



9200 SE Sunnybrook Boulevard, #410 | Clackamas, OR 97015
1-866-554-5360 | Fax: 503-652-9933 | TTY: 1-877-434-7598
aarp.org/or | oraarp@aarp.org | twitter: @aarpor
facebook.com/AARPOregon

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TO: House Committee On Human Services and Housing, Rep. Keny-Guyer, Chair

FROM: AARP Oregon

RE: HB 2547 and draft amendments:

Issues arising as Oregon addresses Innovation with Housing with Long Term Supports and Services

The State of Oregon has led the nation in developing innovative models of home and community-based services and supports. In so doing, we have incorporated the values of “choice, dignity and independence” enshrined in Chapter 410 ORS while balancing with safeguards to assure quality care and consumer protections for “informed” choice, grievances to problems and enforcement mechanisms.

The past year has seen Oregon implement a pilot program of innovation seeking to address the current and potential needs of lower-income older adults in HUD-subsidized housing through the offer of coordinated long term supports and services.

While some research has been built in to the pilot project, we believe that the State, consumers, consumer advocates and various service providers can benefit from studying and learning how consumer choice, rights, grievances and enforcement mechanisms can work. Moreover, we believe that such study and research can and should address “unintended consequences” that could arise if, for example, current or future housing for seniors were to assess fees for what are health-related services and supports while avoiding licensure and associated standards and protections by the state.

During the past several months the Oregon Department of Human Services, Aging & People with Disabilities (DHS APD) has convened a work group to start the process of exploring various issues surrounding Housing with Long Term Supports and Services while also sharing information across a variety of diverse organizations and agencies. This builds upon discussions several consumer advocacy groups have had with DHS APD in which we also have been assured that further state-funded “pilots” of Housing with Long Term Supports and Services would be on hold pending both analysis of the currently funded pilot and advice from a diverse work group is completed.

We believe HB 2547, with amendments which would create a legislatively mandated Task Force with some clear timelines for recommendations and focus, will help move this work further ahead. We also hope that appointees will include a representative from legal

Real Possibilities

services with expertise on housing law, a consumer from a program of Housing with Long Term Supports and Services and a representative from the existing pilot program.

As this work moves forward, we urge the legislature and any Task Force created by legislation to consider AARP's public policy principles, which include the following:

- The design and delivery of all Long Term Supports and Services (LTSS) should promote consumer independence, choice, dignity, autonomy, and privacy.
- Oregon should recognize and support consumer choices to the maximum extent possible. Consumers should have the right to decide on and direct the LTSS they receive. In the event they are unable to do so, they should be entitled to appoint a representative on their behalf.
- The rights of LTSS consumers should be protected. Consumers should have the right to timely information concerning care, including access to their medical records; to meet with advocates; and to express grievances without fear of reprisal. Anyone receiving services from any provider should have a private right of action in court to pursue grievances. Residents of nursing facilities, assisted living facilities, or other residential alternatives, should be protected from undue hardship when they are transferred in the event of a facility closing or other circumstance.
- Publicly funded LTSS programs should be efficient and contain controls on fraud, abuse, and waste.

Should any currently licensed provider seek to de-license and appear to be establish a Housing with Long Term Supports and Services model, DHS APD and the Task Force should evaluate implications and negotiate safeguards. And if any residential/apartment landlord offer Housing with Long Term Supports and Services for a fee either directly or indirectly that this also be brought to attention of DHS APD, Oregon Housing and Community Services, and Oregon Department of Justice to explore implications and the legal status of the project.

AARP Oregon appreciates consideration of these matters in the discussion of HB 2547 and related amendments.