

House Bill 2547

Sponsored by Representatives HOYLE, GILLIAM (Presession filed.)

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 housing with services facility to register with Housing and Community Services Department. Specifies requirements for registration.

Requires notification to housing with services facility if sex offender seeks admission to facility.

Allows expanded practice dental hygienists to render services to residents of housing with services facility.

A BILL FOR AN ACT

1
2 Relating to housing; creating new provisions; and amending ORS 124.050, 181.835, 181.839, 441.100,
3 441.373, 441.700, 456.555 and 680.205.

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

5 **SECTION 1. As used in sections 1 to 5 of this 2015 Act:**

6 (1) **"Daily activities" includes:**

7 (a) **Meal preparation;**

8 (b) **Shopping;**

9 (c) **Medication or oxygen management;**

10 (d) **Housecleaning;**

11 (e) **Laundering;**

12 (f) **Money management;**

13 (g) **Nonmedical transportation; and**

14 (h) **Making arrangements, other than merely a referral, for a resident to receive**
15 **health-related services, social services or transportation.**

16 (2) **"Health-related services" includes, whether offered or provided directly by the hous-**
17 **ing with services facility or by a contractor:**

18 (a) **Physician services.**

19 (b) **Nursing or physician assistant services.**

20 (c) **Home health aide services.**

21 (d) **Home care services, as defined in ORS 410.600.**

22 (e) **In-home care services, as defined in ORS 443.305.**

23 (f) **Mental health services.**

24 (g) **Medical transportation.**

25 (h) **Central storage of medications for residents.**

26 (i) **Other medical or rehabilitative services.**

27 (3) **"Housing with services facility" means a facility composed of a building or a group**
28 **of contiguous buildings, containing multiple housing units:**

29 (a) **(A) Of which 80 percent or more of the residents are 55 years of age or older;**

30 (b) **That received or receives state or federally funded loans, grants or subsidies for**

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 low-income housing through the Housing and Community Services Department; or

2 (C) That offers or provides to residents for a fee one or more regularly scheduled
3 health-related services or two or more regularly scheduled supportive services; and

4 (b) That is not licensed as:

5 (A) A health care facility under ORS 441.015;

6 (B) A residential facility under ORS 443.410; or

7 (C) An adult foster home under ORS 443.725.

8 (4) "Supportive services" means personal care services, whether offered or provided di-
9 rectly by the housing with services facility or by a contractor, that assist an individual in
10 performing daily activities other than health-related services.

11 **SECTION 2.** (1) An entity may not offer to the public or operate a housing with services
12 facility without first registering with the Housing and Community Services Department and
13 meeting the requirements of sections 1 to 5 of this 2015 Act.

14 (2) To register a housing with services facility, the entity shall submit to the department
15 on a form prescribed by the department the following information:

16 (a) The business name, street address and mailing address of the facility.

17 (b) The name and mailing address of the owner or owners and, if the owner or owners
18 are not natural persons, the type of business entity and the names and addresses of the of-
19 ficers and members of the governing body, or comparable individuals for a partnership, lim-
20 ited liability corporation or other type of business entity.

21 (c) The name and mailing address of the managing agent of the facility, if different from
22 the owner or owners, and the name of the on-site manager.

23 (d) Verification that the facility has entered into a contract that complies with section
24 3 of this 2015 Act with each resident or the resident's representative.

25 (e) Verification of compliance with section 5 of this 2015 Act, if applicable.

26 (f) The name and address of at least one individual responsible for communicating with
27 the department on all matters described in this section and who is authorized to receive
28 personal service of all legal notices or orders on behalf of the owner or owners, managing
29 agent or business entity.

30 (g) The base rate to be paid by a resident, a description of services provided within the
31 base rate and any services offered for an additional fee.

32 (h) The signature of the owner or owners or of the authorized representative of the
33 owner, owners or business entity.

34 (3) Sections 1 to 5 of this 2015 Act do not exempt:

35 (a) A home health care provider, in-home care agency or home care worker providing
36 services to a resident of a housing with services facility from any other licensing, certifica-
37 tion or registration requirements under state law; or

38 (b) A housing with services facility from complying with all other local, state and federal
39 regulatory requirements.

