profiling and not returning calls
- Steering
- Discriminatory advertising

**Red Flags in tenancy:**

- Discriminatory statements
- Refusal to use tenant's self-identified pronouns/name
- Inconsistent policies, rules, procedures
- Discrimination against residents with protected class guests
- Harassment, intimidation, threats, coercion
  - Sexual harassment
  - Neighbor-on-neighbor harassment

**Red Flags during move-out:**

- Retaliation
- Termination notices
- Evictions
- Possible housing discrimination
  - Is it related to protected class?
  - Keep a paper trail

\*Housing providers must be consistent in how they apply policies, rules, and procedures in all stages of the rental process.

**Protected Class of Disability****Housing Discrimination in Oregon**

- 50% of hotline calls are from people with disabilities
- 1/10 cases of discrimination are ever reported
- **Laws Protecting Persons with Disabilities**
  - Fair Housing Act (FHA)
- Section 504 of the Rehabilitation Act of 1973, applies to federally funded housing
- Americans with Disabilities Act (ADA)



**Disabilities defined:**

Any physical or mental condition that substantially impairs a majority of life activity

- Walking
- Seeing
- Hearing
- Breathing
- Thinking
- Caring for oneself

**The Protected Class of Disability includes:**

- Ongoing chronic medical conditions
- Addiction to alcohol and drugs (not current users of illegal drugs)
- History of a disability
- Assumption of a disability

\*A housing provider cannot discriminate based on a disability. However, the applicant or tenant must be able to follow the rental agreement.

**Disability is different:**

A landlord may need to provide something extra or remove a barrier that would prevent the person from living there.

- Reasonable modification: A physical change to a unit, such as adding a ramp, grab bars in a shower, or adapted bathrooms/kitchens
- Reasonable accommodation: an exception to a standard policy, practice, or procedure (parking space closer to unit, asking to be notified 10 days before rent is due).

**The Reasonable Accommodation Request**

- Can be made at any point
- Must be evaluated on its own merit
- There is no limit to the number of accommodations a resident can request

**All requests must be considered, but they must be *reasonable*.**

- Not second-guessing the verifier
- Concerns the impact on the housing provider

**Reasonable means:**

- Not too costly (elevator installation)
- Not an undue burden (open books to prove)
- Part of the housing provider's job description (issuing a smaller trash can)

**Assistance Animals-relevant documentation must be provided**

- Trained service animals
- Companion animals
- Emotional support animals

**When is an assistance animal request *unreasonable*?**

Housing providers may not restrict:

- Need for multiple assistance animals
- Weight limits
- Breed restrictions

\*Only deny when 1) an undue financial or administrative burden; 2) too costly; 3) not a part of the property manager's job description

**Breed Restrictions in Insurance Policies**

May create an undue hardship

Need to show evidence that:

- You forwarded the accommodation request to the insurer, and they refused
- You sought and were unable to find an alternate insurer that would allow the animal

\*As long as assistance animals are not causing direct damage or threats to property or individuals, they are allowed.

**A Housing Provider Should Not:**

- Ask questions about the nature of the disability
- Share information about the resident's disability with others
- Require an examination by the HP's medical or mental health provider (or charge the applicant for such)
- Require that a verifier report the RA/RM is necessary to live independently

- Charge deposits for scooters, wheelchairs, caregivers, assistance animals, etc.

### **A Housing Provider Should:**

- Only ask questions related to screening criteria/mental health agreement
- Keep information confidential about someone's disability
- Expect verification for RM/RA unless the disability is evident
- Work with tenant to find a reasonable alternative if denying a request

### **If Denied:**

- A landlord is required to give the reason for a denial if:
  - The applicant paid an application fee
  - The applicant did not pay to apply but requests the reason for denial in writing
- If wrongfully denied:
  - Find out the appeal process
  - Appeal and provide necessary information to correct misinformation
  - Contact FHCO

### **Contact FHCO:**

Marlee Baker [mbaker@fhco.org](mailto:mbaker@fhco.org)

Mel Keller: [mkeller@fhco.org](mailto:mkeller@fhco.org)

Phone: 503-223-8197 ext. 2

Fair Housing Hotline: [inquiries@fhco.org](mailto:inquiries@fhco.org)

Website: [www.fhco.org](http://www.fhco.org) Click on "Report Housing Discrimination".

