

OREGON HOME CARE COMMISSION
OREGON ADMINISTRATIVE RULES

CHAPTER 418
DIVISION 20

OREGON HOME CARE COMMISSION FUNCTIONS

418-020-0010 Definitions

(1) "Active" means an active homecare or personal support worker who has:

(a) ~~a~~ current provider number; ~~has~~

(b) ~~w~~Worked and been paid with public funds in any of the past 12 months as a homecare or personal support worker; ~~has~~

(c) ~~a~~ current credential; and

(d) ~~has m~~Met orientation requirements of the program for which the worker is enrolled.

(2) "Area Agency on Aging (AAA)" means the Department designated entity agency charged with ~~which DHS contracts to meet the requirements of the Older Americans Act and ORS Chapter 410 in planning and providing services~~ the responsibility to provide a comprehensive and coordinated system of services to ~~seniors older adults~~ and ~~individuals adults~~ with a disabilityes ~~infor~~ a ~~designated~~ planning and service area. The term is inclusive of both Type A and Type B Area Agencies on Aging as defined in ORS 410.040 and described in ORS 410.210 to 410.300.

(3) "Assessment" means a tool used to evaluate a homecare or personal support worker's knowledge of information learned during trainings required for Oregon Home Care Commission certifications described in 418-020-0030(3)(b) through (f).

(34) "Background Check" means a criminal records check and appropriate abuse check ~~conducted in accordance with~~ under OAR ~~C~~chapter 407, ~~D~~division 7.

(5) "Case Management Entity" has the meaning as defined in OAR 411-317-0000(26).

(46) "Case Manager" means an employee of a service delivery office who is responsible for determining service eligibility, offering services choices to eligible individuals, developing a plan of authorized services, and monitoring the effectiveness of services and supports. This term includes services coordinator and personal agent, as defined in OAR chapter 411, division 37.

(7) "CMS' Core Competencies" means the set of 12 core competencies developed by the Center for Medicare and Medicaid Services (CMS) for the direct care workforce. The twelve competencies are found in Appendix E of the "The Roadmap of Core Competencies for the Direct Services Workforce" published at <https://www.medicaid.gov/medicaid/ltss/downloads/workforce/dsw-core-competencies-final-set-2014.pdf>

(58) "Collective Bargaining Agreement" or "CBA" means the ratified Collective Bargaining Agreement between the Oregon Home Care Commission and the Service Employees International Union, Local 503. The Collective Bargaining Agreement is maintained on the Department's website at: <http://www.dhs.state.or.us/spd/tools/cm/homecare/index.htm>.

(69) "Commission" means the Oregon Home Care Commission established and operated pursuant to Article XV, Section 11, of the Oregon Constitution, and ORS 410.595 to 410.625.

(710) "Commissioner" means one of the nine members of the Home Care Commission appointed by the Governor and confirmed by the Senate as provided in ORS 171.562 and 171.565. Five members are either seniors or individuals with disabilities who are receiving or who have received homecare services. One member is appointed to represent each of the following entities, or a successor entity, for as long as a comparable entity exists:

- (a) Governor's Commission on Senior Services;
- (b) Department of Human Services;
- (c) Oregon Disabilities Commission; and
- (d) Oregon Association of Area Agencies on Aging and Disabilities.

(811) "Community Health Worker" means an individual, as defined in ORS 414.025, who assists members of the community to improve their health and increases the capacity of the community to meet the health care needs of its residents and achieve wellness. A community health worker is a type of traditional health worker.

(12) "Competency Evaluation" means a tool to measure an individual's mastery of the information learned during mandatory trainings.

(913) "Consumer" or "Consumer-Employer" means an individual eligible for in-home and community-based services.

(1014) "Consumer-Employer Training Services" means activities described in OAR chapter 411, division 35 that empower and inform consumer-employers, authorized or representatives of consumer-employers, or a consumer's common law employer regarding their rights, roles, and responsibilities as employers of homecare or personal support workers, as described in OAR Chapter 411, Division 35. The consumer-employer training services programs are is known as STEPS to Success with

Homecare Workers and STEPS to Success with Personal Support Workers
Employer Resource Connection.

(~~14~~15) "Consumer Authorized Representative" means an individual assigned by a consumer or designated by a consumer's legal representative, to act as the consumer's decision maker in matters pertaining to planning and implementing an in-home service plan or individual support plan.

(~~12~~16) "Continuing Education" means specific minimum education requirements, defined by the Commission, which workers must complete to be referred on the Registry training mandated on an ongoing basis. Continuing education is separate from orientation or core training.

