

Home Health Care Worker Fact Sheet



Workers' Compensation – What are my Rights?

If you believe you were injured at work or suffer from an illness because of your job, tell your employer as soon as possible. Injured workers in Oregon have the right to file a claim, seek medical care, and access benefits for time off.

Some employers in Oregon are exempt from having to carry workers' compensation coverage if all of their workers are considered nonsubject under the law. If you believe your employer is employing subject workers without the required workers' compensation coverage, contact the Workers' Compensation Division, Employer Compliance Unit at 503-947-7815.

For more questions or assistance, contact:

Workers' Compensation Division
503-947-7585
800-452-0288 (toll-free)
workcomp.questions@oregon.gov

Ombudsman for Injured Workers
503-378-3351
800-927-1271 (toll-free)
oiw.questions@oregon.gov

Para información en español (llamada gratuita)
1-800-927-1271



Workers' Compensation Coverage for Home Health Care Workers

- Home health care workers who are employed directly by a client in a private home are considered **nonsubject** workers, unless the care is state-funded or acquired through the Oregon Home Care Commission (OHCC). See below. This means that the client is not required to provide workers' compensation insurance coverage, unless the private home is also used for business purposes.
- For those workers who provide care that is state-funded or acquired through OHCC, the commission **elects** workers' compensation insurance coverage on behalf of the clients who employ these workers to make them **subject**. Home care workers and personal support workers who are represented by the Service Employees International Union (SEIU) Local 503 are covered by workers' compensation for injuries that occur on the job.
- Workers employed by private home health care agencies that provide services in and about a client's private home are considered **subject** workers. These agencies are required to maintain workers' compensation insurance coverage. However, an independent contractor working for a private home health care agency is not a subject worker. Some characteristics of an independent contractor include, but are not limited to:
 - o Caregiver asserts he or she is self-employed and might serve more than one client
 - o Caregiver files taxes as self-employed
 - o Caregiver maintains his or her own liability insurance and business licenses
 - o Caregiver requires no training or supervision
 - o Caregiver arranges his or her own fees and availability directly with the client
 - o Caregiver is free to accept or decline a client
 - o Caregiver provides services under his or her own license or certificate, if required

How Do I File a Claim?

Workers who have work-related injuries or illnesses need to file a claim to receive workers' compensation benefits. They fill out the Report of Job Injury or Illness (Form 801) from their employer or the Worker's and Physician's Report for Workers' Compensation (Form 827) from their doctor. Either form begins the claims process. The employer or doctor sends the forms to the insurer. Insurers must accept or deny the claim within 60 days, then notify the Workers' Compensation Division (WCD) of DCBS within 14 days of acceptance or denial.