

**NOTICE OF PROPOSED RULEMAKING FILING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT**

Oregon Home Care Commission	418
Agency and Division Name	Administrative Rules Chapter Number
	ODHS, Aging and People with Disabilities 500 Summer Street NE, E-02 Salem, OR 97301
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FILING CAPTION

Extends training timelines for homecare workers, personal support workers, and personal care attendants

Amending 418-020 (OHCC) to change continuing education implementation date.

Last Date and Time for Public Comment: **Written comments are accepted until 5:00 p.m. on January 18, 2024.** Please email comments to apd.rules@odhsoha.oregon.gov.

Hearing Date and Time: **December 21, 2023, at 10:30 a.m.**

Zoom (virtual)

Join by computer:

<https://www.zoomgov.com/j/1614257062?pwd=NE02L2Q1L3FzdEo1Mzk4eXFxN3J4UT09>

Join by phone: 1-669-254-5252, 1614257062#

HEARING NOTES:

Please join the rule hearing no later than 15 minutes after the start time if you wish to testify (provide comments) on the proposed rules.

Everyone has a right to know about and use ODHS programs and services. ODHS provides free help. Some examples of the free help ODHS can provide are sign language and spoken language interpreters, written materials in other languages, braille, large print, audio, or other formats. If you need help or have questions, please contact Kristina Krause at 503-339-6104, apd.rules@odhsoha.oregon.gov or 711 TTY at least five business days before the hearing.

RULEMAKING ACTION

List each rule number separately (000-000-0000) below. Attach proposed, tracked changed text for each rule at the end of the filing.

AMEND:

418-020-0010, 418-020-0030, 418-020-0035, 418-020-0050

RULE SUMMARY:

Include a summary for each rule included in this filing.

The Oregon Department of Human Services (Department) and the Oregon Home Care Commission (Commission) are proposing to permanently amend rules in chapter 418, division 20 to extend the date of implementation of when homecare workers, personal support workers, and personal care attendants would need to complete required continuing education training, to add definition and qualifications for “Exceptional Homecare Worker” certification, clarify the need for a demonstration of skills to be included with CPR/First Aid certification, and to amend the definition of “Registry.”

Amend: OAR 418-020-0010

Rule Title: Definitions

Rule Summary: The definition of “Exceptional Homecare Worker” was added to rule to align with the collective bargaining agreement for this certification. The definition of “Registry” was amended to reflect the shift from the Oregon Home Care Commission maintaining their own registry and matching system to the approving of such a system.

Amend: OAR 418-020-0030

Rule Title: Provider Training

Rule Summary: Language was added to the section about “demonstration of skills” to CPR/First Aid certification aligning with the collective bargaining agreement. A CPR/First Aid certification that includes a demonstration of skills is required for a provider to obtain an OHCC certification or to qualify for the CPR/First Aid certification pay differential. “Exceptional Homecare Worker” certification qualifications were added to rule.

Amend: OAR 418-020-0035

Rule Title: Mandatory Training and Competency Evaluations – Effective 09/01/2021

Rule Summary: This rule is being amended to change the implementation date for continuing education required by homecare workers, personal support workers, and personal care attendants from Sept. 1, 2023, to March 1, 2026. Additionally, providers taking any continuing education courses between April 1, 2023, until March 1, 2026, will be given training credit towards the requirement. Refresher training for providers was removed from rule as it was a one-time offering and now passed.

Amend: OAR 418-020-0050

Rule Title: Registry

Rule Summary: Changes were made to reflect the shift from the OHCC Registry and Referral System over to the Carina matching system, approved for use by OHCC. Removed rules requiring staff actions when setting up consumer-employers for services and supports. Changed referral requirements to align with what Carina requires for a provider to have an active profile.

STATEMENT OF NEED

Need for Rule(s):

The Oregon Department of Human Services (Department) and the Oregon Home Care Commission (Commission) are proposing to permanently amend rules in chapter 418, division 20 to extend the due date for homecare workers, personal support workers, and personal care attendants to complete required continuing education requirements. This extension is proposed to allow additional time for Carewell SEIU 503 Training to have a more robust offering of continuing education courses, to translate the courses into languages other than English, to give providers the time they may need to adequately prepare for taking their continued education, implement a strong communications plan, and improve the data exchange process. Continuing education training became required with the passage of Senate Bill 1534 (2018). The rules were also amended to include requirements from collective bargaining agreement between SEIU, Local 503 and the Oregon Home Care Commission.

