



NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 411

DEPARTMENT OF HUMAN SERVICES

AGING AND PEOPLE WITH DISABILITIES AND DEVELOPMENTAL DISABILITIES

FILED

10/02/2025 5:23 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: APD: Adopting rules to establish a caregiver registry per SB 1556 (2022 Session)

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/28/2025 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Greg Goloborodko
503-979-6034
Gregory.Goloborodko@odhs.oregon.gov

500 Summer Street NE, E-02
Salem, OR 97301

Filed By:
Kristina Krause
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 11/21/2025

TIME: 11:00 AM

OFFICER: Staff

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 1-669-254-5252

CONFERENCE ID: 1607975897

SPECIAL INSTRUCTIONS:

Special Instructions: Please join within the first 15 minutes if planning to speak. The hearing will end after 30 minutes if no one joins or provides comments.

Everyone has a right to know about and use ODHS programs and services. ODHS offers free help, so services are available to all. Support may include:

- American Sign Language (ASL) or spoken language interpreters
- Live captioning
- Written materials in other languages
- Braille, large print, audio, or other formats

For help with understanding these rules or to request support, contact Greg Goloborodko at 503-979-6034 or Gregory.Goloborodko@odhs.oregon.gov at least five business days before the hearing.

ODHS accepts calls through all types of relay services.

Written Comments: Written comments must be received by 5 p.m. on Nov. 28, 2025. Email to apd.rules@odhs.oregon.gov or mail comments to ODHS APD Rules Coordinator, 500 Summer Street NE, E-02, Salem, OR 97301.

Note: All comments about this rulemaking will be posted later on the Office of Aging and People with Disabilities Rules webpage at <https://www.oregon.gov/odhs/rules-policy/Pages/apd-rules.aspx>. This helps keep the public informed.

NEED FOR THE RULE(S)

The Oregon Department of Human Services, Office of Aging and People with Disabilities needs to create rules in OAR chapter 411, division 003 to implement Senate Bill 1556 (2022 Regular Session) that directed the Department to establish and maintain an online home or community-based services caregiver registry accessible to the public. The adoption of these rules will provide more resources to Oregonians as they search for providers based on their care needs.

Note: Other changes may be made to these rules to fix grammar, improve word choices, make terms consistent, respond to public comments, or improve how clear and accurate the rules are.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Enrolled Senate Bill 1556 (2022 Regular Session)

<https://olis.oregonlegislature.gov/liz/2022R1/Measures/Overview/SB1556>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

This rule creates an online list of caregivers in Oregon. It ensures that people of all races have a fair chance to find caregivers in their area who meet their needs. Since the demand for caregivers is always growing, this registry will help people search for trained and certified professionals who can provide the right services and care.

The APD Equity Review Team (ERT) evaluated the rules on March 14, 2025. They suggested that the registry should be available in multiple languages. They also recommended checking if the website could be made mobile-friendly, so people in rural areas with slower internet could access it more easily.

The review suggested using simpler language in the rules to make them easier to understand. The rules were reviewed and revised to use plain language whenever possible. The ERT also recommended that the department start collecting data to track how the rule change affects people from different racial backgrounds who use the new registry.

This recommendation doesn't change the wording of the rule, but more analysis is needed to make sure everyone using the registry can access it. Right now, there's no data showing which specific groups are affected. Based on observations, affected groups may include adults with physical disabilities, people in rural areas, those facing financial hardship, individuals with intellectual or developmental disabilities, people with behavioral health challenges, those experiencing homelessness, members of LGBTQIA2S+ communities, and American Indian/Alaska Native communities. Support will be available to ensure all groups can access the process described in the rules.

FISCAL AND ECONOMIC IMPACT:

The Fiscal and Economic Impact is stated in the Department's statement of Cost of Compliance.

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). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost

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

(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 Department estimates that the cost to the agency, per Senate Bill 1556, as enacted, will be \$333,204.

Units of Local Government: The Department estimates that Units of Local Government will not be economically impacted by OAR 411-003.

