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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: 10/29/2026 12:52 PM
ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: APD: Updating OAR 411-003 relating to caregiver registry rules (SB 1556, 2022)

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/23/2026 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.

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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: 11/17/2026
TIME: 10:00 AM
OFFICER: Staff

REMOTE HEARING DETAILS
MEETING URL: Click here to join the meeting
PHONE NUMBER: 971-277-2343
CONFERENCE ID: 721942076
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.

Written Comments: Written comments must be received by 5 p.m. on Nov. 23, 2026. Email comments to apd.rules@odhsoha.oregon.gov or mail comments to ODHS APD Rules Coordinator, 500 Summer Street NE, E-02, Salem, OR 97301.

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, Program Analyst 2 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.

NEED FOR THE RULE(S):

As directed in Senate Bill 1556, the Oregon Department of Human Services (ODHS), Office of Aging and People with Disabilities Program (APD) is directed to establish and maintain an online home or community-based services caregiver registry accessible to the public.

These rules are being adopted and amended to strengthen program compliance by putting enforceable standards in place that incorporate Senate Bill 1556 and by clarifying language and expectations.

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:

Senate Bill 1556, Enrolled (2022 Regular Session)
https://olis.oregonlegislature.gov/liz/2022r1/Downloads/MeasureDocument/SB1556/Enrolled

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

These rules create an online list of caregivers in Oregon. It ensures that people of all races have a fair chance of finding 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 suggested that the department start collecting data to see how the rule change affects people of 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 houselessness, 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 training.

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 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.
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 in 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:
411-003-0005, 411-003-0010, 411-003-0020, 411-003-0030, 411-003-0040

AMEND: 411-003-0005

RULE SUMMARY: Providing clarifying language to establish clear and concise descriptions around the key terms used within the rules. Additionally added language pertaining to the those impacted as required by the licensing authority.

CHANGES TO RULE:

411-003-0005
Definitions
For the purpose of these rules, the following definitions apply:¶
(1) "Certification" means that the individual~~s~~ ha~~ves~~ completed and passed background checks, successfully completed all training requirements that are relevant to the position and to the health and safety of workers and individuals receiving care, as required by the licensing authority, including but not limited to requirements adopted by the Department under ORS 410.598 and 443.011.¶
(2) "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.¶
(3) "Department" means the Oregon Department of Human Services.¶
(4) "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.¶
(5) "Home care worker" means the 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.¶
(6) "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 licensed by the Oregon Health Authority. It does not include a home health agency as defined in ORS 443.014.¶
(7) "In-home care agency 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.¶
(8) "Registry" means a centralized repository of caregivers operated by the Oregon Department of Human Services 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 through a searchable database.¶
(9) "Substantiated for abuse" has the meaning as defined in OAR chapter 411, division 20.
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

AMEND: 411-003-0010

RULE SUMMARY: Providing clarifying language around definitions for each caregiver qualification and their relevant certifications to be listed on the caregiver registry. Added clarifying language around those individuals who are subject to the department's background check unit and those that use a private background check vendor as allowed by the employers' licensing rule.

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~~f~~:¶
(A) From the Department's Background Check Unit (BCU) i~~n accordance with ORS 443.004; and~~f required by ORS 443.004; or ¶
(B) From a private background check vendor if allowed in the employer's licensing rule.¶
(d) Complete the minimum training requirements specified for each caregiver type as follows:¶
(A) A home care worker must:¶
(i) Complete mandated core training within the specified time period and pass mandated orientation and training competency evaluations specified in OAR 418-020-0035; and¶
(ii) 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.¶
(iv) If a caregiver has proof of a current Oregon health-care related license or certificate, they are exempt from the requirements in (B)(ii) - (B)(iii).¶
(C) A caregiver who serves as direct care staff or universal worker in a Assisted Living or Residential Care Facility must meet 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 defined by the applicable administrative rules: ¶
(A) A home care worker as specified in OAR 418-020-0035;¶
(B) A caregiver who is an employee of an in-home care agency as specified in OAR 333-536-0070; and¶
(C) A caregiver who is direct care staff or a universal worker 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

AMEND: 411-003-0020

RULE SUMMARY: Removing previous title named “Trainings Verification Requirements” which has since been changed to “Certification Verification Requirements” to align all subsequent sections. Provided additional guidance for training requirements and included language around the dates to be displayed on the registry for background check completions both within the BCU and private vendors. Updated language was also included around caregiver removal from the registry for substantiated abuse, timeliness of data submission to the agency and any facility change of ownership requirements when a new entity assumes control of the facility.

CHANGES TO RULE:

