

Senate Bill 21

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 Governor John A. Kitzhaber, M.D., for Department of Human Services)

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 **as introduced**.

Requires Department of Human Services to develop plan for long term care. Specifies requirements for development and implementation of plan.

Sunset January 2, 2019.

Declares emergency, effective on passage.

A BILL FOR AN ACT

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

3 Whereas older adults and persons with disabilities can live long and healthy lives; and

4 Whereas many of these Oregonians need assistance to live as independently as possible; and

5 Whereas Oregon's long term care system has been a national leader in ensuring that seniors and
6 persons with disabilities receive care that honors their independence, choice and dignity in a cul-
7 turally and linguistically competent manner; and

8 Whereas most Oregonians take today's array of choices in and the cost effectiveness of long
9 term care for granted, but many of the options are available only to Medicaid-eligible individuals;
10 and

11 Whereas the aging of our society poses both challenges and opportunities; and

12 Whereas the escalating costs of long term care services and supports compromise the ability to
13 invest in other services that contribute to the well-being of this population; and

14 Whereas Health System Transformation is changing the landscape of the health care delivery
15 system, and the long term care system must also change; and

16 Whereas incremental changes will not solve Oregon's impending crisis and comprehensive re-
17 form is required; now, therefore,

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

19 **SECTION 1. (1) The Department of Human Services shall develop a plan to reform and**
20 **modernize Oregon's publicly funded long term care system. The plan must set forth:**

21 **(a) How to establish home and community-based care as the new long term care**
22 **entitlement;**

23 **(b) How to ensure that nursing facility services can be made available for individuals with**
24 **qualifying needs and in geographic areas where no home and community-based care is**
25 **available;**

26 **(c) Strategies and implementation plans designed to prevent or delay the entry of indi-**
27 **viduals into publicly funded long term care;**

28 **(d) Strategies to institutionalize effective care coordination between long term care and**
29 **acute care systems;**

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 (e) How to modernize Oregon Project Independence;

2 (f) Strategies to address the diverse needs of individuals who are not adequately served
3 in the existing long term care system;

4 (g) Strategies to ensure long term care services are delivered in a culturally and lin-
5 guistically appropriate manner; and

6 (h) Strategies to ensure individuals currently served in publicly funded long term care
7 are exempted or transitioned to the new system without the loss of benefits.

8 (2) The department shall explore the use of Medicaid demonstration projects to provide
9 the greatest flexibility under federal requirements to administer long term care for seniors
10 and individuals with physical disabilities.

11 (3) In developing the plan, the department shall consider making services available to
12 individuals who are not eligible for Medicaid or for Medicaid-funded long term care by
13 charging costs on a sliding scale, or applying other needs-based criteria, to make long term
14 care affordable.

15 **SECTION 2.** (1) To assist in developing the plan described in section 1 of this 2013 Act,
16 the Department of Human Services shall convene a planning committee that includes repre-
17 sentatives of all key stakeholders, including but not limited to the Long Term Care Om-
18 budsman and representatives of:

19 (a) Nursing facilities and community-based care facilities;

20 (b) The Service Employees International Union and home care workers;

21 (c) In-home care agencies and home health agencies;

22 (d) The department's statutory advisory councils, committees and commissions;

23 (e) Area Agencies on Aging; and

24 (f) The State Independent Living Council established by Executive Order 94-12 and Cen-
25 ters for Independent Living.

26 (2) The department shall present a preliminary plan in public hearings conducted in re-
27 gions throughout this state during December 2013 and January 2014.

28 (3) After considering input received in the public hearings, the department shall finalize
29 the plan described in section 1 of this 2013 Act and shall submit a written report to the
30 Legislative Assembly during the 2014 regular session of the Legislative Assembly. The report
31 must include a description of any federal approval that is required to secure federal matching
32 funds for the expenses of implementing the plan.

33 (4) Except as provided in subsection (5) of this section:

34 (a) No later than May 30, 2014, the department shall submit an application for any federal
35 approval required to secure federal matching funds.

36 (b) The department shall implement the plan no later than 120 days after the department
37 receives federal approval of the terms and conditions of a demonstration project or other
38 federal approval necessary to secure federal matching funds for the plan or, if no federal
39 approval is required, no later than 120 days after the department submits the report to the
40 Legislative Assembly under subsection (3) of this section.

41 (5) If any legislative action is necessary to implement the plan, the department shall
42 submit the legislative concept to the Legislative Counsel no later than June 15, 2014. The
43 department may implement any provisions of the plan that do not require legislative action
44 in accordance with subsection (4) of this section.

45 **SECTION 3.** Sections 1 and 2 of this 2013 Act are repealed January 2, 2019.

1 **SECTION 4. This 2013 Act being necessary for the immediate preservation of the public**
2 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
3 **on its passage.**

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