Consumers: The Department estimates that Consumers will have a minimal economic impact by OAR 411-003. Consumers will have access to this online Registry free of charge and be able to view the content as needed.

Providers: The Department estimates that Providers will have a minimal economic impact by OAR 411-003. Providers will be required to provide the necessary information for updating the Registry, such as their employees' names, where they reside, verification of their background check and successful completion of their required trainings.

Public: The Department estimates that the Public will have a minimal economic impact by OAR 411-003.

(2) Effect on Small Businesses:

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

Employers are responsible for initiating the certification of home or community-based services caregivers who they employ. Employers must provide the necessary and relevant information to the department, to ensure that records are available to the general public through the Registry. No fiscal impact is expected on the small business community.

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

The proposed changes impact providers as described above in the Department's statement of cost of compliance.

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

The proposed changes impact providers as described above in the Department's statement of cost of compliance.

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

RULES PROPOSED:

411-003-0000, 411-003-0005, 411-003-0010, 411-003-0020, 411-003-0030

ADOPT: 411-003-0000

RULE SUMMARY: Defines the purpose and scope of these rules.

CHANGES TO RULE:

411-003-0000

Purpose

The purpose of these rules is to establish:

(1) A framework for caregiver certification based on existing rules regarding minimum qualifications and training requirements for caregivers to populate a publicly available registry that displays caregiver information, including qualifications and completion of trainings that have been verified for each caregiver.

(2) Criteria for certification of caregivers such that certification status can be displayed in the registry.

(3) Requirements and timelines for which employers of caregivers must submit verification of training completion to the Department.

(4) Requirements for administration of the registry by the Department.

Statutory/Other Authority: ORS 410.598, 410.600, 443.001, 443.305, 443.400, 443.886

Statutes/Other Implemented: ORS 410.598, 410.600, 443.001, 443.305, 443.400, 443.886

ADOPT: 411-003-0005

RULE SUMMARY: Defines key terms used in OAR chapter 411, division 003.

CHANGES TO RULE:

411-003-0005

Definitions

For the purpose of these rules, the following definitions apply:¶

(1) "Home or community-based services caregiver" or "caregiver" means:¶

(a) A home care worker; ¶

(b) An individual who provides in-home care services as an employee of or under an arrangement or contract with an in-home care agency; or¶

(c) An individual who is a direct care staff person or a universal worker in a residential care facility, as defined in OAR 411-054-0005, including an assisted living facility, a residential care facility, an assisted living facility with a memory care endorsement, or a residential care facility with a memory care endorsement as defined in OAR 411-057-0110.¶

(2) "Department" means the Oregon Department of Human Services.¶

(3) "Employer" means:¶

(a) An in-home care agency as defined in ORS 443.305 that hires, enters into an arrangement with, or contracts with a caregiver to provide in-home care services.¶

(b) The Oregon Home Care Commission (OHCC), which serves as the employer of record for collective bargaining for caregivers who are home care workers as defined in ORS 410.600.¶

(c) An owner or operator of a residential care facility or assisted living facility as defined in OAR 411-054-0005, that includes those with a memory care endorsement, that employs caregivers who are direct care staff or universal workers, including a facility with a memory care endorsement as specified by OAR 411-057-0110.¶

(4) "Home care worker" has the meaning given that term in ORS 410.600, which is a person:¶

(a) Who is hired or selected by an elderly person or a person with a physical disability or by a parent or guardian of an elderly person or a person with a physical disability;¶

(b) Who receives moneys from the department for the purpose of providing care to the elderly person or the person with a physical disability;¶

(c) Whose compensation is funded in whole or in part by the department, an area agency or other public agency; and¶

(d) Who provides hourly services; or¶

(e) Who provides home care services to private payers through the program described in ORS 410.605.¶

(5) "In-home care agency" has the meaning given that term in ORS 443.305, which is an agency primarily engaged in providing in-home care services for compensation to an individual in that individual's place of residence. It does not include a home health agency as defined in ORS 443.014.¶

(6) "In-home care services" has the meaning given that term in ORS 443.305, which is personal care services furnished by an in-home care agency, or an individual under an arrangement or contract with an in-home care agency, that are necessary to assist an individual in meeting the individual's daily needs. It does not include curative or rehabilitative services.¶

(7) "Registry" means a centralized repository for managing information about caregivers and which makes certain information available to the public, including caregiver name, county of caregiver residence, caregiver certification status, and caregiver criminal records check status.

