

Enrolled
Senate Bill 1061

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CHAPTER

AN ACT

Relating to long term care; and declaring an emergency.

Whereas Oregon is a pioneer in developing community-based care options for seniors and persons with disabilities; and

Whereas Oregon continues to maintain the lowest institutionalization rate of seniors of all 50 states and is nationally recognized for its vast array of community-based care options; and

Whereas the aging demographic and an increase in the number of younger persons with disabilities require that Oregon continue the current planning process to ensure that all Oregonians have access to community-based care options; and

Whereas the Department of Human Services is developing a collaborative, comprehensive planning effort for the long term care system, built on the assumption of a strong and robust community-based care infrastructure; and

Whereas that infrastructure is crumbling and requires immediate attention in order to ensure a strong foundation on which to build the future long term care system; and

Whereas there is a growing disparity between Medicaid reimbursement rates and private pay rates in community-based care settings, resulting in a loss of Medicaid-funded access to residential care facilities, assisted living facilities and adult foster homes; and

Whereas recent trends in long term care placements are deviating from the previous forecasts; and

Whereas it is imperative that the Seventy-fourth Legislative Assembly take immediate action to stem the loss of housing options for seniors and persons with physical disabilities and redirect the state's planning and resources toward building and maintaining a viable community-based care infrastructure; now, therefore,

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) The Department of Human Services shall develop a comprehensive plan for Oregon's long term care system for seniors and persons with physical disabilities.

(2) In developing the comprehensive plan, the department shall work with stakeholders, advocates for seniors and advocates for persons with physical disabilities.

(3) The comprehensive plan must include recommendations for:

(a) Improving the long term care system in Oregon;

(b) Improving access by seniors and persons with physical disabilities to services in the least restrictive long term care settings;

- (c) Obtaining any Medicaid waivers that may be required; and
- (d) Creating a reimbursement structure that ensures access to services while controlling costs and maintaining quality care by:
 - (A) Reexamining client acuity and appropriate service priority level designations;
 - (B) Developing reimbursement rates that are reasonably competitive with rates paid by private payers;
 - (C) Creating incentives for providers to participate in the state medical assistance program; and
 - (D) Addressing geographic differentials.

SECTION 2. The Department of Human Services shall report to the regular session of the Seventy-fifth Legislative Assembly on the department's cost projections for:

- (1) Stabilization and provision of adequate funding for Oregon Project Independence;
- (2) Restoration of the general assistance program under ORS 411.710 to 411.730;
- (3) Strengthening volunteer-based services for seniors, including the Senior Companion Program and the Retired and Senior Volunteer Program;
- (4) Developing a model for a long term care system that:
 - (a) Is not funded by Medicaid;
 - (b) Is based on early intervention and prevention services; and
 - (c) Provides a single point of entry to the entire aging and disabilities services network;
- (5) Providing to area agencies, as defined in ORS 410.040, fair and adequate funding, based on workload;
- (6) Addressing the needs of seniors and persons with physical disabilities for mental health and addiction services;
- (7) Increasing the training capacity in this state to address shortages in the recruitment and retention of a qualified workforce, with special attention to rural workforce needs and to maximizing federal funding for training;
- (8) Implementing a proposal, developed in collaboration with stakeholders, for a residential care facility licensure review process that will replace the assisted living and residential care licensing moratorium created as a result of section 1, chapter 981, Oregon Laws 2001;
- (9) Improving services for persons who have a traumatic brain injury;
- (10) Developing and exploring alternative long term care models; and
- (11) Strengthening services and supports for family and other volunteer caregivers.

SECTION 3. This 2008 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2008 Act takes effect on its passage.

Passed by Senate February 15, 2008

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Secretary of Senate

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President of Senate

Passed by House February 22, 2008

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Speaker of House

Received by Governor:

.....M,....., 2008

Approved:

.....M,....., 2008

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Governor

Filed in Office of Secretary of State:

.....M,....., 2008

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Secretary of State