40 (4) If the department finds that a housing with services facility fails to comply with
41 sections 1 to 5 of this 2015 Act, the department shall notify the facility in writing and take
42 all appropriate steps to address the noncompliance, including but not limited to:

43 (a) Requiring the facility to take corrective actions;

44 (b) Suspending or revoking the facility's registration; or

45 (c) Bringing an action in the circuit court for the county in which the facility is located

1 to enforce compliance. The department is not required to post a bond in any court proceeding
 2 commenced under this paragraph.

3 (5) Prior to suspending or revoking a registration, the department shall contact a public
 4 or private agency that is available to provide assistance to the residents of the housing with
 5 services facility.

6 (6) If the department receives a complaint concerning a provider of health-related ser-
 7 vices or supportive services at a housing with services facility, the department shall refer
 8 the complaint to the board or agency responsible for licensing or certifying the provider.

9 **SECTION 3.** (1) A housing with services facility must enter into a written contract with
 10 each resident or the resident’s representative and provide the resident or representative with
 11 a copy of the contract and all attachments or supporting documents.

12 (2) A contract entered into under this section must include:

13 (a) The information described in sections 2 (2) and 4 of this 2015 Act;

14 (b) A description of what is included in the base rate, including the portion that repres-
 15 ents the rent for the unit, a list of the services included in the base rate and the amounts
 16 of the base rate attributable to each of the listed services;

17 (c) A description of any health-related services or supportive services available for an
 18 additional fee and the fee schedule for each of those services;

19 (d) A description of the process and bases for modifying, amending or terminating the
 20 contract;

21 (e) A description of the facility’s complaint resolution process and the contact informa-
 22 tion for the Long Term Care Ombudsman;

23 (f) The name of the resident’s representative, if any;

24 (g) The procedures for referring the resident to other housing providers if the contract
 25 is terminated;

26 (h) An explanation of who is permitted to reside in the facility;

27 (i) The billing and payment procedures and options;

28 (j) Notice that the resident may receive health-related services or supportive services
 29 from providers other than the facility or contractors of the facility; and

30 (k) An explanation of any public funds that may be available to help the resident pay for
 31 the unit or any services offered by the facility.

32 (3) The contract and related documents executed by each resident or the resident’s rep-
 33 resentative must be maintained by the housing with services facility for three years after
 34 the contract expires or terminates. The contracts must be available for inspection upon re-
 35 quest by the Housing and Community Services Department.

36 (4) A notice of termination of a contract must contain contact information for the office
 37 of the Long Term Care Ombudsman and how to obtain assistance from the office.

38 **SECTION 4.** Prior to executing a contract described in section 3 of this 2015 Act, a
 39 housing with services facility must give the potential resident:

40 (1) Written information regarding all providers of health-related services or supportive
 41 services who are employed by the facility or have contracted with the facility to provide the
 42 services, including:

43 (a) The name, mailing address and telephone number of each provider;

44 (b) The name and mailing address of at least one individual who is authorized to accept
 45 service of process on behalf of the provider;

1 (c) A description of the procedure for modifying a provider's services or for discontinuing
2 the services of a provider;

3 (d) Each provider's billing and payment procedures; and

4 (e) Any limitations on the services imposed by the provider.

5 (2) Through clear oral and written communication, information explaining that:

6 (a) The potential resident has the right to decline any and all services; and

7 (b) Declining services will not prevent the potential resident from residing in the facility.

8 **SECTION 5.** (1) A housing with services facility registered under section 2 of this 2015
9 Act that markets or promotes services for individuals with Alzheimer's disease or any other
10 form of dementia must ensure that all direct care staff and managers are:

11 (a) Educated about Alzheimer's disease and other forms of dementia;

12 (b) Trained in assisting individuals with dementia in performing activities of daily living;

13 (c) Trained in problem solving with individuals who exhibit challenging behaviors; and

14 (d) Trained in effective communication with individuals with dementia.

15 (2) A housing with services facility shall provide to residents and potential residents,
16 upon request, a description of the training program conducted under this section, the staff
17 and managers who are required to complete the training and the frequency of retraining or
18 refresher training.