(17) "Core training" means the mandated training or series of trainings required for homecare and personal support workers.

(~~13~~18) "Credential" means time-limited approval by DHS or OHA for an individual to provide services as a homecare or personal support worker, which includes a begin-start date, designated by a service delivery office, no earlier than the individual's most recent background check and signed provider enrollment agreement and an end date no later than 24 months from the homecare or personal support worker's most recent background check. This is also referred to as an approved to work credential.

(~~14~~) "Cultural Competence" is a set of congruent behaviors, attitudes, and policies that come together in a system, agency, or among professionals to enable effective work in cross-cultural situations.

(~~15~~19) "Department" or "DHS" means the Oregon Department of Human Services.

(20) "Enrolled" means an individual has met the initial enrollment requirements to become a Medicaid approved homecare or personal support worker and has been issued a provider number.

(21) "Enrollment Agreement and Application Packet" means the program-specific documents an individual must complete to be approved to provide services as a homecare worker or personal support worker.

~~(17) "Employment Agreement" means an agreement between a consumer-employer or consumer representative and a homecare or personal support worker, which defines workplace rules and expectations.~~

(18~~22~~) "Enhanced Homecare Worker" means a homecare worker, as defined in this these rules, who is certified by the Commission to provide medically-driven services and supports, as defined in OAR 411-031-0020(31) for to consumers who have been assessed by a case manager as needing the services and supports.
~~who require medically driven services and supports as defined and assessed by DHS.~~

(19~~23~~) "Enhanced Personal Support Worker" means a personal support worker, as defined in this these rules, who is certified by the Commission to provide services for to consumers who require advanced medically-driven services and supports as defined in OAR 411-375-0010(26) or behaviorally-driven services and supports as defined and defined in OAR 411-375-0010(4) and assessed identified by DHS by through a functional needs assessment tool.

(20~~24~~) "Exceptional Personal Support Worker" means a personal support worker, as defined in this these rules, who is certified by the Commission to provide services for consumers who require staff to be awake more than 20 hours in a 24-hour period and who require extensive medically-driven services and supports as defined in OAR 411-0375-0010(26) or behaviorally-driven services and supports as defined in OAR 411-0375-0010(4), beyond the enhanced services provided by an enhanced personal support worker, as assessed by a functional needs assessment. tool; and whose service needs also require staff to be awake more than twenty 20 hours in a twenty-four 24- hour period.

~~(2125)~~ "Functional Needs Assessment" means a comprehensive assessment tool ~~that documents physical, mental and social functioning and risk factors; choices and preferences; service and support needs; and strengths and goals~~ described in OAR 411-317-0000(80).

~~(2226)~~ "Grievance" means a formal allegation of acts, omissions, applications, or interpretations that are believed to be violations of the terms or conditions of the Collective Bargaining Agreement.

~~(2327)~~ "Homecare Worker" means a provider, as defined and described in OAR ~~c~~Chapter 411, ~~d~~Division 31, who is directly employed by a consumer or a consumer's authorized representative to provide ~~either hourly or live-in~~ services for to the consumer. ~~The term homecare worker includes:~~

~~(a) Providers in the:~~

~~(A) Consumer-Employed Provider Program;~~

~~(B) Spousal Pay Program;~~

~~(C) State Plan Personal Care Program for seniors and individuals with physical disabilities; and~~

~~(D) The Oregon Project Independence Program.~~

~~(b) The term "homecare worker" does not include workers employed by an in-home agency.~~

(28) "Incumbent Worker" means a person who enrolled as a homecare or personal support worker prior to July 1, 2021-January 1, 2021.

(29) "Incumbent Worker Seminar" means a twelve-hour course for incumbent workers that educates workers on the new core competencies.

(2430) "Independent Choices Program" means the program described in OAR Chapter 411, Division 30, which is a self-directed in-home services program ~~in which~~where a participant is given a cash benefit to purchase goods and services, ~~which that~~ are identified in the participant's service plan and prior approved by ~~DHS~~ Aging and People with Disabilities or an Area Agency on Aging.

(31) "Individual" means an older adult, ~~or~~ an adult with a disability, or a child with a disability applying for or eligible for services. The term "individual" is synonymous with "client" and "consumer".

(32) "Individual Support Plan" or "ISP" means the plan defined in OAR ~~Chapter 411, Division 375,411-317-0000(102).~~ which includes written details of the supports, activities, and resources required for an individual with intellectual or developmental disabilities to achieve and maintain personal goals and health and safety.