### **Carewell SEIU 503 Benefits Report**

Arlene Vila, Senior Benefits Organizer, reported.

Carewell provides benefits for all care provider types and continue to improve annually. There are 25,000 care providers who are eligible for some or all benefits offered.

- ~23,000 receive Dental, Vision, and Employee Assistance program benefits
- ~19,000 receive Paid Time Off (PTO)
- ~5,000 enrolled in Healthcare Cost Assistance benefits
- ~2,400 enrolled in HCA Part B benefits

## Regular PTO

	<b>PTO Amount Paid Out</b>	<b>Care Providers Receiving Benefits</b>	<b>Avg. amount paid per care provider</b>
<b>July</b>	\$2,471,688	6,975	\$354
<b>YTD</b>	\$6,951,627	19,473	\$357

## New PTO Benefit Beginning January 1, 2023

- The new model will allow providers to earn 1 hour of PTO for every 20 hours worked with a monthly cap of 4 hours to be earned
- Providers may use or cash out their PTO
- Providers may earn up to 48 hours/year
- Approximately 13,000 more providers will earn PTO for the first time when the new PTO benefit begins in January 2023.

## Income Updates and Special Enrollment Period (SEPs)

- Care providers are employed by their consumers, and their health coverage is from the Federal Marketplace.
- To date, 524 care providers have received Carewell assistance with updating their information with the Marketplace.
- Open enrollment is from November 1, 2022-January 15, 2023, but care providers may request a Special Enrollment Period due to certain circumstances.

## Open Enrollment Planning

- Carewell provides Healthcare Cost Assistance benefits for eligible providers that cover 100% of the monthly premium for approved Marketplace plans and up to \$6,600 per year for out-of-pocket expenses.
- In September 2022, 8,848 Trust-eligible providers had their health coverage listed as unknown, and 720 are labelled as uninsured in our database.
- 5,569 providers are currently enrolled in a Marketplace plan.

## Education Events

- Medicare 101 and healthcare Cost Assistance webinars were offered in August.
- In-person events will resume in October; online webinars will continue to be offered.

- Precautions are still being taken to promote safety due to COVID-19.
- Contact: [CarewellSEIU503.org/edevents](https://www.carewellseiu503.org/edevents)

### Medicare Benefits Outreach

- 25,924-number of current care providers
- 7,541 providers are now over the age of 65 or will be within the next 5 years.
- Currently, there are 2,419 providers on Medicare who are enrolled in the Healthcare Cost Assistance benefits.
- Carewell began an outreach program in March 2022 to make care providers aware of un-used benefits that they are eligible for.

	Part B		Part D	
	Amount paid out	Providers receiving benefits	Amount paid out	Providers receiving benefits
<b>2021</b>	\$4,115,094	2,328	\$481,460	1,536
<b>2022</b>	\$3,221,205	2,678	\$543,876	1,710

### Dental Out-of-Pocket Reimbursement Program

	Amount paid out	Providers receiving benefits	Average amount paid per provider
2021	\$508,423	1,085	\$592
2022	\$279,978	584 *unique	\$479
Total	\$788,401	1,669	n/a

### Carina Registry

- On July 15, 2022, Carina launched in 3 pilot counties: Lane, Marion, and Clackamas.
- Over 17 case manager entities have been trained on supporting consumers to use this system; 150 case managers are already registered in Carina
- Care providers and consumers will use this platform. Currently, there are 356 care providers and 144 consumers who are using the system.
- User support has been very successful.

OHCC sent out an introduction to Carina in an email to consumers the week of September 12, 2022 and will send another communication with a link to register in late October.

### ***Provider Time Capture (PTC)***

Gwen Ayers, APD Operations & Policy Analyst/PTC Lead, reported. Gwen reported on recent system updates.

On Friday, September 23, 2022, PTC began requiring providers to attest to their time being entered correctly.

Commissioner Adams noted consumers confusion on Fobs and how to get them. Now they are told that they need to be requested through case managers. He wants this to be clearer and concise as to whom these requests go. Gwen said that PTC has always sent consumers and providers to case managers for a Fob. This is the official process.

