

**HB 5021 A BUDGET REPORT and MEASURE SUMMARY**

**Carrier:** Sen. Winters

**Joint Committee On Ways and Means**

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**Action Date:** 06/16/17

**Action:** Do pass the A-Eng bill.

**Senate Vote**

**Yeas:** 12 - DeBoer, Devlin, Frederick, Girod, Hansell, Johnson, Manning Jr, Monroe, Roblan, Steiner Hayward, Thomsen, Winters

**House Vote**

**Yeas:** 11 - Gomberg, Holvey, Huffman, McLane, Nathanson, Rayfield, Smith G, Smith Warner, Stark, Whisnant, Williamson

**Prepared By:** Tamara Brickman, Department of Administrative Services

**Reviewed By:** Laurie Byerly, Legislative Fiscal Office

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**Long Term Care Ombudsman**

**2017-19**

**Emergency Board**

**2017-19**

## **Budget Summary\***

	2015-17 Legislatively Approved Budget <sup>(1)</sup>	2017-19 Current Service Level	2017-19 Committee Recommendation	Committee Change from 2015-17 Leg. Approved	
				\$ Change	% Change
General Fund	\$ 6,306,755	\$ 6,960,132	\$ 6,360,132	\$ 53,377	0.8%
Other Funds Limited	\$ 737,916	\$ 779,795	\$ 896,835	\$ 158,919	21.5%
Total	\$ 7,044,671	\$ 7,739,927	\$ 7,256,967	\$ 212,296	3.0%

## **Position Summary**

Authorized Positions	25	25	25
Full-time Equivalent (FTE) positions	24.50	24.50	24.50

## **Emergency Board**

	2015-17 Legislatively Approved Budget <sup>(1)</sup>	2017-19 Current Service Level	2017-19 Committee Recommendation	Committee Change from 2015-17 Leg. Approved	
				\$ Change	% Change
General Fund	\$ -	\$ -	\$ 200,000	\$ 200,000	100.0%
Total	\$ -	\$ -	\$ 200,000	\$ 200,000	100.0%

<sup>(1)</sup> Includes adjustments through December 2016

\* Excludes Capital Construction expenditures

## **Summary of Revenue Changes**

General Fund supports about 89 percent of the budget for the Long Term Care Ombudsman (LTCO). Most of the remainder is federal Older Americans Act funds received from the Department of Human Services (DHS), spent as Other Funds. LTCO also receives civil penalty revenue from DHS to help cover costs of work under the Residential Facilities Ombudsman Program, which expanded LTCO's duties to include advocating for residents of care facilities; these residents have mental health conditions or intellectual/developmental disabilities.

## **Summary of Human Services Subcommittee Action**

The LTCO's mission is to protect individual's rights, enhance quality of life, improve care and promote dignity for residents living in Oregon's licensed long-term care facilities. LTCO is comprised of the following three programs: (1) Long Term Care Ombudsman; (2) Residential Facilities Ombudsman (RFO); and (3) the Oregon Public Guardian Program (OPG). The agency has a staff of 24.50 full-time equivalent positions for three programs.

The LTCO program coordinates a network of trained and certified volunteer ombudsmen who regularly visit long-term care residents and monitor the facilities in which they reside. As the volunteers receive complaints, they investigate and work to resolve them within the facility or, in the case of abuse, they refer the complaint to local adult protective services offices for investigation. LTCO professional staff provides technical support and training for these volunteers. They also monitor facilities and respond to complex resident problems. In addition, LTCO provides guardian and conservator services for persons without relatives or friends willing or able to serve as guardians and conservators and are lacking the financial resources to obtain a private guardian or conservator.

The RFO program (added to the agency through Senate Bill 626 in 2013) advocates for persons with intellectual/developmental disabilities (I/DD) and/or a mental health (MH) diagnosis living in licensed or certified facilities. The OPG program (added to the agency through Senate Bill 1553 in 2014) allows the state to serve as a statewide court-appointed guardian and/or conservator, trustee and payee for incapacitated Oregonians who have no other resources to serve in such capacity.

The Human Services Subcommittee approved a budget of \$7,256,967 total funds, consisting of \$6,360,132 General Fund, \$896,835 Other Funds expenditure limitation and 25 positions (24.50 FTE). The total funds approved budget is three percent above the 2015-17 legislatively approved budget.

### **Long Term Care Ombudsman**

The Subcommittee approved Package 101, RFO Quality Care Fund Exception. This package increases Other Funds limitation by \$117,040. The revenue is derived through civil penalties and fines assessed against residential facilities serving individuals with intellectual/developmental disabilities and/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.

### **Oregon Public Guardian and Conservator Program**

The Subcommittee approved Package 801, LFO Analyst Adjustments. This package removes \$600,000 General Fund from the budget. This action is due to both statewide General Fund constraints and legislative concerns about program sustainability. While the Oregon Public Guardian and Conservator program was approved in Senate Bill 1553 (2014) and effective July 1, 2014, the program got off to a slow start because it took several months to find and hire the program lead. This has led to caseloads being lower than anticipated and a delay in establishing contracts to help deliver services. In addition, legal expenses and the amount of time spent on diversion activities have been higher than expected. More recently the program head resigned, which again leaves a leadership void. Even at the reduced level, the budget retains all program staff,

adjusts funding to cover data and legal costs and supports contracts for guardianships in one county/region and case management work in one other county/region. The budget does not include ongoing funding for protection and advocacy services; the final year of the current four-year contract is budgeted within the LTCO program.

