

A-Engrossed
Senate Bill 1061

Ordered by the Senate February 13
Including Senate Amendments dated February 13

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Services to Seniors and People With Disabilities)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires Department of Human Services [*to establish Medicaid reimbursement rates at levels sufficient for specified residential care facilities and adult foster homes to maintain existing capacities for serving seniors and persons with physical disabilities through end of biennium.*]
[Requires department] to develop comprehensive plan for long term care system.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to long term care; and declaring an emergency.

3 Whereas Oregon is a pioneer in developing community-based care options for seniors and per-
4 sons with disabilities; and

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

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

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

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

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

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

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

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

25 **SECTION 1.** (1) **The Department of Human Services shall develop a comprehensive plan**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 for Oregon's long term care system for seniors and persons with physical disabilities.

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

4 (3) The comprehensive plan must include recommendations for:

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

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

8 (c) Obtaining any Medicaid waivers that may be required; and

9 (d) Creating a reimbursement structure that ensures access to services while controlling
10 costs and maintaining quality care by:

11 (A) Reexamining client acuity and appropriate service priority level designations;

12 (B) Developing reimbursement rates that are reasonably competitive with rates paid by
13 private payers;

14 (C) Creating incentives for providers to participate in the state medical assistance pro-
15 gram; and

16 (D) Addressing geographic differentials.

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

19 (1) Stabilization and provision of adequate funding for Oregon Project Independence;

20 (2) Restoration of the general assistance program under ORS 411.710 to 411.730;

21 (3) Strengthening volunteer-based services for seniors, including the Senior Companion
22 Program and the Retired and Senior Volunteer Program;

23 (4) Developing a model for a long term care system that:

24 (a) Is not funded by Medicaid;

25 (b) Is based on early intervention and prevention services; and

26 (c) Provides a single point of entry to the entire aging and disabilities services network;

27 (5) Providing to area agencies, as defined in ORS 410.040, fair and adequate funding, based
28 on workload;

29 (6) Addressing the needs of seniors and persons with physical disabilities for mental
30 health and addiction services;

31 (7) Increasing the training capacity in this state to address shortages in the recruitment
32 and retention of a qualified workforce, with special attention to rural workforce needs and
33 to maximizing federal funding for training;

34 (8) Implementing a proposal, developed in collaboration with stakeholders, for a residen-
35 tial care facility licensure review process that will replace the assisted living and residential
36 care licensing moratorium created as a result of section 1, chapter 981, Oregon Laws 2001;

37 (9) Improving services for persons who have a traumatic brain injury;

38 (10) Developing and exploring alternative long term care models; and

39 (11) Strengthening services and supports for family and other volunteer caregivers.

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

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