

Existing State and Federal Law Compared to HB 2600

OHCA supports innovative ways to ensure the health of the residents our members serve. HB 2600 is not innovative but instead duplicates and complicates existing law.

Existing State and Federal Law

HB 2600

ALL STAFF TRAINING REQUIREMENTS

- ▶ 42 CFR 483.95 requires nursing facility staff to have infection control/prevention training.
- ▶ OAR 411-054-0070 requires all assisted living/residential care (ALF/RCF) staff to receive pre-service training on infection prevention and infection control. Annual training is also required.
- ▶ Staff training resources for prevention practices are available from Oregon Patient Safety Commission, the Center for Disease Control, OHA, and OSHA (which requires annual training on blood-borne pathogens).

ALL STAFF TRAINING REQUIREMENTS

- ▶ Requires new employee training in recognizing disease outbreaks and infection control. **(Duplicative)**
- ▶ Staff receive information regarding obligation to report disease outbreaks and safeguards for employees who report outbreaks. **(Duplicative)**

MEDICAL PROFESSIONAL

- ▶ 42 CFR 483.80 requires nursing facilities to have specially trained infection control medical professional on staff.
- ▶ OAR 411-054-0045 requires ALF/RCFs to have a licensed nurse regularly scheduled for on-site duties and available for telephone consultations.

MEDICAL PROFESSIONAL

- ▶ Required medical contact to provide advice/evaluate effectiveness of disease outbreak control measures adopted by facility. **(Duplicative)**

REPORTING OF OUTBREAKS

- ▶ OAR 411-054-0025 requires ALF/RCFs to immediately report all communicable disease outbreaks to both DHS and OHA.
- ▶ OAR 333-018-0000 requires all health care providers to report diseases/infections to OHA.

REPORTING OF OUTBREAKS

- ▶ LTC ombudsman shall inform facility staff of duty to report outbreaks to DHS and protections for reporting. **(This reflects a major change in the mission of the LTC ombudsman.)**

STATE AGENCY OVERSIGHT

- ▶ OAR 333-019-000 requires OHA to investigate all cases of reportable diseases, infections/conditions.
- ▶ DHS inspects at licensure and renewal.
- ▶ OAR 411-086-0330 requires nursing facilities to comply with OHA Health Division rules for communicable disease.
- ▶ Federal and state law require nursing facilities to have an infection prevention and control program.
- ▶ OSHA imposes a blood-borne pathogen standard to protect workers from exposure.

STATE AGENCY OVERSIGHT

- ▶ DHS/OHA to provide best practices/local public health contacts. **(Duplicative)**
- ▶ OHA inspection required for nursing facility, residential care facility licensure and renewal. **(Duplicates existing DHS inspections.)**
- ▶ DHS cannot issue/renew a license for inspected facility unless OHA finds facility in compliance with health/sanitation laws.