Documents Relied Upon, and where they are available:

Enrolled Senate Bill 1534 (2018) – available on the Oregon State Legislature’s website at

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

Current collective bargaining agreement 2021-2023:

<https://www.oregon.gov/odhs/providers-partners/homecare-workforce/Pages/default.aspx>

EQUITY IMPACT STATEMENT

Required by HB 2993 (2021 Regular Session)

Although the Commission does not currently collect race and ethnicity data for homecare workers, personal support workers, or personal care attendants, SEIU Local 503 has provided race and ethnicity statistics based upon a survey completed by providers. This information was self-reported by respondents who chose to participate in the survey and reflected amongst respondents: 4.1% Black or African American; 6.9% Asian Descent or Pacific Islander; 5.2% Indigenous; 10% Hispanic or Latinx; 73.8% White Non-BIPOC. According to the U.S. Census Bureau 2020, Oregon’s 4.2 million population identifies their race as the following: 2% Black or African American; 6% Asian, Native Hawaiian, or Pacific Islander; 6% some other race alone; and 75% White. 13.9% identify as Hispanic or Latinx. 10% of Oregon’s population identifies as two or more races. Source: <https://data.census.gov/cedsci/table?q=0400000US41&tid=DECENNIALPL2020.P1>.

The proposed rule change of OAR 418-020-0035(5)(a) is an extension for the full implementation of the continuing education requirements of SB 1534. This extension was deemed necessary for a larger catalogue of courses to be developed and ensure training and materials are available in multiple languages and formats other than English, with additional accommodations also available upon request. Extending the deadline for continuing education to be completed by providers of all backgrounds, gives more time for providers to fully know the requirements; plan to meet the requirements; and, when ready to take the training, have it available in the most accessible way. This rule change is anticipated to benefit all providers and the consumer-employers who receive in-home services and supports.

As there is a disproportionate representation from the Black or African American, Asian, Native Hawaiian, or Pacific Islander communities amongst providers, and the rule changes will benefit all impacted, the Commission has estimated a positive racial equity impact to those communities.

The Department has made required and voluntary trainings and materials available in multiple languages and formats. Accommodations are also available.

FISCAL AND ECONOMIC IMPACT

Fiscal and Economic Impact:

The Oregon Home Care Commission does not anticipate a fiscal or economic impact based on the amended rules.

Statement of Cost of Compliance:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s).

State Agencies: The Commission estimates there will be no fiscal impact on state agencies.

Units of Local Government: The Commission estimates there will be no fiscal impact on units of local government.

Consumers: The Commission estimates there will be no fiscal impact to consumers.

Providers: The Commission estimates there will be no fiscal impact to providers.

Public: The Commission estimates there will be no fiscal or economic impact on the public.

(2) Effect on Small Businesses:

(a) Estimate the number and type of small businesses subject to the rule(s);

Small businesses, as defined by ORS 183.310, are not subject to these

rules.

(b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s);

Small businesses, as defined by ORS 183.310, are not subject to these rules. Therefore, there are no reporting, recordkeeping, or administrative activities required.

(c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

Small businesses, as defined by ORS 183.310, are not subject to these rules. Therefore, there are no costs associated with professional services, equipment supplies, labor, or administration.

Describe how small businesses were involved in the development of these rule(s)?

A small business, or representative of a small business, as defined in ORS 183.310 participated on the Administrative Rule Advisory Committee. Small businesses will also be included in the public review and comment period.

Was an Administrative Rule Advisory Committee consulted? Yes or No? Yes. A rule advisory was held via Zoom on October 25, 2023. Those who were unable to attend were given an opportunity to participate via email.