19 **SECTION 6.** ORS 124.050, as amended by section 5, chapter 352, Oregon Laws 2013, and section
20 9, chapter 104, Oregon Laws 2014, is amended to read:

21 124.050. As used in ORS 124.050 to 124.095:

22 (1) "Abuse" means one or more of the following:

23 (a) Any physical injury to an elderly person caused by other than accidental means, or which
24 appears to be at variance with the explanation given of the injury.

25 (b) Neglect.

26 (c) Abandonment, including desertion or willful forsaking of an elderly person or the withdrawal
27 or neglect of duties and obligations owed an elderly person by a caretaker or other person.

28 (d) Willful infliction of physical pain or injury upon an elderly person.

29 (e) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427,
30 163.465, 163.467 or 163.525.

31 (f) Verbal abuse.

32 (g) Financial exploitation.

33 (h) Sexual abuse.

34 (i) Involuntary seclusion of an elderly person for the convenience of a caregiver or to discipline
35 the person.

36 (j) A wrongful use of a physical or chemical restraint of an elderly person, excluding an act of
37 restraint prescribed by a physician licensed under ORS chapter 677 and any treatment activities
38 that are consistent with an approved treatment plan or in connection with a court order.

39 (2) "Elderly person" means any person 65 years of age or older who is not subject to the pro-
40 visions of ORS 441.640 to 441.665.

41 (3) "Facility" means:

42 (a) A long term care facility as that term is defined in ORS 442.015.

43 (b) A residential facility as that term is defined in ORS 443.400, including but not limited to an
44 assisted living facility.

45 (c) An adult foster home as that term is defined in ORS 443.705.

1 **(d) A housing with services facility as that term is defined in section 1 of this 2015 Act.**

2 (4) “Financial exploitation” means:

3 (a) Wrongfully taking the assets, funds or property belonging to or intended for the use of an
4 elderly person or a person with a disability.

5 (b) Alarming an elderly person or a person with a disability by conveying a threat to wrongfully
6 take or appropriate money or property of the person if the person would reasonably believe that the
7 threat conveyed would be carried out.

8 (c) Misappropriating, misusing or transferring without authorization any money from any ac-
9 count held jointly or singly by an elderly person or a person with a disability.

10 (d) Failing to use the income or assets of an elderly person or a person with a disability effec-
11 tively for the support and maintenance of the person.

12 (5) “Intimidation” means compelling or deterring conduct by threat.

13 (6) “Law enforcement agency” means:

14 (a) Any city or municipal police department.

15 (b) Any county sheriff’s office.

16 (c) The Oregon State Police.

17 (d) Any district attorney.

18 (e) A police department established by a university under ORS 352.383 or 353.125.

19 (7) “Neglect” means failure to provide basic care or services that are necessary to maintain the
20 health or safety of an elderly person.

21 (8) “Person with a disability” means a person described in:

22 (a) ORS 410.040 (7); or

23 (b) ORS 410.715.

24 (9) “Public or private official” means:

25 (a) Physician or physician assistant licensed under ORS chapter 677, naturopathic physician or
26 chiropractor, including any intern or resident.

27 (b) Licensed practical nurse, registered nurse, nurse practitioner, nurse’s aide, home health aide
28 or employee of an in-home health service.

29 (c) Employee of the Department of Human Services or community developmental disabilities
30 program.

31 (d) Employee of the Oregon Health Authority, county health department or community mental
32 health program.

33 (e) Peace officer.

34 (f) Member of the clergy.

35 (g) Regulated social worker.

36 (h) Physical, speech or occupational therapist.

37 (i) Senior center employee.

38 (j) Information and referral or outreach worker.

39 (k) Licensed professional counselor or licensed marriage and family therapist.

40 (L) Member of the Legislative Assembly.

41 (m) Firefighter or emergency medical services provider.

42 (n) Psychologist.

43 (o) Provider of adult foster care or an employee of the provider.

44 (p) Audiologist.

45 (q) Speech-language pathologist.

1 (r) Attorney.

2 (s) Dentist.

3 (t) Optometrist.

4 (u) Chiropractor.

