



**Health Facilities Licensure and Certification**  
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February 9, 2021

To: Oregon In-Home Care Agencies (IHCAs)  
From: Health Care Regulation and Quality Improvement (HCRQI)  
In-Home Care Agency (IHCA) program  
RE: IHCA Initial Applicant FAQs

## **In-Home Care (IHC) Agency Initial Licensure Frequently Asked Questions**

### **1. What is an In-Home Care Agency?**

An in-home care agency (IHCA) is an agency primarily engaged in providing in-home care services (including personal grooming, mobility assistance, nutrition/hydration assistance and others) for compensation to an individual in that individual's place of residence. In-home care agencies are not home health agencies because they do not provide home health services as defined in the Oregon Revised Statutes ([ORS 443.014](#)).

### **2. Who must be licensed?**

You must become licensed as an in-home care agency if you are providing in-home care services and doing one or more of the following: 1) scheduling caregivers and assigning work, 2) assigning compensation rates, 3) defining working conditions, 4) negotiating for a caregiver or client for the provision of services, or 5) placing a caregiver with a client. To determine if your future business qualifies as an in-home care agency, please see our [determination form](#).

You do not need to be licensed, if your business is **only** providing housekeeping and supportive services such as laundry or shopping and errands.

### **3. What type of services do IHCAs provide?**

Types of services that IHCAs provide include but are not limited to bathing, personal grooming and hygiene, dressing, toileting and elimination, mobility and movement, nutrition/hydration and feeding, housekeeping tasks, laundry tasks, shopping and errands, transportation, and arranging for medical appointments. In-Home Care Agencies may also provide medication and nursing services, but these services require additional conditions for approval. These conditions include additional policies and procedures and a nurse on staff.

#### **4. Where can I find Statutes and Rules that govern In-Home Care Agencies?**

Oregon Revised Statutes (ORSs) for IHCAs can be found online at [healthoregon.org/hflc](http://healthoregon.org/hflc).

Oregon Administrative Rules (OARs) can be found at [healthoregon.org/hflc](http://healthoregon.org/hflc).

#### **5. What do I need to do to apply for an IHCA License?**

Read and understand all OARs found online at [healthoregon.org/hflc](http://healthoregon.org/hflc). Please note that the OARs for IHCA licensure were revised and effective on July 1, 2021. All initial applicants will need to have policies, procedures, and forms that comply with the revised OARs.

Fill out an In-Home Care [application](#) and include a check or money order for the correct fee amount (see application) payable to the “Oregon Health Authority” Please note that the fee is non-refundable. Please ensure you are absolutely certain you are prepared to be a licensed IHCA before sending in the application and fee.

Include an [administrator application](#) and resume for your administrator. The resume must:

- Be current;
- Show evidence of at least two years of professional<sup>1</sup> or management experience in a health-related field or program;
- Include:
  - employer’s name and location
  - dates of employment, including month and year
  - title of the position(s) held

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<sup>1</sup> These terms are defined in rule: [OAR 333-536-0005](#)

- detailed description of duties performed
- Show evidence of high school diploma or equivalent

Submit a HCRQI [Background Check Request Form](#). Any owner(s) or administrator(s) that have direct contact with clients must submit this form. Develop **ALL** policies and procedures (including associated forms such as the service plan form, disclosure form, etc.). With the initial application package, include the following policies and procedures sections covering all rule components within the specific OARs, with the applicable forms, outlined below:

[333-536-0050 Organization, Administration, and Personnel](#)

[333-536-0055 Disclosure, Screening and Acceptance of Clients](#)

[333-536-0065 Service Plans](#)

Send application, fee, resume, background check request forms and the three policies and procedure sections listed above, and associated forms to:

**Health Facility Licensing and Certification**

IHC Survey Team - Initial Application

PO Box 14260

Portland OR 97293

**Incomplete applications will not be processed until complete.**

**6. When does the survey happen and what does a survey involve?**

When the agency has successfully completed all steps in the initial licensure process, an initial onsite survey will be scheduled. The survey will be scheduled for a date and time agreed upon by the agency and the surveyor who will conduct the survey.

During the initial survey you will need to have all your policies and procedures identified in OARs ready for review by the surveyor.

All policies and procedures should be well-organized and easily identifiable for the surveyor to review. Please ensure that you have created all IHCA-required policies and procedures. Additional information regarding this can be found at [healthoregon.org/hflc](http://healthoregon.org/hflc).

For reference, definitions of a policy and a procedure is below.

A **policy** is a principle or a predetermined course of action to guide decision making.

A **procedure** describes a method to carry out a policy and often includes a series of steps.

A **form** may be part of a procedure that will be used to carry out a procedure.

During the survey the following should be ready for review:

- ✓ The agency's policies and procedures for operating and providing services as an In-Home Care Agency in Oregon. This includes the policies and procedures identified by the Oregon Administrative Rules Division 536, Chapter 333. Please use the IHC OARs to ensure that you have developed policies, procedures, and forms for all of the IHC OARs.

