

**Legislative  
Fiscal Office**

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**Joint Committee on  
Ways and Means**

Sen. Richard Devlin, Senate Co-Chair  
Rep. Nancy Nathanson, House Co-Chair

Sen. Betsy Johnson, Senate Co-Vice Chair  
Sen. Jackie Winters, Senate Co-Vice Chair  
Rep. Dan Rayfield, House Co-Vice Chair  
Rep. Greg Smith, House Co-Vice Chair

**To:** Human Services Subcommittee  
**From:** Laurie Byerly, Legislative Fiscal Office  
**Date:** June 12, 2017  
**Subject:** HB 5021 – Long Term Care Ombudsman  
Work Session Recommendations

**Long Term Care Ombudsman – Agency Totals**

	<b>2013-15 Actual</b>	<b>2015-17 Legislatively Approved</b>	<b>2017-19 Current Service Level</b>	<b>2017-19 LFO Recommended</b>
General Fund	2,510,888	6,306,755	6,960,132	6,360,132
Other Funds	670,166	737,916	779,795	896,835
<b>Total Funds</b>	<b>\$3,181,054</b>	<b>\$7,044,671</b>	<b>\$7,739,927</b>	<b>\$7,256,967</b>
Positions	24	25	25	25
FTE	16.81	24.50	24.50	24.50

Attached are the recommendations for the Legislative Fiscal Office for the Long Term Care Ombudsman. The total funds budget is a \$212,296 or 3.0% increase from the 2015-17 legislatively approved budget and a \$482,960 or 6.2% decrease from the 2017-19 current service level.

The recommendations include the following:

- A package adding \$117,040 Other Funds expenditure limitation to allow the Residential Facilities Ombudsman program to spend civil penalty revenues.
- A package reducing the Oregon Public Guardian and Conservator program by \$600,000. A related budget note and \$200,000 special purpose appropriation to the Emergency Board provides an opportunity for the legislature to review the program and potentially restore some funding during the interim.

**Adjustments to Current Service Level**

See attached “Work Session Presentation Report.”

Note: Statewide adjustments are not included in these recommendations. Any needed adjustments will be made in an omnibus bill at the end of session.

**Accept** LFO Recommendation:

**MOTION: I move the LFO recommendation to HB 5021 (VOTE)**

**OR**

**Change** LFO Recommendation:

**MOTION: I move the LFO recommendation to HB 5021, with modifications. (VOTE)**

### **Performance Measures**

See attached “Legislatively Proposed 2017-19 Key Performance Measures.”

**Accept** LFO Recommendation:

**MOTION: I move the LFO recommendation on Key Performance Measures. (VOTE)**

**OR**

**Change** LFO Recommendation:

**MOTION: I move the LFO recommendation on Key Performance Measures, with modifications. (VOTE)**

### **Budget Notes**

#1 Budget Note: Assessment of the Oregon Public Guardian and Conservator program

The Long Term Care Ombudsman is directed to thoroughly assess the Oregon Public Guardian and Conservator program. The assessment should evaluate the following: required versus discretionary services; service delivery alternatives and their costs; caseload characteristics, priorities, and scalability; cost per case differences between public and private guardianship work; opportunities to leverage volunteer and pro bono resources to help support the program; metrics for measuring program success and effectiveness; and ways to ensure the fiscal sustainability of the program with limited resources. A written report on the assessment must be completed and submitted to the Joint Committee on Ways and Means prior to the beginning of the 2018 legislative session. The report will be used by the Legislature to help determine next steps, set funding priorities, and develop key performance measures for the program.

**Accept** LFO Recommendation:

**MOTION: I move the LFO recommendation on Budget Notes. (VOTE)**

**OR**

**Change** LFO Recommendation (any changes must be approved by the co-chairs):

**MOTION: I move the LFO recommendation on Budget Notes, with modifications.  
(VOTE)**

**Recommended Changes**

LFO recommends a budget of \$6,360,132 General Fund, \$896,835 Other Funds, and 25 positions (24.50 FTE), which is reflected in the -1 amendment.

**MOTION: I move adoption of the -1 amendment to HB 5021. (VOTE)**

**Final Subcommittee Action**

LFO recommends that HB 5021, as amended by the -1 amendment, to be moved to the Ways and Means Full Committee.