Statutory/Other Authority: ORS 410.598, 410.600, 443.001, 443.004, 443.006, 443.305, 443.400, 443.886

Statutes/Other Implemented: ORS 410.598, 410.600, 443.001, 443.004, 443.006, 443.305, 443.400, 443.886

RULE SUMMARY: Describes the requirements for initial and continuing eligibility for standard certification as well as training needed to obtain and maintain additional endorsements.

CHANGES TO RULE:

411-003-0010

Caregiver Qualifications for Certification

(1) To be eligible for initial certification on the Department's registry as a home or community-based caregiver, caregivers must:

(a) Be 18 years of age or older;

(b) Not be excluded from participation in federal health care programs as specified under OAR 407-007-0279;

(c) Have an approved background check from the Department's Background Check Unit (BCU) in accordance with ORS 443.004; and

(d) Complete the minimum training requirements specified for each caregiver type as follows:

(A) A home care worker must:

(i) Submit an application and provider enrollment agreement and attend orientation as specified in OAR 418-020-0020;

(ii) Complete mandated core training within the specified time period and pass mandated orientation and training competency evaluations specified in OAR 418-020-0035; and

(iii) Meet provider enrollment standards for home care workers as specified in OAR chapter 411 division 31.

(B) A caregiver who is an employee of an in-home care agency must:

(i) Complete orientation as specified in OAR 333-536-0070;

(ii) Complete training requirements as specified in OAR 333-536-0070 including but not limited to a minimum of 8 hours of training and competency evaluation and documentation by the agency administrator or the administrator's designee; and

(iii) Undergo a minimum of 4 hours of non-injectable medication training if the caregiver will administer medication, as specified in OAR 333-536-0070.

(C) A caregiver who serves as direct care staff or universal worker may obtain certification upon meeting the requirements specified in OAR 411-054-0070 including but not limited to completing orientation, completing a minimum of 8 hours of required training, and successfully completing required competency evaluations.

(2) To maintain eligibility for certification on the Department's registry as a home or community-based caregiver, caregivers must:

(a) Complete required criminal records check and maintain an approved status in accordance with OAR 407-007-0600 to 407-007-0640.

(b) Complete required continuing education for each caregiver type as follows:

(A) A home care worker must complete 12 hours of continuing education by the end of the home care worker's 24-month work credential and complete cultural competency training as specified in OAR 418-020-0035;

(B) A caregiver who is an employee of an in-home care agency must receive a minimum of six hours of education from a qualified individual annually as specified in OAR 333-536-0070; and

(C) A caregiver who is direct care staff or a universal worker must receive at least 12 hours of annual in-service training including but not limited to training related to chronic diseases in the facility population, infectious disease training, and at least six hours of dementia care training as specified by OAR 411-054-0070.

(3) To be eligible for an additional endorsement on the Department's registry, caregivers must complete the additional training requirements specified for each endorsement type as follows:

(a) A caregiver who is a home care worker may obtain a Professional Development Certification by completing the requirements in OAR 418-020-0030 including but not limited to having an active unrestricted provider number, current Adult CPR and First Aid Certification, and submitting an application that is accepted by the Oregon Home Care Commission.

(b) A caregiver who is a home care worker may obtain Enhanced Home Care Worker Certification by completing the requirements in OAR 418-020-0030 including but not limited to having an active unrestricted provider number, current CPR and First Aid Certification, submitting an application that is accepted by the Oregon Home Care Commission, and completing enhanced training courses after application approval.

(c) A caregiver who is a home care worker may obtain a Ventilator Dependent Quadriplegia Certification by completing the requirements in OAR 418-020-0030 including but not limited to having an active unrestricted provider number, submitting an application that is accepted by the Oregon Home Care Commission, and completing all ventilator quadriplegia dependent certification coursework.