/s/ Jenny Cokeley, Interim Executive Director, Oregon Home Care Commission

Signature

11/09/2023

Date

**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, personal support worker, or personal care attendant who has:

(a) A current provider number;

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

(c) A current credential; and

(d) Met the orientation and core training requirements of the program for which the provider is enrolled.

(2) "Area Agency on Aging (AAA)" means the Department designated agency charged with the responsibility to provide a comprehensive and coordinated system of services to older adults and adults with disabilities in a 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 provider's knowledge of information learned during trainings required for Oregon Home Care Commission certifications as described in OAR 418-020-0030(3)(b) through (f).

(4) "Background Check" means a criminal records check and abuse check under OAR chapter 407, division 7.

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

(6) "Case Manager" means an employee of a service delivery office who is responsible for determining service eligibility, offering service choices to eligible individuals, developing a plan of authorized services, and monitoring the effectiveness of services and supports. This term includes service coordinators and personal agents, as described in OAR chapter 411, division 317.

(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 12 competencies are found in Appendix E of the "The Roadmap of Core Competencies for the Direct Services Workforce" published at: <https://www.medicaid.gov/sites/default/files/2019-12/dsw-core-competencies-final-set-2014.pdf>.

(8) "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 Commission's website at: <https://www.oregon.gov/odhs/providers-partners/homecare-workforce/Pages/default.aspx>~~<https://www.oregon.gov/dhs/SENIORS-DISABILITIES/HCC/PSW-HCW/Pages/Collective-Bargaining.aspx>~~.

(9) "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.

(10) "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 older

adults 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) Oregon Department of Human Services.

(c) Oregon Disabilities Commission.

(d) Oregon Association of Area Agencies on Aging and Disabilities.

(11) "Common Law Employer" means the employer of record responsible for the duties described in OAR 411-375-0055.

(12) "Community Health Worker" means an individual, as defined in ORS 414.025, who assists members of the community to improve their health and increase the capacity of the community to achieve wellness and meet the health care needs of its residents.

(13) "Competency Evaluation" means a tool to measure a provider's mastery of the information learned during orientation and mandatory trainings.

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

(15) "Consumer-Employer Training Services" means activities described in OAR 411-035-0090 that empower and inform consumer-employers, authorized 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 or personal care attendants. The consumer-employer training services program is known as Employer Resource Connection.

(16) "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.

(17) "Continuing Education" means Commission approved training mandated on an ongoing basis. Continuing education is separate from orientation or core training.

(18) "Core Training" means the mandated training, or series of trainings, required for providers.

(19) "Credential" means time-limited approval by ODHS or OHA for an individual to provide services as a provider, which includes a 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 provider's most recent background check. This is also referred to as an approved to work credential.

(20) "Cultural Competency" 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.

(21) "Department" or "ODHS" means the Oregon Department of Human Services.

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

(23) "Enrollment Agreement" means the program-specific document a person must complete to be approved to provide services as a provider.

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

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

(26) "Exceptional Homecare Worker" means a homecare worker, as defined in these rules, who is certified by the Commission to provide services for consumer-employers whose service plan indicates the need for awake staff at least 16 hours a day and who have exceptional behavioral needs as defined in OAR 411-031-0020(27), as assessed by a case manager as needing the services and supports.

(~~27~~6) "Exceptional Personal Support Worker" means a personal support worker, as defined in 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 411-375-0010 or behaviorally-driven services and supports as defined in OAR 411-375-0010, beyond the enhanced services provided by an enhanced personal support worker, as assessed by a functional needs assessment.

(~~28~~7) "Functional Needs Assessment" means the comprehensive assessment tool defined in OAR 411-317-0000.

(~~298~~) "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.

(~~2930~~) "Homecare Worker" means a provider, as defined and described in OAR chapter 411, division 31, who is directly employed by a consumer or a consumer's authorized representative, to provide hourly services to the consumer.

(~~310~~) "Incumbent Worker" means a person who enrolled as a provider prior to September 1, 2021.

(~~324~~) "Independent Choices Program" means the program described in OAR chapter 411, division 30, which is a self-directed in-home services program where a participant is given a cash benefit to purchase goods and services that are identified in the participant's service plan and prior approved by Aging and People with Disabilities (APD) or an AAA.

