

SENATE BILL 815 DUPLICATES CURRENT OREGON LAW

The Oregon Health Care Association (OHCA) supports transparent and comprehensive consumer disclosure. OHCA, the Department of Human Services (DHS), and other consumer advocates have worked collaboratively to create and continuously improve Oregon's consumer disclosure regulatory standards and resources.

Senate Bill (SB) 815 requires the disclosure of information to prospective and current residents living in assisted living, residential care, and memory care communities in Oregon. Current state law requires more disclosure than is required in SB 815.

SB 815 also requires six months' notice before any increases, additions, or changes to a resident's rate structure are implemented. Current law requires 30 days' notice.

This six-month requirement is ill-advised. Elderly and frail residents often experience unexpected and significant change of condition as a result of age-related health issues. Predicting any change of condition six months in advance would be impossible for care providers and caseworkers.

Service payments from Medicaid and other payers are generally based on 30-day units of service, further complicating a six-month notice requirement. Rates are adjusted up or down based on change of condition and service plan.

Current Oregon Law on Assisted Living, Residential Care, and Memory Care Consumer Disclosure Requirements

Disclosure Requirements Per OAR 411-054-0025(10)	Duplicative in SB 815?
Assisted Living and Residential Care DHS-Approved Uniform Disclosure Statement	Yes, in Section 2(1)(a)
Memory Care Community Uniform DHS-Approved Disclosure Statement	Yes, in Section 2(1)(a)
Terms of occupancy, including policy on the possession of firearms and ammunition	Yes, in Section 2(1)(b)
Payment provisions, including the basic rental rate, what it includes, cost of additional services, billing method, payment system and due dates, deposits, and nonrefundable fees, if applicable	Yes, in Section 2(1)(b)
The method for evaluating a resident's service needs and assessing the costs for the services provided	Yes, in Section 2(1)(b) and Section 2(1)(c)
The policy for increases, additions, or changes to the rate structure with 30 days' notice required before these changes are implemented or immediately as a result of changes in the service plan	Yes, in Section 2(1)(c)
The process for refund and proration conditions	No, not required in SB 815
A description of the scope of resident services available according to OAR 411-054-0030	Yes, in Section 2(1)(a) and Section 2(1)(c)
Additional available services	Yes, in Section 2(1)(a)
The philosophy of how healthcare and activities of daily living services are provided to the resident	No, not required in SB 815
All resident rights and responsibilities	No, not required in SB 815
The facility's system for packaging medications including the option for residents to choose a pharmacy that meets the requirements of ORS 443.437	No, not required in SB 815
Criteria, actions, circumstances, or conditions that may result in a move-out or intra-facility move	Yes, in Section 2(1)(c) and Section 2(1)(d)
Resident rights pertaining to notification of involuntary move-out	No, not required in SB 815

Financial Disclosure Requirements Per OAR 411-054-0085	Duplicative in SB 815?
The facility must provide 30 days' written notice prior to any facility-wide increases, additions, or changes.	No, six months' notice is required in SB 815
The facility must provide immediate written notice to the resident at the time the resident's service rates shall change.	Yes, in Section 2(2)(b)