~~(27) "Live-In Services" means those services, as defined in OAR Chapter 411, Division 030, which are provided for a senior or an individual with a physical disability who requires 24-hour availability for activities of daily living and self-management tasks.~~

(33) "Mastery" means a homecare or personal support worker has achieved the specific learning objectives of a training.

(2834) "OHA" means the Oregon Health Authority.

(2935) "Oregon Intervention System Certification" or "OIS" certification means a system of training to people who work with designated individuals to provide elements of positive behavioral support and non-aversive behavioral intervention.

(3036) "Orientation" means a mandatory Commission approved presentation for homecare and personal support workers that provides essential information required to provide safe and person-centered services

and support and comply with program rules. ~~an introduction to in-home programs and basic expectations for homecare or personal support workers, which is arranged through a service delivery office, in accordance with these rules.~~

~~(31) "Personal Health Navigator" means an individual, as defined in ORS 414.025, who provides information, assistance, tools and support to enable a consumer to make the best health care decisions in the consumer's particular circumstances and in light of the consumer's needs, lifestyle, combination of conditions, and desired outcomes.~~

~~(3237)~~ "Personal Support Worker" means a person, as defined in ORS 410.600:

(a) Who is hired by an individual with a developmental disability or mental illness or a parent or guardian of an individual with a developmental disability or mental illness;

(b) Who receives monies from DHS or OHA for the purpose of providing services for the individual with a developmental disability or mental illness; or

(c) Who provides services through the Independent Choices Program for a senior or older adult or an individual with a physical disability; and

(d) Whose compensation is provided in whole or in part through DHS or OHA, a support services brokerage case management entity or other public agency; and who provides services in the home or community.

~~(e) All other personal support workers, including provider organizations and supervisors, and those who perform solely volunteer personal services-related tasks are excluded from this definition.~~

~~(33) "Professional Development Recognition" means the recognition by the Commission of homecare and personal support workers who are continuing their education and have met Commission training requirements for recognition.~~

~~(34)~~³⁸ "Program" means a program governed by Oregon Administrative Rules and administered by DHS or OHA, ~~which that~~ authorizes ~~home and community~~ services ~~to be~~ provided through public funding in an individual's home or in the community.

~~(35)~~³⁹ "Provider" means a homecare or personal support worker who is eligible to be hired by a consumer-employer, ~~or a consumer's authorized representative~~ or the consumer's common law employer to provide services authorized in the consumer's service plan in the individual's in-home or in the community. ~~community services authorized in the consumer's service plan.~~

(40) "Provider Number" means an identifying number issued to each homecare and personal support worker who is enrolled as a provider through DHS or OHA.

(41) "Registry" means the Commission's online tool used to match qualified listing of homecare and personal support workers ~~who are~~ available for work with individuals seeking to hire workers. ~~The primary function of the Registry is to provide consumer choice by generating a list of homecare or personal support workers whose qualifications most closely match requirements entered in an individual consumer-employer profile.~~

~~(38)~~⁴² "Relief Worker" means a homecare or personal support worker who provides services in place of a homecare or personal support worker who is unavailable. This term is synonymous with "substitute worker".

(~~39~~43) "Respite Worker" means a homecare or personal support worker who provides services in place of a family caregiver or other member of a consumer's natural support system who typically provides unpaid services. ~~The term respite may also refer to a substitute for a live-in homecare worker.~~

(~~40~~44) "Restricted Provider Number" means a number assigned by DHS to a homecare or personal support worker who ~~is only approved to provide services for a specific consumer.~~ has restrictions placed on the worker's provider enrollment.

(~~41~~45) "Service Delivery Office" means an Aging and People with Disabilities ~~DHS~~ or OHA office, Area Agency on Aging, ~~Community Developmental Disability Program, Support Services Brokerage case management entity~~ or Community Mental Health Program office that is responsible for case management and authorization of publicly funded services provided by homecare or personal support workers.

(~~42~~46) "Service Plan" means a written plan of authorized services provided in an individual's home or in the community, ~~in-home and community services,~~ developed in accordance with DHS or OHA rules and policies or an Individual Support Plan.

(~~43~~47) "State Plan Personal Care Services" means the assistance with personal care and supportive services described in OAR Chapter 411, Division 34, provided for an individual by a homecare or personal support worker.

(~~48~~) "Stipend" means an predetermined amount of money granted to a homecare or personal support worker ~~to attend Commission training,~~ in accordance with Commission requirements described in 418-020-0030(b).

~~(45) "Substitute Worker" means "Relief Worker".~~

~~(49) "These Rules" mean the rules in OAR chapter 418, division 20.~~

(50) "Traditional Health Worker" means a worker described in ORS 414.665 and OAR 410-180-0300(19).