Another component of the recommendation is placement of \$200,000 General Fund freed up by the reduction into a special purpose appropriation to the Emergency Board for potential allocation to the agency based on results of the program assessment outlined in the budget note below. While legislative support for the program continues, uncertainty about program service delivery options and associated funding levels make it difficult to provide the appropriate mix of legislative direction and funding without a more robust plan.

**Budget Note:**

*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.*

**Summary of Performance Measure Action**

See attached Legislatively Adopted 2017-19 Key Performance Measures form.

**DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION**

Long Term Care Ombudsman  
 Tamara Brickman -- 503-378-4709

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS		FEDERAL FUNDS		TOTAL ALL FUNDS	POS	FTE
			LIMITED	NONLIMITED	LIMITED	NONLIMITED			
2015-17 Legislatively Approved Budget at Dec 2016 *	\$ 6,306,755	\$ -	\$ 737,916	\$ -	\$ -	\$ -	7,044,671	25	24.50
2017-19 Current Service Level (CSL)*	\$ 6,960,132	\$ -	\$ 779,795	\$ -	\$ -	\$ -	7,739,927	25	24.50
<b>SUBCOMMITTEE ADJUSTMENTS (from CSL)</b>									
<b>SCR 010 - Long Term Care Ombudsman</b>									
Package 101: RFO Quality Care Fund Exception									
Services and Supplies	\$ -	\$ -	\$ 117,040	\$ -	\$ -	\$ -	117,040		
<b>SCR 020 - Public Guardian and Conservator Program</b>									
Package 801: LFO analyst Adjustments									
Services and Supplies	\$ (758,000)	\$ -	\$ -	\$ -	\$ -	\$ -	(758,000)		
Special Payments	\$ 158,000	\$ -	\$ -	\$ -	\$ -	\$ -	158,000		
<b>TOTAL ADJUSTMENTS</b>	<b>\$ (600,000)</b>	<b>\$ -</b>	<b>\$ 117,040</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>(482,960)</b>	<b>0</b>	<b>0.00</b>
<b>SUBCOMMITTEE RECOMMENDATION *</b>	<b>\$ 6,360,132</b>	<b>\$ -</b>	<b>\$ 896,835</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>7,256,967</b>	<b>25</b>	<b>24.50</b>

% Change from 2015-17 Leg Approved Budget      0.9%  
 % Change from 2017-19 Current Service Level      (8.6%)

0.0%      21.5%      0.0%      0.0%      0.0%      0.0%      3.0%  
 0.0%      15.0%      0.0%      0.0%      0.0%      0.0%      (6.2%)

\*Excludes Capital Construction Expenditures

**EMERGENCY BOARD**

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS		FEDERAL FUNDS		TOTAL ALL FUNDS
			LIMITED	NONLIMITED	LIMITED	NONLIMITED	
Special Purpose Appropriation for Public Guardian and Conservator Program	\$ 200,000	\$ -	\$ -	\$ -	\$ -	\$ -	200,000

# Legislatively Approved 2017 - 2019 Key Performance Measures

Published: 6/14/2017 2:38:24 PM

**Agency:** Long Term Care Ombudsman, Office of

**Mission Statement:**

To Enhance The Quality Of Life, Improve The Level Of Care, Protect The Rights Of The Individual And Promote The Dignity Of Each Oregon Citizen Living In A Nursing Facility, Residential Care Facility, Assisted Living Facility Or Adult Foster Care Home.

Legislatively Approved KPMs	Metrics	Agency Request	Last Reported Result	Target 2018	Target 2019
1. Percentage of non-referred complaints where action is needed that are partially or fully resolved.		Approved	91%	98%	98%
2. Average initial response time to non-referred cases.		Approved	2.14	1.50	1.50
3. Average time to close non-referred cases.		Approved	28	25	25
4. Percentage of nursing facilities visited at least once annually.		Approved	95%	100%	100%
5. Percentage of assisted living and residential care facilities visited at least once annually.		Approved	87%	98%	98%
6. Percentage of adult foster care homes visited at least once annually.		Approved	72%	80%	80%
7. Number of requests for assistance from consumers, the public, facility staff and agencies.		Approved	6,340	6,000	6,000
8. Participation in system-wide advocacy meetings at the local, regional, state and national levels.		Approved	310	800	800
9. Total number of certified ombudsmen volunteer hours annually.		Approved	28,431	28,000	28,000
10. Customer Service - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.	Accuracy	Approved	76%	90%	90%
	Helpfulness		88%	90%	90%
	Expertise		87%	90%	90%
	Overall		85%	90%	90%
	Timeliness		86%	90%	90%
	Availability of Information		83%	90%	90%

**LFO Recommendation:**

Approve the KPMs as proposed. Approve the targets for 2018 and 2019 as shown. For KPMs 7 and 8, direct the agency to review data and seek out a more precise or meaningful metric to help identify trends, focus agency efforts, and potentially revise targets. In conjunction with the assessment required under the budget note and legislative feedback on that work, develop at least two proposed key performance measures for the Oregon Public Guardian and Conservator program for the 2019-21 biennium.

**SubCommittee Action:**

Approved the LFO Recommendation.