

HB 3359 -1 STAFF MEASURE SUMMARY

House Committee On Human Services and Housing

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Meeting Dates: 4/6, 4/18

WHAT THE MEASURE DOES:

Establishes the Dementia Community Assistance Program and requires the Department of Human Services (DHS) to administer and adopt rules for the program. Establishes the Residential Care Quality Measurement Program and requires DHS to administer and adopt rules for the program. Directs DHS to evidence-informed framework for assessing compliance with requirements and notify residential care facilities of the framework. Directs DHS to utilize technology-based staffing tool to evaluate levels and type of care needed. Requires direct care staff in residential care facilities and adult foster homes to complete dementia care training prior to providing care. Directs the Oregon Medical Board to encourage physicians with specialties in primary care or geriatrics to obtain continuing education regarding the early detection of Alzheimer's disease. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Replaces measure.

Makes legislative findings regarding the value of community-based facilities, that state policy is promote autonomy of residents and ensure that administrators of these facilities are license no later than July 1, 2013. Sunsets on December 31, 2019.

Establishes the Residential Care Quality Measurement Program (RCQMP) within the Department of Human Services (department) and requires they report no later than July 1 of each year on data, performance trends, regulatory violations surveys, investigation and related areas of residential care quality. Requires residential care facilities to report no later than December 31 of each year on staff retention, resident falls, use of antipsychotic medications, staff training, resident satisfaction survey results and on metrics demonstrating quality of resident experiences. Requires department to use money from the Quality Care Fund to develop online training to address statewide issues of facilities, and post and keep the data. Requires the department, in consolation with the Quality Measurement Council, to establish a system for facilities to report quality metrics, and that system must allow for electronic reporting and to take into account current system used by facilities. Establishes that metric may not be used for enforcement by the department. Establishes that the council, no later than January 1, 2020 and then annually, update quality metrics. Establishes the rules and proce4ss for a long term care facilities to convert to a residential care facility. Makes section operative on January 1, 2020. Requires department to report no later than July 1, 2019.

Requires department to develop framework for assessing compliance of facilities that measure compliance and extent of noncompliance. Establishes scope of framework and format in which it is published. Direct department to focus on substantial compliance and performance that is substantially below statewide average on metrics as reported under the RCQMP. Directs which actions the program can take to improved facility performance. Allows department to terminate enhanced oversight and conditions under which termination of oversight may occur.

Directs department to develop or obtain a technology-based, acuity-based staffing tool that is to be made available to facilities to assess staffing needs, communicate staffing needs, and demonstrate facility plans meeting resident's needs. Establishes that department may not impose new staffing requirements unless department has used staffing tool to evaluate facility's staffing needs.

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Outlines training required by all direct care staff of facilities including education on various diseases, techniques for managing behavioral symptoms, strategies for address social needs and information on addressing specific aspects for dementia care. Requires facility to provided direct care staff with certificate of completion for training. Outlines specific number of hours for some training, approval of training and assessment of staff competency after completion of training.

Outlines that department may revoke or suspend facility license when imminent danger to residents exists. Allows facility to contest action. Allows department, when an immediate suspension is in order, to transition all residents to another facility and appoint a management company with demonstrated skills and experience to manage the facility.

Requires facility to ensure prescription drugs are package in a manner that reduces error in tracking and administering drugs including but not limited to use of unit does systems or blister packs. Establishes that this does not apply to residents receiving pharmacy benefit through Veterans Affairs if the pharmacy does not reimburse the cost of such packaging.

Establishes that a long-term care or residential care may enter into binding arbitration only under certain condition.

Modifies name of facilities that provide care for individuals with Alzheimer's disease or other forms of dementia from "Alzheimer care unit" to "endorsed memory care community." Requires department to adopt rules for these units to include initial and ongoing training requirement for direct care staff.

Defines "caregiver" for individual responsible for providing care and services to adult foster home residents. Outlines additional training that caregivers are required to receive. Directs that caregiver training related to dementia care reflects current standard and be informed by best evidence in care and treatment.

Requires adult foster homes that prescribe drugs dispense drugs in package that reduces error in tracking and administration, including unit dose systems and blister packs. Establishes that this does not apply to residents receiving pharmacy benefits from Veterans Affairs if pharmacy benefit does not reimburse cost of such packaging.

Requires adult foster homes to meeting all state and local building, sanitation, utility and fire codes. Establishes that providers has ability to evacuate all residents from building with three minutes or aa period that meeting applicable fire, life and safety requirements if adult foster home has an approved interior sprinkler system.

Directs Oregon Medical Board to encourage physician with primary care or geriatric specialty to obtain medical education in detection and early diagnosis of Alzheimer's disease and appropriate prescribing of antipsychotic drugs to treat these patients.

Creates definitions and modifies definition for "residential care facility" to mean a building for six or more social dependent individuals with physical disabilities, or for few than six socially dependent individuals with physical disabilities if the purpose of the facility is to serve individuals with co-occurring behavioral health needs that are appropriately served in smaller settings.

Repeals ORS 443.885 (duties of Oregon Health Authority; civil penalties; rules; limitations; compliance checks)

BACKGROUND: