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# MEMORANDUM

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**To:** Human Services Subcommittee of the Joint Committee on Ways and Means

**From:** Laurie Byerly, Legislative Fiscal Office  
503-986-1866

**Date:** June 16, 2015

**Subject:** SB 307 - Relating to rights of residents in residential facilities  
Work Session Recommendation

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Senate Bill 307 expands the duties of the office of the Long Term Care Ombudsman (LTCO) to advocate for residents of the independent living section of a Continuing Care Retirement Community (CCRC). The bill requires CCRCs to adopt written policies and procedures to resolve resident grievances. A CCRC must also establish a procedure to address a resident's request for a staff person of a particular gender to assist the resident with activities of daily living. The bill provides specific guidance to the Department of Human Services on procedures and timelines for responding to complaints from CCRC residents.

The measure previously had hearings in the Senate Human Services and Early Childhood Committee on February 17, March 31, and April 21, 2015. The measure, the original staff measure summary, and fiscal impact statement are available on the Oregon Legislative Information System (OLIS).

The bill has an indeterminate fiscal impact, which is primarily driven by the number of residents in need of advocacy services. If the current 1,500 CCRC independent living units were at double occupancy, there would be about 3,000 new residents in the LTCO service portfolio. Based on existing staffing and volunteer ratio patterns, this could require another part-time ombudsman position to work with about 30 volunteers.

Due to the indeterminate nature of the fiscal, no funding or positions are recommended in this bill. However, short-term resources to help the agency initiate the program and recruit volunteers will be provided in the omnibus end of session bill.

## **Amendment**

The proposed -A7 amendment modifies language regarding written policies that a CCRC must adopt to address resident grievances.

**Motion: I move the -A7 amendment to SB 307.**

**Measure as Modified**

The measure, as amended, is recommended to be moved to the Full Committee on Joint Ways and Means.

**Motion: I move SB 307 to the Joint Committee on Ways and Means with a “do pass” recommendation, as amended.**

**Assignment of Carriers**

Full: \_\_\_\_\_

1<sup>st</sup> Chamber: \_\_\_\_\_

2<sup>nd</sup> Chamber: \_\_\_\_\_

**FISCAL IMPACT OF PROPOSED LEGISLATION**

**Measure: SB 307 - A7**

Seventy-Eighth Oregon Legislative Assembly – 2015 Regular Session  
Legislative Fiscal Office

*Only Impacts on Original or Engrossed  
Versions are Considered Official*

Prepared by: Kim To  
Reviewed by: Laurie Byerly  
Date: 6/11/2015

**Measure Description:**

Imposes new requirements on continuing care retirement communities and residential facilities.

**Government Unit(s) Affected:**

Long Term Care Ombudsman (LTCO), Department of Human Services (DHS)

**Local Government Mandate:**

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

**Analysis:**

Senate Bill 307 with the – A7 amendment requires continuing care retirement communities (CCRCs) registered with the Department of Human Services (DHS) to:

- Adopt written grievance policies and procedures for providing the timely resolution of a resident's grievance.
- Have a procedure in place for residents to request that a staff person of a particular sex be assigned to assist the resident with activities of daily living. If the provider is unable to do so, the provider must notify the resident in writing of the reasons why.

The bill requires DHS to adopt a procedure for a resident to file a complaint with the department concerning a facility's failure to comply with these requirements.

In addition, the bill adds the independent living section of a CCRC to the list of facilities served by the Long Term Care Ombudsman.

Long Term Care Ombudsman (LTCO)

Because independent living residents of CCRCs would be a new population for LTCO, passage of this bill will have a fiscal impact to LTCO. However at this time, the impact cannot be quantified – while there are about 1,500 independent living units, service needs will depend on actual occupancy status (single versus double occupancy) and demand for services. As a point of reference, pricing for salary, benefits, and related services & supplies for one additional permanent part-time Deputy Ombudsman position, which would cover about 3,000 residents and approximately 30 volunteers, at 0.38 FTE is \$116,016 General Fund for the 2015-17 biennium; and \$139,862 General Fund and 0.50 FTE for the 2017-19 biennium.

If this bill passes, LTCO will monitor workload created by the requirements of the bill and, if it is determined there will be a material increase in associated work and expenditures, the agency may need to request additional staffing and resources.

Department of Human Services (DHS)

Passage of this bill is anticipated to have minimal impact on DHS.

**PRELIMINARY STAFF MEASURE SUMMARY**

**Joint Committee On Ways and Means**

**Fiscal:** Fiscal impact issued

**Revenue:** No Revenue Impact

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**Action Date:**

**Action:**

**Meeting Dates:**

**Prepared By:** Laurie Byerly, Budget Analyst

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**WHAT THE MEASURE DOES:**

Requires continuing care retirement communities to establish a procedure for residents to request gender of individual assigned to assist with activities of daily living. Requires facility honor request except in case of significant difficulty or cost. Requires written explanation and documentation of rationale for denial. Requires DHS establish complaint procedure for failures to comply. Requires DHS investigate each complaint and provide written report to resident and facility within seven days of completion. Adds residents of continuing care retirement communities to the client portfolio of the Long Term Care Ombudsman.

**ISSUES DISCUSSED:**

**EFFECT OF COMMITTEE AMENDMENT:**

The proposed –A7 amendment modifies language regarding written policies that a CCRC must adopt to address resident grievances.

**BACKGROUND:**

Residents in continuing care retirement communities may need assistance with a number of activities of daily living, including the most intimate, such as toileting, bathing, dressing, grooming and personal hygiene. It is crucial for care givers to be sensitive to the modesty, comfort levels, boundaries, and preferences of their patients in the delivery of such care.

Senate Bill 307-A requires facilities to respect residents' requests for assistance from qualified persons of the same gender, and provides a process for written responses and documentation concerning such requests.

SB 307-A7  
(LC 2351)  
5/6/15 (LHF/ps)

**PROPOSED AMENDMENTS TO  
A-ENGROSSED SENATE BILL 307**

1 On page 2 of the printed A-engrossed bill, line 13, after “procedures” de-  
2 lete the rest of the line.

3 In line 14, delete the boldfaced material and insert “for the timely resol-  
4 ution of a resident’s grievance”.

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