(51) "Worker" means a "Homecare Worker" or "Personal Support Worker".

Stat. Auth.: ORS 410.602

Stats. Implemented: ORS 410.600, 410.603, 410.605, 410.606, 410.608, 410.612

418-020-0020 Qualifications for Homecare and Personal Support Workers

(1) Homecare Worker Minimum Qualifications₂:

(a) Submit a completed application and provider enrollment agreement packet to a service delivery office;

(b) Pass a DHS background check and cooperate with a recheck every two years or when requested;

(c) Be capable of performing essential functions to safely provide necessary services or be capable of learning essential functions to safely provide necessary services;

(d) Meet in-home program specific guidelines;

(e) Be 18 years of age or older₂; ~~Age exceptions may be made by DHS on a case-by-case basis for family members at least 16 years of age; and~~

(f) Attend orientation;

(g) Complete mandated core training within specified timelines;

~~(h) Complete and pass mandated core training assessments competency evaluations; and~~

~~(i) Complete mandated continuing education within the specified timelines.~~ Within 30 days of receiving a provider number, attend an orientation that utilizes materials provided or approved by the Commission.

~~(A) When completion of an orientation is not available at a local service delivery office within 30 days, orientation must be completed within 90 days of enrollment.~~

~~(B) If a homecare worker fails to complete an orientation within 90 days of provider enrollment, the homecare worker's provider number will be inactivated and any authorization for service payment will be discontinued, in accordance with OAR Division 411, Chapter 031.~~

~~(C) Homecare workers must attend a live-in service orientation before being hired to provide live-in services.~~

(2) Personal Support Worker Minimum Qualifications.:

(a) Submit completed provider application and enrollment ~~packet~~agreement;

(b) Pass a DHS or OHA background check and cooperate with a recheck when requested;

(c) Be capable of performing essential functions to safely provide necessary services or be capable of learning essential functions to safely provide necessary services;

(d) Be 18 years of age or older; ~~and~~

(e) Meet program specific guidelines; including attending an applicable orientations; within 90 days of receiving a provider number.

(f) Complete mandated core training within specified timelines;

(g) Complete and pass mandated core training assessments competency evaluations; and

(h) Complete mandated continuing education within specified timelines.

(3) Homecare and Personal Support Worker Orientation. Service delivery offices providing homecare or personal support worker Orientation must:

(a) Offer orientation Occur frequently enough that new homecare or personal support workers meet program timelines for completing orientation; and to prevent delays in a worker's enrollment or continued employment as a homecare or personal support worker;

(b) Use Include a presentation and materials created by or approved by the Commission and DHS or OHA; and;

(c) Make every attempt to provide orientation in a Be culturally-appropriate manner, including for workers of all language abilities.;

(A) Attempt to convey the availability of translation and interpreter services in the six languages, besides English, most commonly spoken by consumers in the office's service delivery area. If orientation is not available in the worker's preferred language, interpreter services shall be made available.

~~(B) Attempt to provide written materials and an interpreter fluent in the workers' primary language if three or more speakers of that language will be in attendance; Orientation presentation and 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 presentation and materials in the preferred language.~~

~~(C) Attempt to provide an interpreter fluent in the workers' primary language if one or two speakers of that language will be in attendance.~~

~~(d) Provide 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. for homecare or personal support workers who experience disability, in accordance with Title II of the Americans with Disabilities Act.~~

(e) Allow the Union to make presentations to potential members at orientations, at a mutually agreeable time, in accordance with the current collective bargaining agreement.

~~(f) Within 30 days of receiving a provider number, a homecare or personal support worker must attend an orientation that utilizes materials provided or approved by the Commission.~~

~~(A) When completion of an orientation is not available at a local service delivery office or online within 30 days, orientation must be completed within 90 days of enrollment.~~

~~(B) If a homecare or personal support worker fails to complete an orientation within 90 days of provider enrollment, the provider number shall be inactivated and any authorization for~~

service payments shall be discontinued, in accordance with OAR Chapter 411, Division 031 and OAR Chapter 411, Division 375.

(g) Effective July 1, 2021 January 1, 2021, an applicant is required to complete orientation prior to the issuance of a provider number and shall not be authorized to work until orientation has been completed.

