

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass as Amended, Be Printed Engrossed, Rescind Subsequent Referral to Ways and Means and Be Placed on the Consent Calendar
Vote:	8 - 0 - 2
Yeas:	Barton, Cameron, Garrett, Olson, Shields, Smith J., Stiegler, Barker
Nays:	0
Exc.:	Krieger, Whisnant
Prepared By:	Bill Taylor, Counsel
Meeting Dates:	2/18, 4/14, 4/17

WHAT THE MEASURE DOES: Allows the Director of Human Services to file a petition to appoint a trustee of a long term care facility without giving notice to the owner of the facility if there is a serious and immediate risk of harm or death to patients in the facility. Requires hearing on the merits of the petition, if ex parte order granted, within five days. Allows the director to petition in the circuit court of Marion County as well as the county where the facility is located seeking the appointment of a trustee. Requires the petition be served on the licensee for the facility. Allows the Department of Human Services (DHS) to appoint a temporary manager for up to six months and sets the duties and responsibilities for the manager. Increases the minimum and maximum amount in Facility Fund from no less \$600,000 and no more than \$750,000. States that when the fund reaches \$750,000, DHS will discontinue collecting for the fund but will resume doing so when the fund falls below \$600,000. Allows a trustee to prohibit any person, including the licensee, from entering or remaining on the premises.

ISSUES DISCUSSED:

- Need to protect vulnerable patients
- Long term care facilities cannot be closed down overnight

EFFECT OF COMMITTEE AMENDMENT: Substitutes the term “licensee” for the “person legally responsible.” Increases the Facility Fund from \$300,000 to \$750,000. States that when the fund reaches \$750,000, DHS will discontinue collecting for the fund but will resume doing so when balance falls below \$600,000. Defines who is a “licensee” and who is not.

BACKGROUND: Trusteeship of a long term care facility is necessary when the health and well-being of the facility’s residents are in jeopardy. However, the current process for establishing a trusteeship can take weeks. During this period of uncertainty, the residents of the facility may be at risk.

The State of Oregon maintains a fund to assist in paying the operation expenses of long term care facilities in trusteeship. The Department of Human Services collects a fee from all long term facilities to fund this fund. The current balance in this fund is set at no more than \$300,000.