5 (10) "Services" includes but is not limited to the provision of food, clothing, medicine, housing,
6 medical services, assistance with bathing or personal hygiene or any other service essential to the
7 well-being of an elderly person.

8 (11)(a) "Sexual abuse" means:

9 (A) Sexual contact with an elderly person who does not consent or is considered incapable of
10 consenting to a sexual act under ORS 163.315;

11 (B) Verbal or physical harassment of a sexual nature, including but not limited to severe or
12 pervasive exposure to sexually explicit material or language;

13 (C) Sexual exploitation;

14 (D) Any sexual contact between an employee of a facility or paid caregiver and an elderly per-
15 son served by the facility or caregiver; or

16 (E) Any sexual contact that is achieved through force, trickery, threat or coercion.

17 (b) "Sexual abuse" does not mean consensual sexual contact between an elderly person and a
18 paid caregiver.

19 (12) "Sexual contact" has the meaning given that term in ORS 163.305.

20 (13) "Verbal abuse" means to threaten significant physical or emotional harm to an elderly
21 person or a person with a disability through the use of:

22 (a) Derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule; or

23 (b) Harassment, coercion, threats, intimidation, humiliation, mental cruelty or inappropriate
24 sexual comments.

25 **SECTION 7.** ORS 181.835 is amended to read:

26 181.835. (1)(a) A notifying agency or a supervising agency shall release, upon request, any in-
27 formation that may be necessary to protect the public concerning sex offenders who reside in a
28 specific area or concerning a specific sex offender.

29 (b) A notifying agency or a supervising agency may release sex offender information to a law
30 enforcement agency if the notifying agency or supervising agency determines that the release of
31 information is in the public interest.

32 (c) In addition to the release of information described in this subsection and ORS 137.540,
33 144.260 and 441.373, a notifying agency or a supervising agency may release sex offender information
34 to the public in accordance with subsections (2) to (4) of this section.

35 (2) If the sex offender is classified as a level three sex offender under ORS 181.800 (3):

36 (a) The Department of State Police shall release sex offender information on a website main-
37 tained by the department; and

38 (b) The supervising agency or a notifying agency may release sex offender information to:

39 (A) A person that resides with the sex offender;

40 (B) A person with whom the sex offender has a significant relationship;

41 (C) Residential neighbors and churches, community parks, schools and child care centers, con-
42 venience stores, businesses and other places that children or other potential victims may frequent;

43 (D) A long term care facility, as defined in ORS 442.015, [or] a residential care facility, as de-
44 fined in ORS 443.400, **or a housing with services facility, as defined in section 1 of this 2015**
45 **Act**, if the agency knows that the sex offender is seeking admission to the facility; and

1 (E) Local or regional media sources.

2 (3) If the sex offender is classified as a level two sex offender under ORS 181.800 (2), the
 3 supervising agency or a notifying agency may release sex offender information to the persons or
 4 entities described in subsection (2)(b)(A) to (D) of this section.

5 (4) If the sex offender is classified as a level one sex offender under ORS 181.800 (1), the
 6 supervising agency or a notifying agency may release sex offender information to a person described
 7 in subsection (2)(b)(A) of this section.

8 (5) As used in this section:

9 (a) "Notifying agency" means the Department of State Police, a city police department, a county
 10 sheriff's office or a police department established by a university under ORS 352.383.

11 (b) "Sex offender information" means information that the Department of State Police deter-
 12 mines by rule is appropriate for release to the public.

13 (c) "Supervising agency" means a governmental entity responsible for supervising a person re-
 14 quired to report as a sex offender under ORS 181.806 or 181.807.

15 **SECTION 8.** ORS 181.839 is amended to read:

16 181.839. (1)(a) When a predatory sex offender is supervised by the Oregon Youth Authority or
 17 a county juvenile department as a result of committing an act that if committed by an adult would
 18 constitute a sex crime, the agency supervising the predatory sex offender shall make any informa-
 19 tion regarding the supervised person that the agency determines is appropriate available to any
 20 person upon request, unless the agency determines that the release of information would substan-
 21 tially interfere with the treatment or rehabilitation of the supervised person.