~~(4) Workplace Substance Abuse Policy:~~

~~The Commission encourages homecare and personal support workers and consumer-employers to voluntarily seek help with drug and alcohol dependence and provides information and referral on request.~~

~~(a) The Commission is committed to protecting the safety, health, and well-being of consumers of in-home services and homecare and personal support workers, through establishing a workplace substance abuse policy.~~

~~(b) This policy recognizes that substance abuse by homecare or personal support workers, consumers, family members or others in consumers' homes is disruptive, adversely affect the quality of in-home services, and pose serious health risks to users and others.~~

~~(c) This policy recognizes that workers' abuse of alcohol and other drugs during non-working hours may affect their ability to provide quality in-home services.~~

~~(d) Workers are expected to report to work unimpaired and fit for duty.~~

~~(A) If the use of a prescribed or over-the-counter medication may compromise the safety of a worker, a consumer-employer, or the public, it is the worker's responsibility to use appropriate~~

~~personnel procedures such as calling in sick and notifying the consumer-employer and case manager to avoid unsafe workplace practices.~~

~~(B) It is a violation of the Commission's substance abuse policy for a worker to intentionally misuse or abuse prescription or over-the-counter medications. Appropriate action will be taken if job performance declines or if accidents occur, in accordance with DHS or OHA rules.~~

~~(e) It is a violation of the Commission's substance abuse policy for a worker to use, possess, sell, trade, manufacture, or offer for sale illegal drugs or intoxicants in the workplace.~~

~~(f) A worker who is convicted of any criminal drug or alcohol violation in the workplace or during non-working hours must notify the service delivery office in writing within five calendar days of the conviction. The service delivery office will take appropriate action in accordance with DHS or OHA rules.~~

~~(g) DHS case managers authorize services in settings that do not jeopardize the health and safety of providers, in accordance with OAR Chapter 411, Division 30.~~

Stat. Auth.: ORS 410.602

Stats. Implemented: ORS 410.603, 410.604

418-020-0030 Homecare and Personal Support Worker Training

(1) Training is offered by the Commission to homecare and personal support workers statewide to enhance worker skills and cultural competence, as well as ~~and~~ the quality of services provided to consumer-employers in their home or in the community~~in-home and community services provided for consumer-employers.~~

(a) Training is provided without charge to homecare and personal support workers, consumer-employers, consumer-representatives, and appropriate service delivery staff.

(b) Stipends for actual hours in attendance at Commission-sponsored classes may be available to homecare and personal support workers who have provided publicly funded services in any of the three months before training or during the month of the training. The Commission determines:

(A) The ~~Commission determines the~~ amount of a stipend and may provide a stipend for each eligible class ~~only once per in a 12-month period. year.~~

(B) ~~The Commission determines w~~hich classes are approved for stipends for homecare and personal support workers.

(2) Public Availability of Training. When classes are not filled, members of the public may attend, ~~after registering and paying training fees determined by the Commission.~~ Members of the public ~~will not be~~ are not eligible for stipends.

(3) Certifications for Homecare and Personal Support Workers.

(a) Cardio Pulmonary Resuscitation (CPR) and First Aid Certification:

(A) The Commission pays for CPR and First Aid training for active homecare and personal support workers, who meet the qualifications established by the Commission, ~~to take First Aid training and adult CPR; and, if providing services to children, child CPR.~~

(B) Homecare and personal support workers must submit a written request to the Commission for authorization to attend

~~payment in writing to the Commission before taking~~ CPR and First Aid training paid for by the Commission.

(C) The Commission does not reimburse homecare or personal support workers who have paid for CPR and First Aid classes.

(b) Professional Development Recognition Certification. ~~The Commission awards~~ To be eligible for Professional Development Recognition Certification, ~~to~~ homecare and personal support workers who must have:

(A) Have an active, unrestricted provider number;

(BA) Completed 20 hours of core, safety, and skills training classes and pass training specific assessments;

(CB) Have a cCurrent Adult CPR and First Aid certification prior to and throughout the certification period; ~~and~~

(DG) Have aAn acceptable attendance record with a is one in which an individual homecare does not have a no- show rate greater than 30-20 percent at Commission-sponsored classes. This is defined by the Commission and published in monthly training newsletters and on the Professional Development Recognition web page. The application is located at: <http://www.oregon.gov/dhs/spd/adv/hcc/docs/pro-dev.pdf>.

(E) Submit an application; and

(F) Renew certification by completing required courses and passing training specific assessments after the first 12-months of the 24-month certification period.

(c) Enhanced Homecare Worker Certification.

