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

Oregon Home Care Commission (OHCC)		418
Agency and Division Name		Administrative Rule Chapter Number
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FILING CAPTION
(15 words or less)

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

Agency Approved Date: [08/22/2023]

Effective Date: [08/25/2023] through [02/20/2024]

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

AMEND:

418-020-0035

RULE SUMMARY:

The Oregon Home Care Commission (OHCC) is immediately amending rules in OAR chapter 418, division 020. The changes are summarized below.

Amend: OAR 418-020-0035
Rule Title: Mandatory Training and Competency Evaluations – 09/01/2021
Rule Change 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.

STATEMENT OF NEED AND JUSTIFICATION

Need for the Rule(s):

As mandated by Senate Bill 1534 (2018 Regular Session), rules in OAR chapter 418, division 020 were adopted to implement training standards for homecare workers, personal support workers, and personal care attendants to ensure workers have the skills, knowledge, and abilities to provide quality services and supports to individuals receiving Medicaid or Oregon Project Independence funded in-home services. The Commission needs to adopt and amend the rules in OAR chapter 418, division 020 to extend the implementation date for required continuing education for this workforce.

Justification of Temporary Filing:

Failure to act promptly and immediately amend OAR 418-20-0035 will result in serious prejudice to the public interest, the Commission, Oregon Department of Human Services, the Oregon Health Authority, homecare workers, personal support workers, personal care attendants (collectively referred to as providers), and individuals who receive in-home services. These rules need to be amended and adopted promptly to allow additional time for the current workforce to complete continuing education requirements.

Providers with an approved to work end date of September 1, 2023, or later, are required to complete 12 hours of continuing education by the end of their 24-month approved to work credential on an on-going basis. The completion of continuing education is a condition of on-going provider enrollment. Approximately 3,580 providers currently providing services are at risk of losing their eligibility to work if continuing education is not completed within the first three months of implementation. This will have a direct impact on consumers receiving services and the overall availability of the workforce.

A limited number of continuing education courses for providers became available in April of 2023. Unless the implementation date is extended, providers whose credentials expire on September 1, 2023, or later will have an abbreviated period of time to complete 12 hours of required continuing education. The intent was for providers to have 24 months to complete required continuing education. The implementation deadline must be extended to develop a more robust catalogue of trainings based on provider type and the specific needs of individuals receiving services, allow providers sufficient time to fulfil training requirements, implement

a comprehensive communication plan, maintain the current workforce, and improve the data exchange process.

Documents Relied Upon, and where they are available:

None.

/s/ Jenny Cokeley, Interim Executive Director, Oregon Home Care Commission 08/22/2023

Signature Date

OREGON HOME CARE COMMISSION
OREGON ADMINISTRATIVE RULES

CHAPTER 418
DIVISION 20

OREGON HOME CARE COMMISSION FUNCTIONS

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

(Temporary effective 08/25/2023 through 02/20/2024)

(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 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 ~~September 1, 2023~~ 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