



Oregon

Kate Brown, Governor

Department of Human Services

Aging and People with Disabilities

500 Summer St. NE, E-02

Salem, OR 97301

Voice: 503-947-5476

Fax: 503-373-7823

The Honorable Co-Chairs
Sen. Girod and Rep. Holvey
Joint Subcommittee on Capital Construction
Oregon State Capitol
900 Court Street NE
Salem, OR 97301-4048



Re: HB 3359-A4

June 30, 2017

Dear Co-Chairs Girod and Holvey,

While we remain neutral on this bill, at DHS we believe that every Oregonian deserves to live in a safe environment, free from abuse, neglect and financial exploitation. We believe in supporting providers and ensuring that high-quality services and supports are provided to people who need long term care.

In the Aging and People with Disabilities division of DHS, we are focused on the needs of a rapidly aging population of older adults and people with disabilities. HB 3359-A4 is a comprehensive approach to improving safety and quality in licensed long term care settings. The provisions within HB 3359-A4 provide much-needed updates in many areas around the oversight, quality and provision of care for individuals residing in licensed long term care settings, with a special emphasis on improving training to those who care for people with Alzheimer's Disease and other forms of dementia.

Among other things, this omnibus long term care improvements bill:

- States in the Legislative Findings section that administrators of residential care facilities, including assisted living and memory care, are licensed by an independent board by July 2019 following a process to establish this new requirement;
- Updates amounts and caps, set in the 1970s, for civil monetary penalties for elder or adult abuse and harm within licensed long term care settings;

"Assisting People to Become Independent, Healthy and Safe"

- Adopts new penalties for “Failure to report suspected abuse” and “Failure to perform corrective action noted during survey.”
- Updates licensing fee amounts for residential care/assisted living facilities and nursing facilities;
- Requires the Department to develop an interpretive guidelines manual for residential care facilities, similar to the guide produced by CMS for Nursing Facilities.
- Requires the Department to develop online training modules to address top issues identified in surveys or other licensing actions.
- Requires the Department to develop an enhanced oversight and supervision program for Residential Care Facility oversight.
- Development of a technology-based, acuity-based staffing tool for use by providers and the Department, which allows providers to determine staffing patterns based on current residents’ needs.
- Provides that person-centered dementia care training for all direct care staff prior to providing direct care to residents to include: 1) Education on the dementia disease process, including the progression of the disease, memory loss, psychiatric and behavioral symptoms; 2) Techniques for understanding and managing symptoms, including but not limited to reducing the use of anti-psychotic medications for non-standard use; 3) Strategies for addressing the social needs of persons with dementia and providing meaningful activities and 4) Information on addressing specific aspects of dementia care and ensuring the safety of residents with dementia, including, but not limited to how to:
 - Address pain;
 - Provide food and fluids; and
 - Prevent wandering and elopement
- Residential care facilities shall provide a certificate of completion to direct care staff who demonstrate competency.
- Additional training (on top of the person-centered dementia care training above) – six hours annually – in dementia care. This training may be part of any existing continuing education requirement.
- Requires residential care facilities to fill medications using specially packaged medication administration systems – including, but not limited to unit dose, blister packs or similar methodologies.

- Gives the Department the ability to impose an immediate suspension in residential care facilities when there is critical health, safety or welfare issue – without waiting 10 days for a hearing.
- Allows adult foster homes to meet Fire, Life and Safety code for evacuation times when they have installed sprinkling systems.
- Gives the Department the authority to license residential care facilities for 6 or fewer individuals for the purpose of serving individuals with co-occurring behavioral health needs.
- Gives the Department the authority to license conversion facilities for older nursing homes wishing to convert from institutions to community-based care.
- Establishes quality metrics and reporting for providers and the Department – in particular, around falls, staff retention, use of antipsychotic medications for nonstandard purposes, staff training and resident experience.
- Establishes the Quality Measurement Council with representatives from the Office of the Long Term Care Ombudsman, Alzheimer's Advocacy, Elder Rights Advocate, Academics with Data/Metrics Expertise, Member of OR Patient Safety Commission, Provider Association, and the Department.

The Department stands ready and willing to get to work on the proposed changes should the legislature pass the bill. We look forward to working with providers and all other parties impacted by these changes to ensure high-quality care and protection for some of our most vulnerable citizens.

Sincerely,

Ashley Carson Cottingham, Director
Aging & People with Disabilities
Department of Human Services