(~~332~~) "Individual" means an older adult, 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".

(~~343~~) "Individual Support Plan" or "ISP" means the plan defined in OAR 411-317-0000.

(~~354~~) "Mastery" means a provider has achieved the specific learning objectives of a training.

(~~365~~) "OHA" means the Oregon Health Authority.

(~~376~~) "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.

(387) "Orientation" means a mandatory Commission-approved presentation for providers that provides essential information required to provide safe and person-centered services and supports and comply with applicable program rules.

(398) "Personal Care Attendant" means a provider enrolled by OHA who is hired to provide personal care services to an individual with a behavioral health condition or disability who resides in their own home.

(4039) "Personal Support Worker" means, for the purpose of these rules, a provider enrolled by ODHS who is hired or selected by an individual with a developmental disability, their designated common law employer, or proxy to provide services in the individual's home and community.

(419) "Program" means a program governed by Oregon Administrative Rules and administered by ODHS or OHA that authorizes services provided through public funding in an individual's home or in the community.

(424) "Provider" means a homecare or personal support worker or personal care attendant who is eligible to be hired by a consumer-employer, 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 home or in the community.

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

(443) "Refresher training" means a 12-hour course for incumbent workers that educates providers on the core competencies.

(454) "Registry" means an online tool approved by the Commission's ~~online tool and~~ used exclusively to match qualified Medicaid enrolled providers

available for work with individuals receiving in-home services through APD, ODDS, or OHA-HSD who are seeking to hire providers.

(465) "Respite Worker" means a paid provider who provides services in place of a family caregiver or other member of a consumer's natural support system who typically provides unpaid services.

(476) "Restricted Provider Number" means a number assigned by ODHS or OHA to a provider who has restrictions placed on the worker's provider enrollment.

(487) "Service Delivery Office" means an APD or AAA office, case management entity, or Community Mental Health Program office that is responsible for case management and authorization of publicly funded services provided by providers.

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

(5049) "State Plan Personal Care Services" means the assistance with personal care and supportive services provided for an individual by a provider.

(510) "Stipend" means an amount of money granted to a provider in accordance with Commission requirements described in OAR 418-020-0030(1)(b).

(524) "Substitute Worker" means a provider who provides services in place of a provider who is unavailable.

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

(543) "Worker" means a "Homecare Worker," "Personal Support Worker," or "Personal Care Attendant."

Stat. Auth.: ORS 410.602

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

418-020-0030 Provider Training

(1) Training is offered by the Commission to providers statewide to enhance provider skills and cultural competence, as well as the quality of services provided to consumer-employers in their home or in the community.

(a) Training is provided without charge to providers, consumer-employers, consumer-representatives, appropriate service delivery staff, and the staff of adult foster homes licensed under OAR chapter 411, division 50.

(b) Stipends for actual hours in attendance at Commission-sponsored classes may be available to providers 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 amount of a stipend and may provide a stipend for each eligible class once in a 12-month period.

(B) Which classes are approved for stipends for providers.

(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 are not eligible for stipends.

(3) Certifications for Providers.

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

(A) The Commission pays for CPR and First Aid training for active providers who meet the qualifications established by the Commission.

(B) Providers must submit a written request to the Commission for authorization to attend CPR and First Aid training paid for by the Commission.

(C) The Commission does not reimburse providers who have paid for CPR and First Aid classes.

(D) For a CPR and First Aid Certification to apply towards any of the OHCC Certifications or the CPR and First Aid pay differential, the certification must come from an accredited program with a demonstration of skills.

(E) Providers are responsible for tracking their CPR and First Aid end date and ensure the renewal is completed timely.

(b) Professional Development Certification. To be eligible for Professional Development Certification, providers must:

(A) Have an active, unrestricted provider number.

(B) Complete core, safety, and elective training classes and pass training specific assessments.

(C) Have a current Adult CPR and First Aid eCertification that includes a demonstration of skills prior to and throughout the certification period.

(D) Submit an application.

(E) Certification may be renewed by completing the requirements found in OAR 418-020-0030(3)(b)(A) through (D) between the 13th and 24th month of the certification period.