22 (b) Notwithstanding paragraph (a) of this subsection, the agency supervising a predatory sex
 23 offender shall make any information regarding the supervised person that the agency determines is
 24 appropriate available to any person upon request if the predatory sex offender is neglecting to take
 25 treatment or participate in rehabilitation.

26 (2) When a predatory sex offender is convicted of a crime and is on supervision for the crime,
 27 the agency supervising the person, regardless of the nature of the crime for which the person is
 28 being supervised:

29 (a) May notify anyone whom the agency determines is appropriate that the person is a predatory
 30 sex offender; and

31 (b) Shall notify a long term care facility, as defined in ORS 442.015, [or] a residential care fa-
 32 cility, as defined in ORS 443.400, **or a housing with services facility, as defined in section 1 of**
 33 **this 2015 Act**, that the person is a predatory sex offender if the agency knows that the person is
 34 seeking admission to the facility.

35 (3) In making a determination under subsection (2) of this section, the agency shall consider
 36 notifying:

37 (a) The person's family;

38 (b) The person's sponsor;

39 (c) Residential neighbors and churches, community parks, schools and child care centers, con-
 40 venience stores, businesses and other places that children or other potential victims may frequent;
 41 and

42 (d) Any prior victim of the offender.

43 (4) When an agency determines that notification is necessary under subsection (2) of this sec-
 44 tion, the agency may use any method of communication that the agency determines is appropriate.
 45 The notification:

- 1 (a) May include, but is not limited to, distribution of the following information:
- 2 (A) The person's name and address;
- 3 (B) A physical description of the person including, but not limited to, the person's age, height,
- 4 weight and eye and hair color;
- 5 (C) The type of vehicle that the person is known to drive;
- 6 (D) Any conditions or restrictions upon the person's probation, parole, post-prison supervision
- 7 or conditional release;
- 8 (E) A description of the person's primary and secondary targets;
- 9 (F) A description of the person's method of offense;
- 10 (G) A current photograph of the person; and
- 11 (H) The name or telephone number of the person's parole and probation officer.
- 12 (b) Shall include, if the notification is required under subsection (2)(b) of this section, the infor-
- 13 mation described in paragraph (a)(D), (F) and (H) of this subsection.
- 14 (5) Not later than 10 days after making its determination that a person is a predatory sex
- 15 offender, the agency supervising the person shall:
- 16 (a) Notify the Department of State Police of the person's status as a predatory sex offender;
- 17 (b) Enter into the Law Enforcement Data System the fact that the person is a predatory sex
- 18 offender; and
- 19 (c) Send to the Department of State Police, by electronic or other means, all of the information
- 20 listed in subsection (4) of this section that is available.
- 21 (6) When the Department of State Police receives information regarding a person under sub-
- 22 section (5) of this section, the Department of State Police, upon request, may make the information
- 23 available to the public.
- 24 (7) Upon termination of its supervision of a person determined to be a predatory sex offender,
- 25 the agency supervising the person shall:
- 26 (a) Notify the Department of State Police:
- 27 (A) Of the person's status as a predatory sex offender;
- 28 (B) Whether the agency made a notification regarding the person under this section; and
- 29 (C) Of the person's level of supervision immediately prior to termination of supervision; and
- 30 (b) Send to the Department of State Police, by electronic or other means, the documents relied
- 31 upon in determining that the person is a predatory sex offender and in establishing the person's
- 32 level of supervision.
- 33 (8) The agency supervising a person determined to be a predatory sex offender shall verify the
- 34 residence address of the person every 90 days.
- 35 **SECTION 9.** ORS 441.100 is amended to read:
- 36 441.100. As used in ORS 441.100 to 441.153:
- 37 (1) "Designee" means an individual appointed by the Long Term Care Ombudsman to serve as
- 38 a representative in order to carry out the purpose of ORS 441.100 to 441.153.
- 39 (2) "Residential facility" includes a:
- 40 (a) Long term care facility;
- 41 (b) Residential facility as defined in ORS 443.400, excluding a:
- 42 (A) Facility housing persons committed under ORS 161.327; and
- 43 (B) Facility licensed by the Oregon Health Authority to provide alcohol and drug treatment;
- 44 (c) Licensed adult foster home as defined in ORS 443.705; [and]
- 45 (d) Developmental disability child foster home, as defined in ORS 443.830, that is certified by the

1 Department of Human Services[.]; **and**

2 **(e) A housing with services facility as defined in section 1 of this 2015 Act.**

3 **SECTION 10.** ORS 441.373, as amended by section 7, chapter 104, Oregon Laws 2014, is
4 amended to read:

5 441.373. (1) As used in this section:

6 (a) “Adult foster home” has the meaning given that term in ORS 443.705.