Commissioner Wentzell noticed that data is no longer being collected on the daily tasks performed and requested the thought process on this. Gwen noted that this is related to the attestation change. This step at clock out where providers select tasks performed, the change just attests to the time being correct. PTC had the understanding that EVV requirements wanted tasks noted. DOJ requested an attestation, so the tasks are not required of EVV. It is not being tracked in a database. One aspect of EVV had to do with work performed; however, this is included on the service code for each entry.

Commissioner Wentzell has a team of providers who have problems clocking in and out. They come back on the next shift, and the system has failed to accept the time entry. This is a common problem. When providers want to note the reason for the problem, none of the options include a system problem. Providers could also report this to the PTC Support Team and the DCI Help Desk along with a screenshot, if possible. Gwen will ask her team about this, and she suggests providers call their respective local offices.

[PTC.Support@odhsoha.oregon.gov](mailto:PTC.Support@odhsoha.oregon.gov)

Commissioner Adams suggested a faster toll-free number with 5-10 people to answer phone calls. Consumers are very irritated. Wait times are 6-20 minutes, generally. Gwen will relay this to the call center team.

On October 7, 2022, the system will no longer allow time entries over 16 hours. There is a workaround, by creating two separate entries, if the case managers approve it. PCAs will still have the 23.99-hour limit.

### ***Carewell Curriculum Review***

David Vining, OHCC Program Analyst, had an update on upcoming approval requests. The Internal Review Committee (IRC) will meet soon to review Carewell curriculum. Senate Bill 1534 requirements include Cultural Competency training every two years. OHCC works closely with Carewell to ensure this is a quality product. David hopes to have a product to present at the November commission meeting. He recently received Carewell's Continuing Education curriculum and hopes to bring that for review in December.

Cheryl praised the IRC for their hard work and noted that it is a great way to review the curriculum and make recommendations. OHCC depends on commissioner input and encouraged others to participate.

### ***Training & Registry Report***

Roberta Lilly, OHCC Training & Registry Manager, reported.

Roberta noted that her unit trains all three provider types in various languages. Since March 2020, they moved mostly to Zoom meetings and have had positive feedback. Some classes have been offered in person since May 1, 2022. In-person training conferences launched in Salem in September. The Professional Development Certification (PDC) allows students to earn a stipend, gain a pay increase of 50 cents per hour, and meet the SB 1534 requirements. The training unit completed a training conference at Blue Mountain Community College in Pendleton. Soon they will travel to Klamath Falls Community College and Southwestern Oregon Community College in Coos Bay. Training conferences for Medford and Roseburg will be in November and December.

Roberta shared an update about the Professional and Continuing Education (PACE) system.

- 119 classes have been trained through PACE since August 1, 2022
- The "Providing Services to Persons with Low Vision" course was offered with 28 students in attendance and was taught by the Commission for the Blind
- 136 classes are currently registered in PACE

- 1,480 users are in PACE
- 1,337 people have registered for classes
- PACE includes an email communication system

### **CCO Oregon Conference**

Chair McEwen wished to add the results of the CCO Oregon Conference where they share on how they are working with the legislature. Three teams are interested in ensuring that people are receiving needed services. Ruth saw OHA's presentation and noted that they are using "person-centered care." Commissioners are very excited to see this addition.

Commissioner McEwen and Commissioner Wentzell had created a video on person-centered care illustrating what each needed for their care. This became part of a training for case managers and has now become part of OHA's vocabulary.

### **Adjournment**

The meeting was adjourned at 1:24 PM by Chair McEwen.

### **2022 Attendance Record**

Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Johnson	P	P	P	P	P	P	P	P	P	P		
King	E	P	P	P	P	P	E	P	P	E		
McEwen	P	P	P	P	P	P	P	P	P	P		
Moore	P	P	P	P	E	P	E	E	P	E		
Volpe	P	E	P	P	P	P						
Wentzell	P	P	P	P	P	P	P	P	P	P		
Mayer										P		
Adams										P		

E=Excused, U=Unexcused, I=In-Person, P=Phone, effective 3/1/18

#### Attachments:

- Oregon Home Care Commission Agenda, October 6, 2022
- Oregon Home Care Commission Minutes, September 1, 2022
- OHCC Executive Director Report, September 2022
- Carewell September 2022 Newsletter
- ERC Statistics, July-August 2022
- Fair Housing Council of Oregon document