**MOTION: I move HB 5021, as amended, to the Full Committee with a do pass recommendation. (VOTE)**

**Carriers**

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

House Floor: \_\_\_\_\_

Senate Floor: \_\_\_\_\_

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
<b>2015-17 Agy. Leg. Adopted</b>	<b>6,172,203</b>	-	<b>719,522</b>	-	-	-	<b>6,891,725</b>	<b>25</b>	<b>24.50</b>
2015-17 Ebds, SS & Admin Act	134,552	-	18,394	-	-	-	152,946	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
<b>2015-17 Leg Approved Budget</b>	<b>6,306,755</b>	-	<b>737,916</b>	-	-	-	<b>7,044,671</b>	<b>25</b>	<b>24.50</b>
<b>2015-17 Leg Approved Budget (Base)</b>	<b>6,303,638</b>	-	<b>737,480</b>	-	-	-	<b>7,041,118</b>	<b>25</b>	<b>24.50</b>
Summary of Base Adjustments	487,299	-	38,235	-	-	-	525,534	-	-
<b>2017-19 Base Budget</b>	<b>6,790,937</b>	-	<b>775,715</b>	-	-	-	<b>7,566,652</b>	<b>25</b>	<b>24.50</b>
010: Non-PICS Pers Svc/Vacancy Factor	35,900	-	1,120	-	-	-	37,020	-	-
020: Phase In / Out Pgm & One-time Cost	(100,000)	-	-	-	-	-	(100,000)	-	-
030: Inflation & Price List Adjustments	233,295	-	2,960	-	-	-	236,255	-	-
<b>2017-19 Current Service Level</b>	<b>6,960,132</b>	-	<b>779,795</b>	-	-	-	<b>7,739,927</b>	<b>25</b>	<b>24.50</b>
<b>Adjusted 2017-19 Current Service Level</b>	<b>6,960,132</b>	-	<b>779,795</b>	-	-	-	<b>7,739,927</b>	<b>25</b>	<b>24.50</b>
<b>Total LFO Recommended Packages</b>	<b>(600,000)</b>	-	<b>117,040</b>	-	-	-	<b>(482,960)</b>	-	-
<b>2017-19 Legislative Actions</b>	<b>6,360,132</b>	-	<b>896,835</b>	-	-	-	<b>7,256,967</b>	<b>25</b>	<b>24.50</b>
Net change from 2015-17 Leg Approved Budget	53,377	-	158,919	-	-	-	212,296	-	-
Percent change from 2015-17 Leg Approved Budget	0.9%	0.0%	21.5%	0.0%	0.0%	0.0%	3.0%	0.0%	0.0%
Net change from 2017-19 Adj Current Service Level	(600,000)	-	117,040	-	-	-	(482,960)	-	-
Percent change from 2017-19 Adj Current Service Level	(8.6%)	0.0%	15.0%	0.0%	0.0%	0.0%	(6.2%)	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
<b>2015-17 Agy. Leg. Adopted</b>	<b>4,007,934</b>	-	<b>719,522</b>	-	-	-	<b>4,727,456</b>	<b>20</b>	<b>19.50</b>
2015-17 Ebds, SS & Admin Act	112,911	-	18,394	-	-	-	131,305	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
<b>2015-17 Leg Approved Budget</b>	<b>4,120,845</b>	-	<b>737,916</b>	-	-	-	<b>4,858,761</b>	<b>20</b>	<b>19.50</b>
<b>2015-17 Leg Approved Budget (Base)</b>	<b>4,117,841</b>	-	<b>737,480</b>	-	-	-	<b>4,855,321</b>	<b>20</b>	<b>19.50</b>
Summary of Base Adjustments	514,179	-	38,235	-	-	-	552,414	1	1.00
<b>2017-19 Base Budget</b>	<b>4,632,020</b>	-	<b>775,715</b>	-	-	-	<b>5,407,735</b>	<b>21</b>	<b>20.50</b>
010: Non-PICS Pers Svc/Vacancy Factor	30,784	-	1,120	-	-	-	31,904	-	-
020: Phase In / Out Pgm & One-time Cost	(100,000)	-	-	-	-	-	(100,000)	-	-
030: Inflation & Price List Adjustments	155,239	-	2,960	-	-	-	158,199	-	-
060: Technical Adjustments	89,574	-	-	-	-	-	89,574	-	-
<b>2017-19 Current Service Level</b>	<b>4,807,617</b>	-	<b>779,795</b>	-	-	-	<b>5,587,412</b>	<b>21</b>	<b>20.50</b>
<b>Adjusted 2017-19 Current Service Level</b>	<b>4,807,617</b>	-	<b>779,795</b>	-	-	-	<b>5,587,412</b>	<b>21</b>	<b>20.50</b>
<b>Total LFO Recommended Packages</b>	-	-	<b>117,040</b>	-	-	-	<b>117,040</b>	-	-
<b>2017-19 Legislative Actions</b>	<b>4,807,617</b>	-	<b>896,835</b>	-	-	-	<b>5,704,452</b>	<b>21</b>	<b>20.50</b>
Net change from 2015-17 Leg Approved Budget	686,772	-	158,919	-	-	-	845,691	1	1.00
Percent change from 2015-17 Leg Approved Budget	16.7%	0.0%	21.5%	0.0%	0.0%	0.0%	17.4%	5.0%	5.1%
Net change from 2017-19 Adj Current Service Level	-	-	117,040	-	-	-	117,040	-	-
Percent change from 2017-19 Adj Current Service Level	0.0%	0.0%	15.0%	0.0%	0.0%	0.0%	2.1%	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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**Package 101 RFO Quality Care Fund Exception**

