



**INTEROFFICE MEMORANDUM**  
**Oregon Occupational Safety & Health Division**

January 22, 2010

**TO:** ALL OSHA  
**FROM:** Marilyn K. Schuster, Policy Manager  
**SUBJECT:** Jurisdiction over Adult Foster Homes

With the advent of the new scheduling system we have become aware of an anomaly in workers' compensation coverage. Adult foster homes are an industry that we have not previously encountered because they are exempt from workers' compensation coverage requirements for their employees under ORS 656.027(19). An adult foster home has 5 or fewer residents. Under the new scheduling system they are on safety list G and health list B and have been selected for inspections.

Adult foster homes that have not elected workers' compensation coverage are not within OR-OSHA's jurisdiction based on the definition of place of employment in 654.005(8)(b) which excludes "any place where the only employment involves nonsubject workers employed in or about a private home."

There are some adult foster homes that have elected workers' compensation coverage. Those employers are within our jurisdiction and will continue to be subject to scheduled inspections. To the extent that resources allow, we will offer voluntary services to adult foster homes regardless of their workers' compensation coverage status.

DHS, who licenses adult foster homes, has agreed to provide us the list of licensees. We will run that list against the employment department list to remove these employers from the list. We will also remove them from future HB2830 letter lists.

For those inspections already conducted where we have no jurisdiction, any citations already issued will be withdrawn through the Central Office. For any inspections where a citation has not been issued contact Michelle Houser in Central for assistance in closing out the inspection paperwork. If the Adult Foster Home is within our jurisdiction proceed as usual.