7 (b) “Area agency” has the meaning given that term in ORS 410.040.

8 **(c) “Housing with services facility” has the meaning given that term in section 1 of this**
9 **2015 Act.**

10 [(c)] **(d)** “Long term care facility” has the meaning given that term in ORS 442.015.

11 [(d)] **(e)** “Move from a long term care facility” has the meaning given that term in ORS 441.357.

12 [(e)] **(f)** “Residential care facility” has the meaning given that term in ORS 443.400.

13 (2) If the Department of Human Services or an area agency knows that a person who is on
14 probation, parole or post-prison supervision after being convicted of a sex crime, as defined in ORS
15 181.805, is applying for admission to an adult foster home, a long term care facility, [or] a residential
16 care facility[,] **or a housing with services facility**, the department or area agency shall notify the
17 home or facility of the person’s status as a sex offender.

18 (3) When a person who is on probation, parole or post-prison supervision after being convicted
19 of a sex crime, as defined in ORS 181.805, applies for admission to an adult foster home, a long term
20 care facility, [or] a residential care facility **or a housing with services facility**, the person shall
21 notify the home or facility of the person’s status as a sex offender.

22 (4) An adult foster home, a long term care facility, [or] a residential care facility **or a housing**
23 **with services facility** may refuse admission to a person who is on probation, parole or post-prison
24 supervision after being convicted of a sex crime, as defined in ORS 181.805.

25 (5)(a) An adult foster home may transfer or discharge a resident without reasonable advance
26 notice of the transfer or discharge if:

27 (A) The home was not notified prior to admission of the resident that the resident is on pro-
28 bation, parole or post-prison supervision after being convicted of a sex crime, as defined in ORS
29 181.805;

30 (B) The home learns that the resident is on probation, parole or post-prison supervision after
31 being convicted of a sex crime, as defined in ORS 181.805; and

32 (C) The resident meets the criteria established by the department by rule for transfer or dis-
33 charge under this subsection.

34 (b) The home shall give the resident a copy of a written notice containing information about the
35 resident’s right to a hearing in accordance with ORS chapter 183 and the grounds for contesting the
36 move at the time the home transfers or discharges the resident.

37 (6) Notwithstanding ORS 441.362 and 441.605 (4), the department may move a resident from a
38 long term care facility without providing 30 days’ written notice to the resident if the department
39 or area agency learns that the resident is on probation, parole or post-prison supervision after being
40 convicted of a sex crime, as defined in ORS 181.805. The department shall give the resident a copy
41 of a written notice containing information about the resident’s right to a hearing in accordance with
42 ORS chapter 183 and the grounds for contesting the move at the time the department moves the
43 resident.

44 (7)(a) Notwithstanding ORS 441.605 (4), a long term care facility may transfer or discharge a
45 resident without reasonable advance notice of the transfer or discharge if:

1 (A) The facility was not notified prior to admission of the resident that the resident is on pro-
 2 bation, parole or post-prison supervision after being convicted of a sex crime, as defined in ORS
 3 181.805;

4 (B) The facility learns that the resident is on probation, parole or post-prison supervision after
 5 being convicted of a sex crime, as defined in ORS 181.805; and

6 (C) The resident meets the criteria established by the department by rule for transfer or dis-
 7 charge under this subsection.

8 (b) The facility shall give the resident a copy of a written notice containing information about
 9 the resident's right to a hearing in accordance with ORS chapter 183 and the grounds for contesting
 10 the move at the time the facility transfers or discharges the resident.