For example, the agency may have a policy that requires all caregivers be trained to provide medication administration. Procedures are then developed which reflect how that training requirement will be carried out with details of content, frequency, competency testing, etc.

- ✓ Forms created to provide documented evidence that the training requirements as specified in the procedures have been met for each caregiver.
- ✓ Quality Improvement Program Plan which demonstrates an assurance of compliance with the Oregon Administrative Rules for In-Home Care Agencies and the agency's own policies and procedures.
- ✓ A sample client record, which contains all documents and forms to be used by the agency. The record must demonstrate compliance with the Oregon Administrative Rules for In-Home Care Agencies and the agency's own policies and procedures.
- ✓ Personnel records for staff who are hired and ready to provide IHC services. These records must contain evidence of all applicable pre-screening, health, qualifications, training, and orientation required by the Oregon Administrative Rules for In-Home Care Agencies and the agency's own policies and procedures.

## **7. What happens if I pass the survey?**

A license will be issued for your agency or subunit within ten business days. The license is not transferable. The license must be posted in a conspicuous location at your agency. You are not allowed to accept clients until you have received your license.

## **8. What happens if I don't pass the survey?**

If your agency has deficiencies that need correction before a license is granted:

- You will receive a list of required corrections to your application
- These corrections must be completed prior to licensure
- When corrections have been completed, notify the In-Home Care program, and submit the corrected information
- Once corrections are received, the In-Home Care program will reevaluate your application.

If your agency is substantially out of compliance with Chapter 333, Division 536 of the OARs, your application may be denied.

If the request for a new survey is not received within 15 days, or if compliance is not achieved during the second initial survey, the agency will be required to submit a new application, including fee, and repeat all steps of the initial licensure process.

## **9. When do I need to report changes to the Division?**

If the ownership, address, or administrator of your agency or subunit changes at any time, you must notify this office, in writing, within 30 days of the change. Some changes require a fee.

## **10. Any additional information?**

The policies and procedures sent to the IHC program cannot be sent back to the agency after review.

The length of the In-Home Care Agency initial licensure request process varies depending on multiple factors such as whether or not the request is complete, whether or not additional information needs to be submitted, current workload and availability of resources necessary to complete the request review, etc.

Due to the large volume of applications received, it is not possible to establish specific time frames. If you have questions regarding the status of your application, please send your inquiry to [mailbox.hclc@state.or.us](mailto:mailbox.hclc@state.or.us).

## **11. Where can I get more information?**

In addition to the IHC program, you may consider contacting one of the associations below. These associations represent community-based care providers. OHA does not endorse any of the below organizations or the services that they may offer. The below information is provided solely as a resource.

### **Leading Age**

7340 SW Hunziker, Suite 104  
Tigard, OR 97223  
Phone: 503-684-3788  
Fax: 503-624-0870

### **Oregon Health Care Association (OHCA)**

11740 SW 68th Parkway, Suite 250  
Portland, Oregon 97223  
Phone: 503-726-5260  
Fax: 503-726-5259

### **Oregon Association for Home Care (OAHC)**

1249 Commercial Street SE  
Salem, Oregon 97302-4203  
Toll Free: 1-800-352-7230  
Fax: 503-399-1029

## **12. What are the guidelines for abuse and complaint reporting?**

If you have reasonable cause to believe your client is being, or has been abused, you are required to report this information to the appropriate Department of Human Services (DHS) office immediately. See contact information listed below:

### **Elder<sup>2</sup> Abuse Reporting**

If you suspect abuse, neglect, or financial exploitation of an elderly person or an adult with physical disabilities, report abuse or neglect to the Oregon

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<sup>2</sup> An Elder is defined as any person 65 years of age or older.

Department of Human Services (ODHS) office in your area. A link to ODHS offices in your area can be found [here](#).

### **Child<sup>3</sup> Abuse Reporting**

To report suspected child abuse, call the Oregon Child Abuse Hotline at 1-855-503-SAFE (7233). Additional information can be found on [ODHS's Abuse website](#).

### **Developmentally Disabled Persons Abuse Reporting**

If you suspect abuse, neglect, or financial exploitation of an adult with developmental disabilities, report abuse or neglect to your [county developmental disability program](#).

### **Adult with Mental Illness Abuse Reporting**

If you suspect abuse, neglect, or financial exploitation of an adult with mental illness, report the abuse to your [county mental health program](#).

### **Non-Long Term Care Health Care Facility Complaint Reporting**

Oregon Health Authority - Public Health Division  
Health Facilities Licensing and Certification (HFLC)  
800 NE Oregon St. #465  
Portland, OR 97232  
Phone: (971) 673-0540  
Fax: (971) 673-0556  
Email: [mailbox.hclc@state.or.us](mailto:mailbox.hclc@state.or.us)  
[HCRQI Complaint Form](#)

If you have any questions, please email the IHC survey team at [mailbox.hclc@state.or.us](mailto:mailbox.hclc@state.or.us).

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<sup>3</sup> A Child is defined as an unmarried person who is under 18 years of age.  
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