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SECRETARY OF STATE

WHEREAS, thousands of Oregon seniors and persons with disabilities live independently in their own homes, which they prefer and is less costly than institutional care (i.e. nursing homes), because over 10,000 home care workers, (also known as client employed providers), paid by the State of Oregon provide in-home support services;

WHEREAS, home care workers provide services that range from housekeeping, shopping, meal preparation, money management and personal care to medical care and treatment, but receive little, if any, training in those areas resulting in a detrimental impact on quality of care;

WHEREAS, the quality of care provided to seniors and people with disabilities is diminished when there is a lack of stability in the workforce which is the result of home care workers receiving low wages, minimal training and benefits;

WHEREAS, both home care workers and clients receiving home care services would benefit from creating an entity which has the authority to provide, and is held accountable for the quality of services provided in Oregon's in-home system of long-term care.

Be It Resolved that the people of the State of Oregon adopt a Home Care Quality and Accountability Act of 2000 as a new provision of the Constitution of the State of Oregon.

Section 1. Ensuring High Quality Home Care Services: Creation and Duties of the Quality Home Care Commission.

(A)The Home Care Commission is created as an independent public commission consisting of nine members appointed by the Governor.

(B)The duties and functions of the Home Care Commission include, but are not limited to:

(1)Ensuring that high quality, comprehensive home care services are provided to the elderly and people with disabilities who receive personal care services in their homes by home care workers hired directly by the client and financed by payments from the State or by payments from a county or other public agency which receives money for that purpose from the State;

(2)Providing routine, emergency and respite referrals of qualified home care providers to the elderly and people with disabilities who receive personal care services by home care workers hired directly by the client and financed in whole or in part by the State, or by payment from a county or other public agency which receives money for that purpose from the State;

- (3) Provide training opportunities for home care workers, seniors and people with disabilities as consumers of personal care services;
- (4) Establish qualifications for home care workers;
- (5) Establish and maintain a registry of qualified home care workers;
- (6) Cooperate with area agencies on aging and disability services and other local agencies to provide the services described and set forth in this section;

Section 2. Home Care Commission Operation/Selection

(A)The Home Care Commission shall be comprised of nine members. Five members of the Commission shall be current or former consumers of home care services for the elderly or people with disabilities. One member shall be a representative of the Oregon Disabilities Commission, (or a successor entity, for as long as a comparable entity exists). One member shall be a representative of the Governor's Commission on Senior Services, (or a successor entity, for as long as a comparable entity exists). One member shall be a representative of the Oregon Association of Area Agencies on Aging and Disabilities, (or a successor entity, for as long as a comparable entity exists). One member shall be a representative of the Senior and Disabled Services Division, (or a successor entity, for as long as a comparable entity exists).

(B)The term of office of each member is three years, subject to confirmation by the Senate. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term. A member is eligible for reappointment and may serve no more than three consecutive terms. In making appointments to the Commission, the Governor may take into consideration any nominations or recommendations made by the representative groups or agencies.

Section 3. Other Provisions – Legal Duties and Responsibilities of the Commission

(A)The Home Care Commission shall, in its own name, for the purpose of carrying into effect and promoting its functions, have authority to contract, lease, acquire, hold, own, encumber, insure, sell, replace, deal in and with and dispose of real and personal property.

(B)When conducting any activities in this Section or in Section 1 above, and in making decisions relating to those activities, the Home Care Commission shall first consider the effect of its activities and its decisions on improving the quality of service delivery and ensuring adequate hours of service are provided to clients who are served by home care workers.

(C)Clients of home care services retain their right to select the providers of their choice, including family members.

(D) Employees of the Commission are not employees of the State of Oregon for any purpose.

(E)Notwithstanding the provisions in subsection (D) of this section, the State of Oregon shall be held responsible for unemployment insurance payments for home care workers

(F) For purposes of collective bargaining, the Commission shall be the employer of record of home care workers hired directly by the client and paid by the State, or by a county or other public agency which receives money for that purpose from the State. Home care workers have the right to form, join and participate in the activities of labor organizations of their own choosing for the purpose of representation and collective bargaining with the Commission on matters concerning employment relations. These rights shall be exercised in accordance with the rights granted to public employees with mediation and interest arbitration as the method of concluding the collective bargaining process. Home care workers shall not have the right to strike.

(G) The Commission may adopt rules to carry out its functions.