411-003-0020
~~Training~~Certification Verification Requirements
(1) 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 as required by their specific administrative rule.¶
(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.¶
(e) ~~End date or exp~~For caregivers whose licensing rule requires annual training, the employer must submit completion confirmation ~~date~~in the quarter after the completion of the training~~ credential~~.¶
(f) ~~End~~The date ~~or expiration date of the caregiver's~~the caregiver's most recent BCU background check is approved, or the date the caregiver's most recent private background check ~~status~~was completed.¶
(2) Employers are required to submit verification of training as follows:¶
(a) For initial orientation and training, by the next nearest quarterly report after training completion.¶
(b) Providers will need to submit verification to the Department at least quarterly for training or continuing education completed during the quarter.¶
(c) Employers are responsible for verifying certification of caregivers whom they employ who have completed training in another setting using the application and process specified by the Department, ¶
(d) For employees with multiple employers, each employer must submit the required information to the Department.¶
(3) ~~The Employer must notify the Department of any caregivers whose credentials have been suspended or revoked within 14 calendar days of the caregiver's suspension or revocation. If the Employer misses the 14 calendar days window, the employer must notify the Department immediately upon discov~~If the Department is notified of final order~~y~~ of ~~the missed notification. ¶~~
~~(4) The Employer must notify the Department within 3 business days of any employee who is~~ substantiated ~~for~~ abuse~~. The Department may remove the individual from the Registry at the discretion of the Department based on the severity of the abuse. ¶~~
~~(5) If an employee who is substantiated for abuse has left employment~~ of a caregiver who is on the Registry, the Department may remove the individual from the Registry at the discretion of the Department based on the severity of the abuse. ¶
(~~6~~4) If the employer is unable to submit the request/data as required in these administrative rules in a timely fashion, they must notify the Department with an estimated submission time.~~.~~¶
(~~7~~5) ~~An employer must notify the Department upon a Change of Ownership and submit the current caregiver information within 14 days of the change~~Upon Change of Ownership, the new owner must submit the current caregiver information for all caregivers who have not declined to participate in the registry, without missing a quarterly submission.
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

AMEND: 411-003-0030

RULE SUMMARY: Identifies and clarifies the employer's expectations of the information they will be providing to the agency on a quarterly basis, along with impact on caregivers who wish to opt out of participation in the registry for any reason, and without any negative impact on their employment. Additional language was also provided for accessing the opt-out request forms and the agency's role in making this form available upon request. New guidance was also provided to clarify the time allowed for employers to submit their data on a quarterly basis as well as any reinstatement back onto the registry by anyone who was previously removed, along with any data updates/corrections and the process used to make any such requests.

CHANGES TO RULE:

411-003-0030
Registry Requirements
(1) Employers will submit the following information to the Department at least quarterly:¶
(a) The legal name of the caregiver with an optional field for the caregiver's preferred name;¶
(b) The county and, if applicable, the city where the caregiver resides;¶
(c) Certification status of the caregiver and any endorsements earned by the caregiver; and¶
(d) Criminal records check status of the caregiver.¶
(2) The Department will ensure that the Registry includes:¶
(a) Clear delineation of which certifications the caregiver holds.¶
(b) One or more links to information regarding training requirements for the certification of each type of caregiver;¶
(c) A link to the home care registry, as defined in ORS 410.600, for members of the public to find home care workers;¶
(d) Any other guidance or resources that the Department deems necessary to help individuals use the Registry.¶
(e) A notice that caregivers may opt out of the Registry and therefore caregivers may not be listed. ¶
(f) Disclaimer language that the information is updated per these rules and may not be completely accurate and that employer specific trainings may not be listed.¶
(3) A caregiver can decline to participate on the registry for any reason without any negative impact on their ability to work.¶
(4) The Department will develop an "opt-out" form for caregivers who wish to decline to participate in the Registry. The form will be written in plain language, explain the Registry and provide details about what information will be publicly available. The Department will provide this form to employers and will post it on the Department's website.¶
(~~4~~5) Caregivers may decline to participate in the Registry by either: ¶
(a) Notifying their employer before their employer submits the information to the Department using the Department's required form, which will be kept by the employer; or¶
(b) Notifying the Department through a required form that they should be removed from the Registry once the caregiver has been added to the Registry. The Department will retain the form and notify the ~~e~~Employer within 14 calendar days. The ~~e~~Employer will not submit that ~~individual~~caregiver's information in the future quarterly submissions.¶
(c) A caregiver may request to be reinstated on the Registry by notifying their Employer. The Employer will then include the caregiver's information in the next quarterly submission~~s~~. ¶
(~~5~~6) Caregivers may request updates to the Registry by requesting through their employer and providing the necessary documentation, 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.¶
(~~6~~7) Employers are responsible for verifying and submitting all caregiver training, certification, residence, and eligibility information required for inclusion in the Registry at least quarterly. Workers may not self-report any information for the purpose of meeting employer verification or reporting obligations. ¶
(~~7~~8) Caregivers may notify the Employer of any errors. Employers must verify that the information on the Registry is correct and will submit any changes in the next quarterly submission using the Department's prescribed method.¶
(9) If the Employer does not address the errors to the Caregiver's satisfaction, the Caregiver may notify the

Department that they wish to access the worker correction and dispute resolution process. This is distinct from employer reporting duties, through which caregivers may request correction of inaccurate information displayed in the Registry. Any forms or processes established by the Department must be used solely for worker-initiated corrections and will not substitute for employer reporting requirements. ¶
(~~8~~10) The Department will notify Employers within 14 calendar days of any notifications from caregivers of their request to access the correction and dispute resolution process defined in (9).¶
(11) The Department will review the request and notify the Employer and the Caregiver of any changes. In the event of a system or Department error, the Department will work directly with the Registry vendor to address any needed changes.
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: 411-003-0040

RULE SUMMARY: Employers who fail to comply with these administrative rules will be referred to their licensing authority for review and corrective action.

CHANGES TO RULE:

411-003-0040
Enforcement
Employers who fail to comply with these administrative rules will be referred to their licensing authority for review and corrective action.
Statutory/Other Authority: ORS 410.070, 443.450
Statutes/Other Implemented: ORS 441.705 - 441.745, 443.400 - 443.455, 443.991