

HB 2661 A STAFF MEASURE SUMMARY

House Committee On Human Services and Housing

Action Date: 04/18/17

Action: Do pass with amendments and be referred to Ways and Means. (Printed A-Eng.)

Vote: 8-1-0-0

Yeas: 8 - Gorsek, Keny-Guyer, Meek, Noble, Olson, Piluso, Sanchez, Stark

Nays: 1 - Nearman

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: Cassandra Soucy, LPRO Analyst

WHAT THE MEASURE DOES:

Requires referral agent (agent) to provide client with disclosure regarding description of referral, agent's contact information, private policy statement, provision of referrals to facilities contracted with agent and statement of whether the referral fees will be paid to agent by facility. Prohibits agent from sharing client's placement information, selling client's placement information, referring client to facility with an ownership interest and contacting a client after written notice to stop contact. Prohibits compensations from facility in connection with client after written request from client to terminate relationship with agent. Requires agent to prohibit in contract with facility the collection of compensation from a facility if a new referral agent refers the same client to the same facility under specific circumstances. Applicable to contracts entered into on or after July 1, 2018.

Requires persons providing long term care referrals to register with Department of Human Services every two years. Requires agents to be mandatory reports of elder abuse. Operative July 1, 2018.

Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Differences between local and online long-term care referral agents
- Client information shared between referral agents and long-term care facilities
- Cost of long-term care facilities
- Consumer protections for referrals to long-term care facilities

EFFECT OF AMENDMENT:

Replaces measure.

BACKGROUND:

Long-term care is defined by the Department of Human Services (DHS) as a range of services that help people who can no longer meet their own daily needs. The services needed can include housekeeping, medication management, bathing assistance, nutritional services and social services. There are a variety of options for delivery of long-term care available in Oregon including:

- Adult Foster Home - family home or other facility where residential care is provided in a home-like environment for five or fewer adults
- Assisted Living Facilities - building or complex consisting of individual living units where six or more seniors and adults with disabilities reside in homelike surroundings with 24-hour support services available
- Residential Care Facilities - building or complex consisting of individual or shared living units where six or more seniors and adults with disabilities reside in home-like surroundings with 24-hour support services available
- Memory Care Facilities - special care units designated to provide services to individuals with Alzheimer's disease or other dementia diagnoses who have needs that require a more secure setting

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- Nursing Facilities - facility including inpatient beds providing medical services and treatment to two or more unrelated residents

Portland State University's Institute on Aging reports during 2016, there were 1,692 adult foster homes, 216 assisted living facilities, 275 residential care facilities, 160 memory care facilities and 138 nursing facilities in Oregon. DHS provides resources for individuals and families making decisions on long-term care facilities including a comparison tool. There are also placement or referral agencies providing services to help individuals and families decide on long-term care facilities. Currently, these placement or referral agencies are not regulated under Oregon law.

House Bill 2661 A requires long-term care referral agent to provide client with disclosure regarding description of referral, referral agent's contact information, private policy statement, provision of referrals to long-term care facilities contracted with agent and statement of whether the referral fees will be paid to agent by facility. Long-term care referral agents are prohibited from sharing client's placement information, selling client's placement information, referring client to facility with an ownership interest and contacting a client after written notice to stop contact. Compensations from facility in connection with client is prohibited after the long-term care referral agent receives a written request from client to terminate relationship with the agent. Long-term care referral agents are required to prohibit in contract with facility the collection of compensation from a facility if a new referral agent refers the same client to the same facility under specific circumstances.

House Bill 2661 A requires long-term care referral agents to register with Department of Human Services every two years. Additionally, long-term care referral agents are required to be mandatory reports of elder abuse.