



OAR chapter 418, division: Oregon Home Care Commission Functions
Rule Advisory Committee
August 13, 2020 from 10:00 a.m. to noon

1. Welcome and introductions

- Jenny Cokeley, Special Projects Coordinator with OHCC, welcomed the group and explained the purpose of the rule advisory committee meeting:
 - Implementation timelines for mandatory training and testing need to be extended due to the impact the COVID-19 pandemic has had on implementing the pilot and the uncertainty around how long physical-distancing requirements will be in place. OHCC proposes to extend the implementation date from 1/1/21 to 9/1/21.
 - Implement the requirements of SB 669 (mandatory testing before a homecare or personal support worker may provide services to a consumer of in-home services; specify a minimum number of hours for orientation).
 - Implement the requirements of HB 2011 (cultural competency training required as part of continuing education training requirements).
- Jenny Cokeley stated SB 669 allows for a greater number of training hours for workers providing enhanced services and supports, like medication management. OHCC decided not to require more training hours for several reasons:
 - Medication management and safety are covered in orientation, core training, and refresher training.
 - OHCC offers a voluntary enhanced certification for homecare and personal support workers that requires a greater number of hours (25 hours) than what is required for mandatory training.

- OHCC offers an in-depth, 3-hour medication management course to all homecare and personal support workers.

2. SB 1534 background

- Jenny Cokeley provided background information about SB 1534 and the new training and testing requirements. Jenny referred the group to the FAQ and timeline documents. Jenny agreed to send attendees the SB 1534 presentation she used during the meeting.
- Jenny Cokeley provided an update about the project:
 - A training partnership between SEIU, DHS, and Carewell SEIU 503 Training was created.
 - Carewell SEIU 503 Training will provide mandatory training and testing (includes orientation, core training, refresher training, and continuing education).
 - OHCC will continue to provide voluntary training for certifications (Professional Development Certification, Enhanced HCW/PSW, Exceptional PSW, Community Health Worker, and CPR/First Aid).
 - An internal curriculum review committee consisting of APD/ODDS/OHA policy experts, individuals who receive in-home services, and stakeholders reviewed mandatory training curriculum submitted by Carewell SEIU 503 Training. OHCC must approve all curriculum per statute.
 - Orientation and core training have been approved by OHCC.
 - Carewell has been providing online orientation on DHS' behalf for the past several months since all in-person orientations were cancelled by APD and OHCC due to the pandemic. It has been well received by those who have attended. The plan is to offer in-person orientation when physical-distancing requirements are lifted.
 - The pilot was originally scheduled to launch in March 2020, but physical-distancing requirements went into effect.

- Carewell plans on rolling out core training for new workers in September 2020. It will be a combination of 10 online modules and an instructor-led webinar. When physical-distancing requirements are lifted, the webinar will be replaced with in-person training.
- Notifications will soon be sent to consumers and providers letting them know about the training requirements.
- The SB 1534 training workgroup- testing subcommittee is being reconvened to review and expand testing standards. Carewell will design the test and create test questions.

3. Rule review

➤ **418-020-0010 – Definitions**

- “Competency evaluation”—amended to include orientation.
- “Cultural competence”— changed to cultural competency.
- “Incumbent worker”—enrollment date changed from January 1, 2021 to September 1, 2021 to reflect extended implementation timelines.
- “Incumbent seminar”—term changed to “refresher training” to reflect terminology currently used.

➤ **418-020-0020 – Qualifications for Homecare and Personal Support Workers**

- 418-020-0020(1)(h) and 418-20-0020(2)(g)— the requirement to pass a competency evaluation after orientation was added. In order for an individual to be enrolled and work for a consumer, they must pass a competency evaluation test, per SB 699 (Section 6).
- 418-020-0020(3)(g)(A)—At present, workers have up to 90 days to attend orientation after receiving a provider number. This will sunset when mandatory training goes into effect. Date changed from January 1, 2021 to September 1, 2021.
- 418-020-0020(3)(h)(A)—Passing a competency evaluation to receive a provider number is required effective September 1, 2021. A minimum of four hours for orientation was added to implement requirements in SB 669.

➤ **418-020-0035 – Mandatory Training and Competency Evaluations**

- 418-020-0035(4)— The effective date for mandatory training changed from January 1, 2021 to September 1, 2021 due to the impact of the COVID-19 pandemic.
- 418-020-0035(5)(a) and (c)— The effective date of continuing education was changed to September 1, 2021 since the mandatory training dates changed. The requirement for cultural competency training as part of continuing education was added, per HB 2011 (Section 1 (2)(a)). This will be required every 24 months to coincide with a worker’s recertification as a provider.
- 418-020-0035(6)—competency evaluation for orientation was added and the effective date was changed to September 1, 2021.
- 418-020-0035(7)—language added that the Oregon Home Care Commission must review and approve testing methodology and standards.
- 418-020-0035(8)—language was changed to “refresher training” to match terminology currently being used.
- 418-020-0035(9): The dates of the pilot were modified. March 8, 2020 was selected because that is when Carewell SEIU 503 Training began offering online orientation.