11 (8)(a) A residential care facility may transfer or discharge a resident without reasonable ad-
 12 vance notice of the transfer or discharge if:

13 (A) The facility was not notified prior to admission of the resident that the resident is on pro-
 14 bation, parole or post-prison supervision after being convicted of a sex crime, as defined in ORS
 15 181.805;

16 (B) The facility learns that the resident is on probation, parole or post-prison supervision after
 17 being convicted of a sex crime, as defined in ORS 181.805; and

18 (C) The resident meets the criteria established by the department by rule for transfer or dis-
 19 charge under this subsection.

20 (b) The facility shall give the resident a copy of a written notice containing information about
 21 the resident's right to a hearing in accordance with ORS chapter 183 and the grounds for contesting
 22 the move at the time the facility transfers or discharges the resident.

23 (9) If a resident requests a hearing under subsection (5), (6), (7) or (8) of this section, the hearing
 24 must be held within five business days of the move, transfer or discharge of the resident.

25 (10) The department shall establish the criteria required by subsections (5)(a)(C), (7)(a)(C) and
 26 (8)(a)(C) of this section so that application of the criteria results in the identification of only those
 27 persons who present a current risk of harm to another person within the home or facility.

28 **SECTION 11.** ORS 441.700 is amended to read:

29 441.700. (1) Long term care facilities, as defined in ORS 442.015, [*and*] residential care facilities,
 30 as defined in ORS 443.400, [*subject to ORS 441.605 (11),*] **and housing with services facilities, as**
 31 **defined in section 1 of this 2015 Act**, shall permit individuals and representatives of community
 32 service organizations, including community legal services programs, whose purpose is rendering
 33 service without charge to residents, to have full and free access to the facility during reasonable
 34 visiting hours to:

35 (a) Visit, talk with and make personal, social and legal services available to all residents.

36 (b) Inform residents of their rights and entitlements, and their corresponding obligations, under
 37 federal and state laws by means of distribution of educational materials and discussion in groups
 38 and with individual residents.

39 (c) Assist residents in asserting their rights regarding claims for public assistance, medical as-
 40 sistance and Social Security benefits and other rights. Assistance may be provided individually, as
 41 well as on a group basis.

42 (d) Engage in all other methods of assisting, advising and representing residents so as to extend
 43 to them the full enjoyment of their rights.

44 (2) A resident retains the right to refuse contact by any individual or group having access to
 45 the facility under this section.

1 (3) As used in this section, “full and free access” means access to the fullest extent possible
 2 without undue adverse interference on the operation of the facility.

3 **SECTION 12.** ORS 456.555 is amended to read:

4 456.555. (1) The Housing and Community Services Department is established.

5 (2) The department shall be under the supervision and control of a director who is responsible
 6 for the performance of the duties imposed upon the department. The Governor shall appoint the
 7 Director of the Housing and Community Services Department. The director shall hold office at the
 8 pleasure of the Governor. The person appointed as director shall be a person who, by training and
 9 experience, is well qualified to perform the duties of the office.

10 (3) The director shall receive such salary as may be provided by law, or, if not so provided, as
 11 may be fixed by the Governor. In addition to the salary of the director, the director shall, subject
 12 to the limitations otherwise provided by law, be reimbursed for all expenses actually and necessarily
 13 incurred by the director in the performance of official duties.

14 (4) The director may establish department divisions including but not limited to divisions for
 15 administration, housing programs and community services programs.

16 (5) The State Housing Council shall:

17 (a) With the advice of the director, set policy and approve or disapprove rules and standards for
 18 housing programs;

19 (b) Approve or disapprove loans, grants and other funding award proposals under ORS 456.561;
 20 and

21 (c) Carry out the provisions of ORS 456.571.

22 (6) The Community Action Partnership of Oregon shall advise the department and the council
 23 on community services programs as determined by the director and as set forth in ORS 458.505.

24 (7) The director shall report regularly to the council to keep the council informed on progress
 25 made by the department in carrying out the department’s responsibilities for housing programs.

26 (8) The department may adopt rules to carry out the programs that the department is charged
 27 with administering, including, but not limited to, rules regarding:

28 (a) Administration and enforcement.

29 (b) Criteria for the granting of benefits.