(A) To be certified as an enhanced homecare worker, a homecare worker must:

- (i) Have an active, unrestricted provider number;
- (ii) Have and maintain a current CPR and First Aid Certification;
- (iii) ~~Complete~~ Submit an written application;
- (iv) Demonstrate knowledge of core concepts as measured by a readiness assessment; ~~and~~
- (v) If accepted, successfully complete enhanced homecare worker coursework and assessments; and.
- (vi) Have an acceptable attendance record with a no-show rate no greater than 20 percent at Commission sponsored classes.

(B) Enhanced homecare workers are eligible for an enhanced hourly ~~or enhanced live-in~~ service payment rate only when providing services for a consumer-employer assessed by DHS as having enhanced needs.

(C) For ongoing enhanced homecare worker certification, a homecare worker must:

- (i) Maintain an active homecare worker credential and current; Adult CPR and First Aid certification;
- (ii) Complete requirements enhanced certification courses for recertification before the end of each the two-year 24-month credential certification period.

(d) Enhanced Personal Support Worker Certification.

(A) To be certified as an enhanced personal support worker, a personal support worker must:

(i) Have an active, unrestricted provider number;

(ii) Have and maintain a current CPR and First Aid cCertification;

(iii) ~~Complete~~ Submit ~~an~~ written application;

(iv) Demonstrate knowledge of core concepts as measured by a readiness assessment; ~~and~~

(v) If accepted, successfully complete Enhanced enhanced Personal personal Support support Worker worker coursework and pass assessments; ~~and~~.

(vi) Have an acceptable attendance record with a no-show rate no greater than 20 percent at Commission sponsored classes.

(B) Enhanced personal support workers are eligible for an enhanced hourly ~~or enhanced live-in~~ service payment rate only when providing services for a consumer-employer assessed by DHS a case management entity as having enhanced needs.

(C) For ongoing enhanced personal support worker certification, a personal support worker must:

(i) Maintain an active personal support worker credential and current, CPR and First Aid certification.

(ii) Complete required enhanced certification courses ~~ments for recertification~~ before the end of ~~each~~ the two-year24-month credential period.

(e) Exceptional Personal Support Worker Certification:

(A) To be certified as an exceptional personal support worker, a personal support worker must ~~complete~~:

(i) Have and maintain a valid eEnhanced personal support worker certification as described in this rule;

(ii) Submit an A written application;

(iii) Have a current Oregon Intervention System general or parent level certification, as appropriate; and

(iv) If accepted, ~~10 - 12 hours of~~ complete required exceptional personal support worker coursework and pass course assessments.

(B) For ongoing exceptional personal support worker certification a personal support worker must:

(i) Maintain an active personal support worker credential; CPR and First Aid certification; and Oregon Intervention System certifications.

(ii) Complete requirements for recertification before the end of the each two-year24-month credential certification period.

(C) Exceptional personal support workers are eligible for an exceptional service payment rate only when providing services

for a consumer-employer assessed by DHS a case management entity as having exceptional needs.

(f) Community Health Worker Certification:

(A) To be certified as a community health worker a homecare or personal support worker must:

(i) Have an active, unrestricted provider number;

(ii) Have a current professional development certification;

(iii) Have and maintain a current CPR and First Aid certification;

(iv) Submit an application; and

(v) Complete required community health worker certification courses.

(B) For ongoing community health worker certification, a homecare or personal support worker must:

(i) Maintain an active homecare or personal support worker credential and have a current CPR and First Aid certification.

(ii) Complete 20 hours of required training approved by the Commission within the 24-month certification period.

(iii) Have and maintain professional development certification.

Stats. Implemented: ORS 410.604, 410.625

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

(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 July 1, 2024 January 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(3)(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.

(d) 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; and

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

(5) Continuing education.

(a) Homecare and personal support workers with an approved to work end date of July 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(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.

(6) Core training assessments competency evaluations.

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

(b) Assessments 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 July 1, 2021 shall complete assessments competency evaluations after the completion of core training.

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

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

(7) Incumbent Worker Seminar

(a) Incumbent workers are required to complete an incumbent worker seminar by June 30, 2021.

8) Training Pilot

(a) Homecare and personal support workers who participate in the DHS-approved training pilot between January 1, 2020 and June 30, 2021 December 31, 2020 shall be granted equivalent credit when training becomes mandatory on July 1, 2021 January 1, 2021.

418-020-0040 Consumer-Employer Training Services

The Commission offers voluntary training services to consumer-employers, ~~and consumers' authorized representatives, and consumers' common law employers~~ on how to ~~select, manage, and dismiss homecare and personal support workers~~ manage employer responsibilities. These services ~~may be referred to as STEPS to Success with Homecare Workers, STEPS to Success with Personal Support Workers, or generically as STEPS services~~ are referred to as Employer Resource Connection.