4. Discussion

- Changing training and testing implementation dates to September 1, 2021.
 - Gwen Dayton, legal counsel for the Oregon Health Care Association, asked whether OHCC is allowed to delay the implementation dates since the effective dates are in legislation. She added that she is not certain that OHCC has the dispensation (exemption from a rule or usual requirement) to change the effective dates. She recommended, instead of trying to accommodate a pandemic in permanent rules, to leave the January 1, 2021 implementation date and then temporarily waive the requirements during the Governor’s declared emergency.
 - Jenny Cokeley commented that she will confer with DHS leadership and legislative coordinator.
- Adding the minimum number of four hours of orientation in rule.
 - Sarah Edwards, Director of Carewell SEIU 503 Training, commented that the online version of orientation can be done in less than four

hours and she is worried about using the language “a minimum of four hours” in rule. She shared that the in-person environment is designed to be four hours and includes conversation pieces. When Carewell did the online adaptation, because there’s not built-in discussion pieces, it is possible to go through those modules quicker than four hours. She voiced concern that people may not be in compliance with the new rule if they complete orientation in less than four hours.

- Rachel Hansen with SEIU commented that if the language in SB 1534 doesn’t reflect a minimum of four hours, she doesn’t know why it would need to be reflected in these rules.
- Marsha Wentzell, OHCC Commissioner, suggested to include online and in-person orientation in rule—complete a four-hour in-person orientation or online orientation (hours not specified).
- Rachel Hansen suggested connecting the intent of four hours to be with an in-person orientation. Otherwise the idea may be to add unnecessary content to an online offering if people can do it at their own pace and do it more quickly than four hours. At the end of the day, it’s about the content of what is being delivered in orientation and it was deemed four hours was a required length of time—what do workers need to be successful. In her opinion, online orientation shouldn’t have to be based on four hours, it should be more about content of what’s delivered online that is founded on an in-person orientation.
- Sarah Edwards’ suggestion was to use “credit hours,” adding that someone who completes online orientation would receive credit for four hours based on the in-person orientation curriculum.
- A suggestion was made to use “estimated duration of four hours” in rule.
- Jenny Cokeley commented that learners have different learning styles and could go through online orientation in less time, but everyone would have the same base information, adding that the curriculum is based on four hours. Jenny asked for Gwen Dayton’s opinion since she was involved in discussions around SB 669.

- Gwen Dayton commented she was involved with the SB 669 discussions and verified that a specific number of hours is required in rule. She added that the conversations before the legislature and internally amongst advocates was around actual hours and that the legislature wants significant training and orientation based on clock hours. She shared one of the goals of SB 669 was to align the training hours required for in-home caregivers employed by in-home agencies with those required by homecare workers. She shared that the Oregon Health Authority is holding a rule advisory committee meeting later this month to establish training hours for in-home agency caregivers.
- Sarah Edwards commented that SB 669 was not intended to apply to this worker population. Jenny Cokeley clarified that section six of the bill specifically applies to homecare and personal support workers. Jenny shared that there are a lot of sections to SB 669—some apply to in-home agencies and another applies to the monitoring of in-home services provided by homecare and personal support workers.
- Cheryl Miller, Executive Director of the Oregon Home Care Commission, shared that the original plan was for a four-hour in-person orientation. Online orientation becomes a factor because of the COVID-19 pandemic. She added that we are spending a lot of time trying to accommodate something that’s probably going to be temporary or exceptional. She stated that she re-read SB 669 and the word minimal must be in rule.
- Gwen Dayton commented again that instead of trying to accommodate a pandemic in permanent rules, waive the rules temporarily during the Governor’s declared emergency.
- Cheryl Miller stated Gwen’s suggestion made sense in this situation and we wouldn’t need to worry if someone takes a shorter period of time to complete online orientation.
- Sarah Edwards shared Carewell offers a matrix of support for people who have trouble accessing training. One of the strategies for those who really can’t attend an in-person course is to assign them an online version of that course. She added this will extend past the pandemic for a very small number of people. She wants to make sure

the rule allows those people to be able to take online orientation if they need to. She does not believe this to be a temporary problem. She thinks using credit hours or equivalent hours should be explored that acknowledges orientation is a four-hour course and there are other formats that can be done in a different amount of time.

- Cheryl Miller recommended leaving “a minimum of four hours” but adding a sentence about workers being able to receive accommodations related to learning styles. She stated it will be different for every individual. The goal is to help people get what they need from orientation.
- Rachel Hansen recommended the language “four hours of orientation with accommodations as needed.”
- Online orientation and training.
 - A question was asked whether online orientation will continue to be an option after the pandemic. Jenny Cokeley responded that continuing to offer online orientation is being considered, but a decision has not yet been made. She added that core training, refresher training, and continuing education courses will have an online component.
 - Cheryl Cisneros, Executive Director of Creating Opportunities and serving on the committee as a family member stakeholder and family network representative, commented she would like to advocate for online training to increase access and to allow families who employ workers to engage in the training and walk through it together. She stressed the importance of this.

5. Fiscal impact discussion

Jenny Cokeley stated the Department does not anticipate a fiscal impact based on the rule changes to state agencies; units of local government; consumers; providers; or the public. She added the rules do not impact small businesses. The committee did not have any comments or questions.

6. Next steps:

- Public comment period
- Public hearing