

# House Bill 3370

Sponsored by Representative SANCHEZ

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Defines "housing with services project" and requires project to register with Department of Human Services and meet certain requirements. Subjects projects to oversight by Long Term Care Ombudsman.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to housing with services projects; creating new provisions; amending ORS 441.402; and de-  
3 claring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

### **SECTION 1. (1) As used in this section:**

5  
6 (a) "Coordinate" means to provide proactive and systematic assistance in obtaining, fa-  
7 cilitation of, connection with and advocacy for health and social services, through commu-  
8 nication, collaboration and sharing of information among providers of health and social  
9 services.

10 (b) "Health and social services" means:

11 (A) Case management;

12 (B) Health navigation;

13 (C) Mental health and addiction supports and services;

14 (D) In-home supports, including housekeeping, personal care, meal preparation, laundry  
15 services and transportation;

16 (E) Information and referral;

17 (F) Food insecurity interventions; and

18 (G) Wellness and preventive health services.

19 (c)(A) "Housing with services project" means an entity that coordinates two or more  
20 health and social services for senior citizens and people with disabilities who are living in  
21 publicly subsidized or private congregate settings.

22 (B) "Housing with services project" does not include:

23 (i) A health care facility licensed under ORS 441.015.

24 (ii) A residential facility licensed under ORS 443.410.

25 (iii) An adult foster home licensed under ORS 443.725.

26 (iv) A continuing care retirement community as defined in ORS 101.020.

27 (v) A program of all-inclusive care for the elderly as described in 42 C.F.R. 460.6.

28 (vi) Transient lodging as defined in ORS 320.300.

29 (vii) A hotel as defined in ORS 699.005.

30 (2)(a) Except as provided in subsection (5) of this section, an entity may not offer to the

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 public or operate a housing with services project without first registering with the Depart-  
 2 ment of Human Services, as prescribed by the department by rule.

3 (b) The department may charge a fee for registration in an amount sufficient to admin-  
 4 ister the registry.

5 (c) Registration under this section must be renewed every two years.

6 (3) As a condition of registration under this section, the department shall require a  
 7 housing with services project to:

8 (a) Complete criminal records checks on owners and employees of the project; or

9 (b) Submit evidence to the department that criminal records checks on owners and em-  
 10 ployees of the project have been completed by another state or federal agency that regulates  
 11 health and social services.

12 (4) As a condition of registration under this section, the department shall require a  
 13 housing with services project to establish policies and procedures:

14 (a) Limiting the release and sharing of information relating to recipients of health and  
 15 social services.

16 (b) Establishing the confidentiality of information relating to recipients of health and  
 17 social services.

18 (c) Providing that residents of a housing setting are not required to accept health and  
 19 social services offered by a housing with services project in order to live in the housing set-  
 20 ting.

21 (d) Providing for choice of health plans and service providers.

22 (e) Allowing recipients of health and social services to lodge grievances and complaints.

23 (f) Providing for culturally specific services.

24 (g) Allowing recipients of health and social services to participate in program develop-  
 25 ment, implementation and oversight.

26 (h) Allowing recipients of health and social services to participate in the development of  
 27 service and support plans.

28 (i) Establishing the rights of recipients of health and social services.

29 (j) Providing for compliance with the federal Health Insurance Portability and Account-  
 30 ability Act.

31 (5) An entity is not required to register with the Department of Human Services under  
 32 this section if the entity is registered or licensed by another state or federal agency relating  
 33 to health and social services.

34 (6) The Department of Human Services may adopt rules implementing this section.

35 **SECTION 2.** ORS 441.402 is amended to read:

36 441.402. As used in ORS 441.402 to 441.419:

37 (1) "Designee" means an individual appointed by the Long Term Care Ombudsman to serve as  
 38 a representative in order to carry out the purpose of ORS 441.402 to 441.419.

39 (2) "Residential facility" includes a:

40 (a) Long term care facility;

41 (b) Residential facility as defined in ORS 443.400, excluding a:

42 (A) Facility housing persons committed under ORS 161.327; and

43 (B) Facility licensed by the Oregon Health Authority to provide alcohol and drug treatment;

44 (c) Licensed adult foster home as defined in ORS 443.705;

45 (d) Developmental disability child foster home, as defined in ORS 443.830, that is certified by the

1 Department of Human Services; *[and]*

2 (e) Continuing care retirement community as defined in ORS 101.020[.]; **and**

3 **(f) Housing with services project registered with the Department of Human Services un-**  
4 **der section 1 of this 2017 Act.**

5 **SECTION 3. (1) Section 1 of this 2017 Act and the amendments to ORS 441.402 by section**  
6 **2 of this 2017 Act become operative on January 1, 2018.**

7 **(2) The Department of Human Services and the Long Term Care Ombudsman may take**  
8 **any action before the operative date specified in subsection (1) of this section that is neces-**  
9 **sary to enable the department or the Long Term Care Ombudsman, on and after the opera-**  
10 **tive date specified in subsection (1) of this section, to exercise the duties, functions and**  
11 **powers conferred on the department and the Long Term Care Ombudsman by section 1 of**  
12 **this 2017 Act and the amendments to ORS 441.402 by section 2 of this 2017 Act.**

13 **SECTION 4. This 2017 Act being necessary for the immediate preservation of the public**  
14 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**  
15 **on its passage.**

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