Package Description This package increases Other Funds expenditure limitation by \$117,040. The revenue is derived through civil penalties and fines assessed against residential facilities for individuals with intellectual/developmental disabilities or a diagnosed mental health condition. The limitation provides the RFO program with resources necessary to continue developing the program for full implementation, including volunteer recruitment activities, training, and ongoing support.

LFO Recommendation Approve the package.

<b>LFO Recommended</b>	-	-	117,040	-	-	-	117,040	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
<b>2015-17 Agy. Leg. Adopted</b>	<b>2,164,269</b>	-	-	-	-	-	<b>2,164,269</b>	<b>5</b>	<b>5.00</b>
2015-17 Ebds, SS & Admin Act	21,641	-	-	-	-	-	21,641	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
<b>2015-17 Leg Approved Budget</b>	<b>2,185,910</b>	-	-	-	-	-	<b>2,185,910</b>	<b>5</b>	<b>5.00</b>
<b>2015-17 Leg Approved Budget (Base)</b>	<b>2,185,797</b>	-	-	-	-	-	<b>2,185,797</b>	<b>5</b>	<b>5.00</b>
Summary of Base Adjustments	(26,880)	-	-	-	-	-	(26,880)	(1)	(1.00)
<b>2017-19 Base Budget</b>	<b>2,158,917</b>	-	-	-	-	-	<b>2,158,917</b>	<b>4</b>	<b>4.00</b>
010: Non-PICS Pers Svc/Vacancy Factor	5,116	-	-	-	-	-	5,116	-	-
030: Inflation & Price List Adjustments	78,056	-	-	-	-	-	78,056	-	-
060: Technical Adjustments	(89,574)	-	-	-	-	-	(89,574)	-	-
<b>2017-19 Current Service Level</b>	<b>2,152,515</b>	-	-	-	-	-	<b>2,152,515</b>	<b>4</b>	<b>4.00</b>
<b>Adjusted 2017-19 Current Service Level</b>	<b>2,152,515</b>	-	-	-	-	-	<b>2,152,515</b>	<b>4</b>	<b>4.00</b>
<b>Total LFO Recommended Packages</b>	<b>(600,000)</b>	-	-	-	-	-	<b>(600,000)</b>	-	-
<b>2017-19 Legislative Actions</b>	<b>1,552,515</b>	-	-	-	-	-	<b>1,552,515</b>	<b>4</b>	<b>4.00</b>
Net change from 2015-17 Leg Approved Budget	(633,395)	-	-	-	-	-	(633,395)	(1)	(1.00)
Percent change from 2015-17 Leg Approved Budget	(29.0%)	0.0%	0.0%	0.0%	0.0%	0.0%	(29.0%)	(20.0%)	(20.0%)
Net change from 2017-19 Adj Current Service Level	(600,000)	-	-	-	-	-	(600,000)	-	-
Percent change from 2017-19 Adj Current Service Level	(27.9%)	0.0%	0.0%	0.0%	0.0%	0.0%	(27.9%)	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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**Package 801 LFO Analyst Adjustments**

Package Description Due to General Fund budget constraints, this package removes \$600,000 from the Oregon Public Guardian program. However, \$200,000 of the reduction is recommended to be set aside in a Special Purpose Appropriation to the Emergency Board for potential allocation to the agency once conditions under a budget note have been met (please see budget note section of work session recommendation memo).

Services and Supplies are reduced by a net total of \$758,000 General Fund, with adjustments in the line items and amounts as follows:

Instate Travel	(38,402)
Out of State Travel	(5,185)
Employee Training	(6,581)
Office Expenses	(3,438)
Telecommunications	(1,816)
Data Processing	49,054
Publicity and Publications	(88)
Professional Services	(824,491)
Attorney General	128,269
Dues and Subscriptions	(78)
Expendable Prop 250-5000	(5,316)
IT Expendable Property	(49,928)

Special Payments are increased by \$158,000 General Fund to capture and isolate expenditures for contracted case management (\$48,000) and guardianship services (\$110,000).

LFO Recommendation Approve the package.

<b>LFO Recommended</b>	<b>(600,000)</b>	-	-	-	-	-	<b>(600,000)</b>	-	-
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