(4) To maintain an endorsement on the registry:

(a) To renew a Professional Development Certification a caregiver who is a home care worker must complete the

requirements specified in OAR 418-020-0030 between the 13th and 24th month of the certification period.¶
(b) An Enhanced Home Care Worker must maintain an active home care worker credential, maintain current Adult CPR and First Aid certification, and complete required trainings specified in OAR 418-020-0030 by the end of the 24th month of Enhanced home care worker certification period. ¶

(c) To maintain a Ventilator Dependent Quadriplegia certification, a caregiver must maintain an active home care worker credential, maintain current Adult CPR and First Aid certification, and complete required ventilator dependent quadriplegia certification courses specified in OAR 418-020-0030 between the 13th and 24th month of the certification period.

Statutory/Other Authority: ORS 410.598, 410.600, 443.001, 443.305, 443.400, 443.886

Statutes/Other Implemented: ORS 410.598, 410.600, 443.001, 443.305, 443.400, 443.886

ADOPT: 411-003-0020

RULE SUMMARY: Requires employers to request certification of caregivers they employ and provide verification to the Department that each caregiver has completed all required components within a certain time period.

CHANGES TO RULE:

411-003-0020

Training Verification Requirements

(1) Employers are responsible for requesting certification of caregivers whom they employ by using the application and process specified by the Department.¶

(2) Employers are required to provide verification that caregivers have completed all components required for each caregiver in the form and method specified by the Department, including but not limited to:¶

(a) Type of training.¶

(b) Certification requirements that have been met through training.¶

(c) Completion date or expected completion date if training is in-progress.¶

(d) Employer attestation of completed training¶

(3) Employers are required to submit verification of training as follows:¶

(a) For initial orientation and training, within 30 days of training completion.¶

(b) For employees with multiple employers, each employer will be required to submit this info to the department.¶

(c) Submission and verification will need to be provided to the department quarterly for ongoing training.¶

(d) For any required continuing education training, annually.¶

(4) If an employer does not submit training verification within 30 days of training completion, a caregiver may submit training verification to the Department in the form and manner specified by Department.

Statutory/Other Authority: ORS 410.598, 410.600, 443.001, 443.305, 443.400, 443.886

Statutes/Other Implemented: ORS 410.598, 410.600, 443.001, 443.305, 443.400, 443.886

ADOPT: 411-003-0030

RULE SUMMARY: Outlines the specific information that the Department will maintain on a publicly accessible caregiver registry. Allows caregivers to request removal from the registry and to provide updates.

CHANGES TO RULE:

411-003-0030

Registry Requirements

(1) The Department will maintain an online and publicly accessible home and community-based services caregiver registry that displays:¶

(a) The legal & preferred name of the caregiver;¶

(b) The county and, if applicable, the city where the caregiver resides;¶

(c) Certification status of the caregiver under section 1 of this 2022 Act and any endorsements earned by the caregiver; and¶

(d) Criminal records check status of the caregiver;¶

(e) One or more links to information regarding training requirements for the certification of each type of caregiver;¶

(f) A link to the home care registry, as defined in ORS 410.600, for members of the public to find home care workers;¶

(g) Any other guidance or resources that the Department deems necessary to help individuals use the registry.¶

(h) A notice that caregivers may opt out of the registry. ¶

(2) Caregivers may request to be excluded or removed from the registry.¶

(3) Caregivers may request updates to the registry due to:¶

(a) Change in caregiver county or city of residence.¶

(b) Change of caregiver name.¶

(c) Incomplete, inaccurate or changes to information regarding completed training, certification, or additional endorsements.¶

(4) To request removal from or updates to the registry, caregiver or the employer must submit a request using the form and method specified by the Department. The Department will provide this form at the time of request by the caregiver.

Statutory/Other Authority: ORS 410.598, 410.600, 443.001, 443.305, 443.400, 443.886

Statutes/Other Implemented: ORS 410.598, 410.600, 443.001, 443.305, 443.400, 443.886