(F) Providers who have an unexpired Oregon Certified Nursing Assistant (CNA) certification, and provide proof of certification, may substitute their CNA certification in place of the safety-type and elective courses and corresponding assessments required for the initial professional development certification process. Providers with a CNA certification must meet the requirements in OAR 418-020-0030(3)(b)(E) to renew their professional development certification.

(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 that includes a demonstration of skills.

(iii) Meet one of the following criteria:

(I) Have a Professional Development Certification.

(II) Complete a Readiness Assessment.

~~(iii)~~ (iv) Submit an application.

(iv) Once accepted, successfully complete enhanced homecare worker coursework and assessments.

(B) Enhanced homecare workers are eligible for an enhanced hourly service payment rate only when providing services for a

consumer-employer assessed by ODHS 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 Ccertification that includes a demonstration of skills.

(ii) Complete required enhanced certification courses before the end of the 24-month 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 that includes a demonstration of skills.

(iii) Meet one of the following criteria:

(I) Have a Professional Development Certification.

(II) Complete a Readiness Assessment.

(III) Currently work for a consumer transitioning out of the CIIS program.

(iv#) Submit an application.

(iv) Once accepted, successfully complete enhanced personal support worker coursework and pass assessments.

(B) Enhanced personal support workers are eligible for an enhanced hourly service payment rate only when providing services for a consumer-employer assessed by 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 Ccertification that includes a demonstration of skills.

(ii) Complete required enhanced certification courses before the end of the 24-month certification period.

(e) Exceptional Homecare Worker Certification:

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

(i) Successfully complete required exceptional homecare worker coursework and pass course assessments.

(ii) Have and maintain a CPR and First Aid Certification that includes a demonstration of skills.

(B) For ongoing exceptional homecare worker certification, a homecare worker must:

(i) Maintain an active homecare worker credential.

(ii) Complete requirements for recertification before the end of the 24-month certification period.

(iii) Maintain a CPR and First Aid Certification that includes a demonstration of skills.

(C) Exceptional homecare workers are eligible for an exceptional service payment rate only when providing services for a consumer-employer assessed by a case management entity as having exceptional needs.

(fe) Exceptional Personal Support Worker Certification:

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

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

(ii) Submit an application.

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

(iv) If accepted, 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 Ceertification that includes a demonstration of skills, and Oregon Intervention System certification.

(ii) Complete requirements for recertification before the end of the 24-month 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 a case management entity as having exceptional needs.

(gf) Community Health Worker Certification:

(A) To be certified as a community health worker, a provider 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 eCertification that includes a demonstration of skills.

(iv) Submit an application.

(v) Complete required community health worker certification courses.

(B) For ongoing community health worker certification, a provider must:

(i) Maintain an active provider credential and have a current CPR and First Aid Ccertification that includes a demonstration of skills.

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

(iii) Have and maintain professional development certification.

(hg) Ventilator Dependent Quadriplegia Certification.

(A) This certification is available to homecare workers. To obtain ventilator dependent quadriplegia certification, a homecare worker must:

(i) Have an active, unrestricted provider number.

(ii) Have and maintain a current CPR and First Aid Ccertification that includes a demonstration of skills.

(iii) Once accepted, successfully complete all ventilator dependent quadriplegia certification coursework.

(B) Homecare workers with ventilator dependent quadriplegia certification are eligible for an hourly service payment rate only when providing services for a consumer-employer assessed by ODHS as having ventilator dependent quadriplegia needs.

(C) For ongoing ventilator dependent quadriplegia certification, a homecare worker must:

(i) Maintain an active homecare worker credential and current Adult CPR and First Aid Ccertification that includes a demonstration of skills.

(ii) Complete required ventilator dependent quadriplegia certification courses between the 13th and 24th month of the certification period.

Stat. Auth.: ORS 410.602

Stats. Implemented: ORS 410.603, 410.604, 410.625, OL 2018 ch. 75

418-020-0035 Mandatory Training and Competency Evaluations – Effective 9/1/2021 *(Temporary effective 08/25/20023 through 02/20/2024)*

(1) Training ~~curricula~~curriculum 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 providers of all language abilities.