(1) To be eligible for the consumer-employer training program, an individual must be receiving Medicaid funded in-home services through DHS or OHA or services through the Oregon Project Independence program. An individual's authorized representative or common law employer, as defined in OAR 411-375-0055, is eligible to receive consumer-employer training services.

(21) Providers of STEPS services Consumer-employer training services are provided by individuals or entities approved by or under contract with the Commission and meet the qualifications described in OAR 411-035-0095.

(23) Services are designed to meet consumer-employer needs and are provided in a culturally competent manner. ~~Providers offer a continuum of services based on individual~~ Consumer-employer training is based on the needs and preferences of the consumer-employer and, on topics are related to the employer responsibilities described in OAR 411-030-0040(4)(a)(A) through (G) including but, not limited to: and OAR 411-375-0050(5)(b)(A) through (I).

~~(a) Understanding the service plan and specific tasks authorized by the consumer's case manager;~~

~~(b) Creating job descriptions, locating workers, interviewing, completing reference checks, and hiring a homecare or personal support worker;~~

~~(c) Creating an employment agreement;~~

~~(d) Training, supervising, and communicating effectively with workers;~~

~~(e) Ensuring work is performed satisfactorily;~~

~~(f) Correcting unsatisfactory work performance and discharging unsatisfactory workers;~~

~~(g) Scheduling and tracking hours worked and maintaining employment records;~~

~~(h) Developing a backup plan for coverage of services; and~~

~~(i) Preventing and reporting fraud and abuse.~~

(34) ~~STEPS~~ Consumer-employer training services must be provided in a timely manner. shall meet the requirements outlined in OAR 411-035-0090.

~~(a) Consumers must be contacted within five working days of referral.~~

~~(b) A planning interview for STEPS services must be conducted with consumers or representatives within 10 business days of referral, unless a consumer requests a later date.~~

~~(c) Individualized consumer services must begin within 10 business days of the planning interview, unless a consumer or consumer representative requests a later date.~~

Stat. Auth.: ORS 410.602

Stats. Implemented: ORS 410.603, 410.604

418-020-0050 Registry

The Commission maintains an online Registry of qualified homecare and personal support workers to provide routine, emergency, and substitute referrals to consumer-employers.

~~(1) DHS and OHA responsibilities:~~

~~(a) DHS and OHA shall collect for each homecare worker or personal support worker:~~

~~(A) Name, address, and phone number or numbers and where available, email address (if available);~~

~~(B) The program or programs under which the worker is approved to provide services;~~

~~(C) The provider number;~~

~~(D) Begin and end dates of the credential period;~~

~~(E) Date of the most recent background check;~~

~~(F) Restricted or unrestricted status; and~~

~~(G) Other information as requested.~~

~~(b) In accordance with interagency agreements, DHS and OHA will:~~

~~(A) Provide continuing technical support, including electronic system changes needed by the Commission to ensure the:~~

~~(i) Receipt of information from state electronic provider data management systems and any fiscal intermediaries providing consumer and provider information necessary for Registry matching functions; and~~

~~(ii) Accuracy of data downloaded real-time or on a daily basis.~~

~~(B) Provide technical support, including system changes to ensure security rights information transferred to the Commission's Registry from current or future electronic systems are accurate and maintained.~~

~~(C) Continue to provide information needed by the Commission's Registry when any updates and changes to current electronic servers and systems are implemented.~~

(12) Service Delivery Office Responsibilities. Staff must enter into the Registry within five business days of the information into the Registry within five business days of receiving the following information becoming available:

(a) The date and location ~~of each completed~~a homecare worker or personal support worker completed orientation.

(b) The expiration dates of CPR and First Aid certificationss for homecare or personal support workers who present original documents at the service delivery office.

(23) Service Delivery Staff Use of Registry. DHS and OHA Service Delivery office staff ~~will~~shall use the Registry exclusively to refer homecare or personal support workers to consumer-employers:

(a) When a consumer-employer, ~~or~~ consumer's authorized representative, or the consumer's common law employer requests names of homecare or personal support workers, an individual employer profile must be created and used for generating a Registry list of homecare or personal support workers who best match the consumer's profile.

(A) Service delivery staff ~~must~~may not create generic lists for distribution to multiple consumer-employers.

(B) Service delivery staff ~~must~~may~~shall~~ not recommend specific homecare or personal support workers to consumer-employers or serve as employment references for such workers.

(b) Service delivery staff ~~must~~may refer consumer-employers, ~~or~~ consumers' authorized representatives, or consumer's common-law employers needing assistance with the Registry or ~~those otherwise needing assistance~~ locating homecare or personal support workers ~~to the Commission Registry support or to the STEPS Employer Resource Connection~~ consumer training services program.

