

HB 4129 A STAFF MEASURE SUMMARY

House Committee On Human Services and Housing

Action Date: 02/15/18
Action: Do pass with amendments
and be referred to Ways and Means by prior reference. (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: Revenue impact issued
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WHAT THE MEASURE DOES:

Establishes a license for residential care facility administrators (RCFAs) within the Health Licensing Office (HLO) for qualified applicants and changes the “Nursing Home Administrators Board” to the “Long Term Care Administrators Board”. Requires the Long Term Care Administrators Board to administer an examination for licensure of RCFAs at least once a year. Specifies provisions for provisional licensure of current RCFAs beginning July 1, 2018 through December 31, 2020. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Issues regarding residential care facilities
- House Bill 3359 (2017)
- Overview of RCFA work group
- Licensure of RCFAs
- Use of community-based care for aging and people with disabilities
- Concerns of workforce shortage for residential care facilities

EFFECT OF AMENDMENT:

Allows HLO to issue RCFA license instead of requiring issuance. Includes in licensure application requirements a combination of experience and education deemed sufficient by HLO. Requires HLO to consider qualifications for criminal records check required by direct care employees.

Requires the Long Term Care Administrators Board (Board) to approve at least one licensure examination for RCFAs and ensure the examinations are easily and frequently accessible to applicants. Requires the Board to adopt rules determining the subjects, scope, and content of the examination; ensuring specificity to Oregon law and administrative rules; determining a passing score; and ensuring the integrity of the examination process. Changes Board member composition to include a physician who has expertise in geriatric care or people with disabilities. Prohibits the Board from carrying out disciplinary action against an individual unless there is at least one board member, who represents that type of license, present at all disciplinary meetings. Specifies timelines for Board member requirements and approval of licensure examination.

Requires individuals employed as RCFAs in Oregon to apply for a provisional license by July 1, 2019. Specifies requirements for the provisional licensure. Allows HLO to issue a provisional license to an individual not meeting all requirements or to individuals employed in a state other than Oregon under specified conditions. Establishes provisional license expiration date of December 31, 2021 or when the individual becomes officially licensed. Requires RCFAs holding a provisional license to be officially licensed by January 1, 2022.

Removes RCFAs from definitions related to protected health information.

Specifies operative dates. Declares emergency, effective upon passage.

This Summary has not been adopted or officially endorsed by action of the committee.

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BACKGROUND:

Residential Care Facilities (RCFs) are shared or individual living units in a homelike surrounding where six or more seniors and adult individuals with disabilities can reside. An RCF offers and coordinates a range of supportive services available on a 24-hour basis to meet the activities of daily living, health, and social needs of the residents.

Administrators of an RCF must currently either complete 40 classroom hours of Department of Human Services (DHS) approved training or a training program of less than 40 classroom hours and a 40-hour internship with a DHS approved administrator. Administrators must also complete 20 hours of continuing education each year.

The 2017 Legislative Assembly passed House Bill 3359 which established the Residential Care Quality Measurement Program and outlined several policy changes regarding residential and memory care facilities. After the passage of the bill, the Speaker of the House established the Administrator Licensing Work Group to make further recommendations.

House Bill 4129-A establishes a license for RCFA within the HLO. RCFA is defined as an individual who is responsible for planning, organizing, and managing the operation of an RCF. Applicants are qualified for the RCFA license if they are at least 21 years old, have earned a high school diploma or its equivalent, demonstrated professional or academic requirements, have completed at least 40 hours of training, have paid the licensure fee, and pass the RCFA examination.

The measure also changes the "Nursing Home Administrators Board" to the "Long Term Care Administrators Board". The Board may establish standards for the issuance of both nursing home administrator and RCFA licenses. The Board is required to approve the RCFA examination and determine the subject, scope, and content of the examination ensuring specificity to Oregon law and administrative rule. Membership of the Board is expanded to include three licensed RCFA, with at least one of whom serves in a memory care community, and a physician experienced in geriatric care or care of people with disabilities.