(a) If a training is not available in the provider's preferred language, interpreter services shall be made available.

(b) Training materials shall be culturally appropriate and accessible to providers 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 providers who experience a disability.

(4) Mandatory core training.

(a) Effective September 1, 2021, providers are required to complete eight hours of core training within 120 days of enrolling as a Medicaid provider.

(b) Providers 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), ODHS and the Commission may establish other training topics deemed appropriate for the professionalization of this workforce.

(5) Continuing education.

(a) Providers with an approved to work end date of March 1, 2026, or later, are required to complete 12 hours of continuing education by the end of the provider's 24-month approved to work credential on an ongoing basis.

(b) Providers 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) Providers are required to complete cultural competency training as part of their continuing education requirements.

(d) Providers who complete continuing education courses between April 1, 2023, and March 1, 2026, will receive training credit toward the initial continuing education requirements in 418-020-0035(5)(a).

(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 provider's mastery of the skills and knowledge acquired through training.
- (c) Providers enrolled on or after September 1, 2021, shall complete competency evaluations after the completion of orientation and core training.
- (d) Providers 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 a provider'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 June 30, 2022.~~

~~(8) Training Pilot. Providers who participate in the ODHS-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, OL 2018 ch. 75

418-020-0050 Registry

The Commission approves the maintains use of an online Registry matching system of qualified and active providers to provide routine, emergency, and substitute referrals to consumer-employers.

(1) Service Delivery Office Responsibilities. Staff ~~must enter~~will provide information ~~into~~about the Registry matching system to new consumer-

employers within five business days upon their being approved and set up for services and supports.:

~~(a) The date and location a provider completed orientation.~~

~~(b) The expiration dates of CPR and First Aid certifications for providers who present original documents at the service delivery office.~~

~~(2) Service Delivery Staff Use of Registry. ODHS and OHA Service Delivery office staff shall use the Registry exclusively to refer providers to consumer-employers:~~

~~(a) When a consumer-employer, consumer's authorized representative, or the consumer's common-law employer requests names of providers, an individual employer profile shall be created and used for generating a Registry list of providers who best match the consumer's profile. Service delivery staff may not:~~

~~(A) Create generic lists for distribution to multiple consumer-employers.~~

~~(B) Recommend specific providers to consumer-employers or serve as employment references for such workers.~~

~~(2b) Service delivery staff may refer consumer-employers, consumers' authorized representatives, or consumers' common law employers needing assistance with using the Registry online matching system or locating providers to the Employer Resource Connection consumer training services program for additional help.~~

~~(3) Referral Requirements. For a provider's name to appear on-ain the Registry referral list matching system, a provider must have an active, unrestricted provider number. It is strongly encouraged that a provider also:~~

~~(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.~~

~~(ad)~~ Maintain a complete, accurate profile.

~~(be)~~ Have a working telephone number and email address. ~~If a provider does not have a working telephone number in the Registry, they will not be available for referral in the Registry and will be notified by the Commission via U.S. Mail or email.~~

~~(cf)~~ Update profile information ~~at least every 90 days~~ as often as the system requires.

~~(dg)~~ Update changes to availability, telephone number, or other information when changes occur.

(4) Appropriate Use. The purpose of the Registry matching system is for individual consumer-employers, or persons authorized to act on behalf of consumers, ~~or individuals hiring in-home providers privately,~~ to find qualified providers.

(5) 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.

(6) Inappropriate Use by Providers. Providers may not use the Registry matching system for purposes other than its intended use. Providers may not:

(a) Use the Registry matching system to refer other providers or contact other providers.

(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, ODHS, OHA, or any service delivery office.

(7) Violations of OAR 418-020-0050(6) by providers 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 on the matching system for a prescribed period.

(C) Suspension of availability for ~~Registry~~ referral on the matching system until conditions for suspension are corrected.

(D) The requirement to attend Commission-sponsored trainings.

(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 provider by regular mail based on the last contact information provided by the provider, or, if requested by the recipient of the notice, by electronic mail. The Notice of Sanction 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