(34) Referral Requirements. For a homecare or personal support worker's name to appear on a Registry referral list, a homecare or personal support worker must:

(a) Have an active, unrestricted provider number;

(b) Be seeking employment;

(c) Authorize release of information by selecting this option on the Registry or in writing to the appropriate service delivery office;

(d) Maintain a complete, accurate profile;

(e) Have a valid-working telephone number ~~and email address, if available~~. If a homecare or personal support worker does not have a working telephone number in the Registry, he or she will not be available for referral in the Registry and will be notified by the Commission via U.S. Mail or email;

(f) Update profile information at least every 30 days; and

(g) Update changes including to availability, telephone number, or other profile information when such changes occur; and.

~~(h) Meet Commission annual continuing education requirements.~~

(45) Appropriate Use. The purpose of the Registry is for individual consumer-employers, persons authorized to act on behalf of consumers, or individuals hiring in-home workers privately, to find qualified homecare or personal support workers.

(56) Inappropriate Employer Use. Employer profiles or help wanted advertisements placed for purposes other than ~~for~~ individual searches as described in this rule are not authorized.

(67) Inappropriate Use by Homecare and Personal Support Workers. Homecare and personal support workers may not use the Registry for purposes other than its intended use. Homecare and personal support workers may not:

(a) Use the Registry to refer other homecare or personal support workers or contact other homecare or personal support workers.;

(b) Use the Commission's name on business cards or other promotional materials.

(c) Represent themselves in print, electronic or social media as employees of the Commission, DHS, OHA, or any service delivery office.

(78) Violations of OAR 418-020-0050 by homecare or personal support workers ~~will~~ shall be investigated by the Commission.

(a) Sanctions may be imposed for non-compliance with these rules. Depending on severity and recurrence of violation, a sanction may include one or more of the following actions:

(A) Written warning.

(B) Suspension of availability for Registry referral for a prescribed period.

(C) Suspension of availability for Registry referral until conditions for suspension are corrected; ~~or~~.

(D) Training requirements.

(b) Depending on the severity of allegations of misconduct or inappropriate use, the Commission may suspend availability for referral during investigation.

(c) Notice of Sanction. If the Commission imposes a sanction, the Commission shall attempt to serve a notice of sanction upon the homecare or personal support worker by regular mail based on the last contact information provided by the worker, or, if requested by the recipient of the notice, by electronic mail. The Notice of Sanction ~~will~~ shall comply with OAR Chapter 137, Division 3 and OAR Chapter 411, Division 1, as applicable.

Stat. Auth.: ORS 410.602

Stats. Implemented: ORS 410.603, 410.604, 410.606

418-020-0060 Workers' Compensation

(1) The Commission elects workers' compensation coverage on behalf of consumer-employers who employ homecare and personal support workers.

(2) Consumer-employers and consumer representatives must:

(a) Sign required documents for a homecare or personal support worker to receive workers' compensation coverage;~~;~~

(b) Report homecare or personal support worker injuries to the Commission as soon as becoming aware of worker injury;~~and.~~

(c) Provide information to the Commission and workers' compensation carrier when workers report injury.

(3) Service delivery office staff ~~will~~shall:

(a) Collect from each consumer-employer, at time of eligibility for services, appropriate signed workers' compensation documents;~~;~~

(b) Report injuries immediately to the Commission;~~and.~~

(c) Respond to requests for information from the Commission and workers' compensation carrier when workers report injuries and when claims are filed.

(4) The Commission ~~will~~shall:

(a) Assist homecare and personal support workers who are injured while performing service plan authorized tasks with filing claims;~~and.~~

(b) Work as the agent of consumer-employers while providing information to the insurance carrier's claims adjusters, attorneys, return-to-work specialists, and vocational rehabilitation administrators.

(5) Homecare or personal support workers injured while providing authorized services must:

(a) Report work injuries as soon as becoming aware of injuries to the:

(A) Consumer-employer, ~~or~~ consumer's authorized-representative, or the consumer's common law employer;

(B) Case manager; and

(C) Commission; ~~and~~

(b) Cooperate with the Commission and workers' compensation carrier by providing all required documents and returning phone calls timely; ~~and~~

(c) Keep the consumer-employer or consumer-representative informed regarding work restrictions resulting from injuries at work, medical appointments, and return to work dates.

Stat. Auth.: ORS 410.602

Stats. Implemented ORS 410.606, 410.625, 656.039