30 (c) The establishment of fees and charges.

31 (d) The identification of housing programs and community services programs.

32 (e) The distinguishing of housing programs from community services programs.

33 **(f) The registration of housing with services facilities.**

34 (9) Subject to the approval of the council, the department shall establish by rule one or more
 35 threshold property purchase prices above which a housing loan proposed by the department requires
 36 council review and approval under ORS 456.561. In establishing or modifying a threshold property
 37 purchase price under this subsection, the department shall consider any maximum acquisition cost
 38 set forth in the Internal Revenue Code or federal rules and regulations implementing the code.

39 (10) Subject to the approval of the council, the department shall establish by rule one or more
 40 threshold amounts above which a housing grant or other housing funding award proposal requires
 41 council review and approval under ORS 456.561.

42 **SECTION 13.** ORS 680.205 is amended to read:

43 680.205. (1) An expanded practice dental hygienist may render all services within the scope of
 44 practice of dental hygiene, as defined in ORS 679.010, without the supervision of a dentist and as
 45 authorized by the expanded practice dental hygienist permit to:

1 (a) Patients or residents of the following facilities or programs who, due to age, infirmity or
 2 disability, are unable to receive regular dental hygiene treatment:

3 (A) Nursing homes as defined in ORS 678.710;

4 (B) Adult foster homes as defined in ORS 443.705;

5 (C) Residential care facilities as defined in ORS 443.400;

6 (D) Adult congregate living facilities as defined in ORS 441.525;

7 (E) Mental health residential programs administered by the Oregon Health Authority;

8 (F) Facilities for persons with mental illness, as those terms are defined in ORS 426.005;

9 (G) Facilities for persons with developmental disabilities, as those terms are defined in ORS
 10 427.005;

11 (H) Local correctional facilities and juvenile detention facilities as those terms are defined in
 12 ORS 169.005, regional correctional facilities as defined in ORS 169.620, youth correction facilities
 13 as defined in ORS 420.005, youth care centers as defined in ORS 420.855, and Department of Cor-
 14 rections institutions as defined in ORS 421.005; [or]

15 (I) Public and nonprofit community health clinics; **or**

16 **(J) Housing with services facilities as defined in section 1 of this 2015 Act.**

17 (b) Adults who are homebound.

18 (c) Students or enrollees of nursery schools and day care programs and their siblings under 18
 19 years of age, Job Corps and similar employment training facilities, primary and secondary schools,
 20 including private schools and public charter schools, and persons entitled to benefits under the
 21 Women, Infants and Children Program.

22 (d) Patients in hospitals, medical clinics, medical offices or offices operated or staffed by nurse
 23 practitioners, physician assistants or midwives.

24 (e) Patients whose income is less than the federal poverty level.

25 (f) Other populations that the Oregon Board of Dentistry determines are underserved or lack
 26 access to dental hygiene services.

27 (2) At least once each calendar year, an expanded practice dental hygienist shall refer each
 28 patient or resident to a dentist who is available to treat the patient or resident.

29 (3) An expanded practice dental hygienist may render the services described in paragraphs (a)
 30 to (d) of this subsection to the patients described in subsection (1) of this section if the expanded
 31 practice dental hygienist has entered into an agreement in a format approved by the board with a
 32 dentist licensed under ORS chapter 679. The agreement must set forth the agreed-upon scope of the
 33 dental hygienist's practice with regard to:

34 (a) Administering local anesthesia;

35 (b) Administering temporary restorations without excavation;

36 (c) Prescribing prophylactic antibiotics and nonsteroidal anti-inflammatory drugs specified in the
 37 agreement; and

38 (d) Overall dental risk assessment and referral parameters.

39 (4) This section does not authorize an expanded practice dental hygienist to administer nitrous
 40 oxide except under the indirect supervision of a dentist licensed under ORS chapter 679.

41 (5) An expanded practice dental hygienist may assess the need for and appropriateness of
 42 sealants, apply sealants and write prescriptions for all applications of fluoride in which fluoride is
 43 applied or supplied to patients.

44 (6) An expanded practice dental hygienist must also procure all other permits or certificates
 45 required by the board under ORS 679.250.

