

HB 3359 A STAFF MEASURE SUMMARY

House Committee On Human Services and Housing

Action Date: 04/18/17

Action: Do pass with amendments and be referred to Ways and Means. (Printed A-Eng.)

Vote: 8-1-0-0

Yeas: 8 - Gorsek, Keny-Guyer, Meek, Noble, Olson, Piluso, Sanchez, Stark

Nays: 1 - Nearman

Fiscal: Fiscal impact issued

Revenue: No revenue impact

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WHAT THE MEASURE DOES:

Makes legislative findings regarding residents, administrators and workers of community-based care facilities. Sunsets legislative findings on December 31, 2019. Establishes Quality Metric Council (Council). Specifies the Council establish quality metrics by rule by January 1, 2022 and update annually. Directs DHS to develop or obtain a technology-based, acuity-based staffing tool. Requires adult foster homes to meet all state and local building, sanitation, utility and fire standards.

Allows DHS to revoke or suspend residential care facility license including the immediate suspension when imminent danger to residents exists. Allows residential care facility to contest suspension. Establishes the Residential Care Quality Measurement Program (RCQMP) within the Department of Human Services (DHS) and requires report no later than July 1 of each year with data on, performance trends, regulatory violations surveys, investigation and related areas of residential care quality. Requires residential care facilities to report on quality metrics no later than December 31 of each year. Becomes operative January 1, 2022.

Establishes process for a long-term care facility to convert to a residential care facility and directs DHS to establish rules. Requires DHS to develop a framework for assessing compliance of residential care facilities that equitably measure compliance and noncompliance. Requires residential care facility and adult foster home to ensure that prescription drugs are packaged in a manner that reduces error in tracking and administering drugs. Establishes that a long-term care or residential care facility may enter into agreement for binding arbitration if certain conditions are met.

Changes name of facilities that provide care for individuals with Alzheimer's disease or other forms of dementia from "Alzheimer's care unit" to "endorsed memory care community." Outlines training on dementia care required by all direct care staff of residential care facilities. Requires residential care facility to provide direct care staff with assessment of competency and certificate of completion for dementia care training. Requires caregiver to complete training in dementia care. Defines "caregiver" as individual responsible for providing care and services to adult foster care home residents. Directs Oregon Medical Board to encourage primary care and geriatric physicians to obtain continuing education on the detection and early diagnosis of Alzheimer's disease and prescribing practices. Repeals requirement that any facilities that provides care for patients with Alzheimer's disease or other dementia must register with the DHS.

ISSUES DISCUSSED:

- Abuses in care facilities
- Management of care facilities
- Population of Oregonians using care facilities

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EFFECT OF AMENDMENT:

Replaces measure.

BACKGROUND:

Portland State University's Institute on Aging conducted a research study in collaboration with the Department of Human Services Aging and People with Disabilities program area to examine the characteristics of residents in assisted living, residential care, and memory care settings in 2016. The study outlines information on the number of long-term care facilities in the state, facility size, resident characteristics, types of chronic medical conditions, length of stay and payment sources. In 2016, there were 1,692 adult foster homes, 216 assisted living facilities, 275 residential care facilities, 160 memory care facilities and 138 nursing facilities in Oregon.

House Bill 3359 A establishes the Residential Care Quality Measurement Program (RCQMP) within the Department of Human Services (DHS) and requires report on performance trends, regulatory violations surveys, investigation and related areas of residential care quality. Residential care facilities are required to report on quality metrics no later than December 31 of each year. The Quality Metric Council is also established to work with DHS on residential care quality metrics.

House Bill 3359 A outlines a variety of policy changes for DHS and long-term care facilities. These include:

- Establishing a process for a long-term care facility to convert to a residential care facility
- Assessing compliance of residential care facilities that equitably measure compliance and the extent of noncompliance with state law and DHS rules
- Development of a technology-based, acuity-based staffing tool for DHS to assess residential care staffing needs
- Training on dementia care required by all direct care staff of residential care facilities and assessment of training
- Allowing DHS to revoke or suspend residential care facility license including the immediate suspension when imminent danger to residents exists. This includes allowing the residential care facility to contest the license suspension
- Requiring residential care facility and adult foster home to ensure that prescription drugs are packaged in a manner that reduces error in tracking and administering drugs
- Establishing that a long-term care or residential care facility may enter into agreement for binding arbitration if certain conditions are met
- Changing the name of facilities providing care for individuals with Alzheimer's disease or other forms of dementia from "Alzheimer's care unit" to "endorsed memory care community"
- Requiring caregivers at adult foster home to complete training in dementia care
- Requiring adult foster homes to meet all state and local building, sanitation, utility and fire standards
- Directing Oregon Medical Board to encourage primary care and geriatric physicians to obtain continuing education on the detection and early diagnosis of Alzheimer's disease and prescribing practices
- Repealing requirement that any facilities that provides care for patients with Alzheimer's disease or other dementia must register with the department