

**Legislative  
Fiscal Office**

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**Joint Committee on  
Ways and Means**

Sen. Betsy Johnson, Senate Co-Chair  
Sen. Elizabeth Steiner Hayward, Senate Co-Chair  
Rep. Dan Rayfield, House Co-Chair

Sen. Jackie Winters, Senate Co-Vice Chair  
Rep. David Gomberg, House Co-Vice Chair  
Rep. Greg Smith, House Co-Vice Chair

**To:** Human Services Subcommittee  
**From:** Laurie Byerly, Legislative Fiscal Office  
**Date:** May 29, 2019  
**Subject:** SB 5520 – Long Term Care Ombudsman  
Work Session Recommendations

**Agency Name – Agency Totals**

	<b>2015-17 Actual</b>	<b>2017-19 Legislatively Approved</b>	<b>2019-21 Current Service Level</b>	<b>2019-21 LFO Recommended</b>
General Fund	4,929,019	6,401,552	7,212,903	7,212,903
Other Funds	679,823	908,057	954,159	853,177
<b>Total Funds</b>	<b>5,608,842</b>	<b>7,309,609</b>	<b>8,167,062</b>	<b>8,066,080</b>
Positions	25	27	27	27
FTE	24.50	25.50	26.50	26.50

Attached are the recommendations from the Legislative Fiscal Office (LFO) for the Long Term Care Ombudsman. The total funds budget is a \$756,471 or 10.4% increase from the 2017-19 legislatively approved budget and a \$100,982 or 1.2% decrease from the 2019-21 current service level.

For General Fund, the LFO recommended budget covers the agency’s 2019-21 current service level, which includes the roll up costs for two positions in the Oregon Public Guardian program approved during the February 2018 legislative session. The Other Funds budget is below current service level because of changes in a federal grant program.

**Adjustments to Current Service Level**

See attached “Work Session Presentation Report.”

Note: Statewide adjustments are not included in these recommendations. Any needed adjustments will be made in end of session bills.

**Accept** LFO Recommendation:

**MOTION:** I move the LFO recommendation to SB 5520. (VOTE)

**OR**

**Change** LFO Recommendation:

**MOTION:** I move the LFO recommendation to SB 5520, with modifications. (VOTE)

### **Performance Measures**

See attached “Legislatively Proposed 2019-21 Key Performance Measures.”

**Accept** LFO Recommendation:

**MOTION:** I move the LFO recommendation on Key Performance Measures. (VOTE)

**OR**

**Change** LFO Recommendation:

**MOTION:** I move the LFO recommendation on Key Performance Measures, with modifications. (VOTE)

### **Recommended Changes**

LFO recommends a budget of \$7,212,903 General Fund, \$853,177 Other Funds, and 27 positions (26.50 FTE), which is reflected in the -2 amendment.

**MOTION:** I move adoption of the -2 amendment to SB 5520. (VOTE)

### **Final Subcommittee Action**

LFO recommends that SB 5520, as amended by the -2 amendment, be moved to the Ways and Means Full Committee.

**MOTION:** I move SB 5520, as amended, to the Full Committee with a do pass recommendation. (VOTE)

### **Carriers**

Full Committee: \_\_\_\_\_

House Floor: \_\_\_\_\_

Senate Floor: \_\_\_\_\_

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
<b>2017-19 Agy. Leg. Adopted</b>	<b>6,087,623</b>	-	<b>894,242</b>	-	-	-	<b>6,981,865</b>	<b>25</b>	<b>24.50</b>
2017-19 Ebds, SS & Admin Act	313,929	-	13,815	-	-	-	327,744	2	1.00
Ways & Means Actions	-	-	-	-	-	-	-	-	-
<b>2017-19 Leg Approved Budget</b>	<b>6,401,552</b>	-	<b>908,057</b>	-	-	-	<b>7,309,609</b>	<b>27</b>	<b>25.50</b>
<b>2017-19 Leg Approved Budget (Base)</b>	<b>6,401,552</b>	-	<b>908,057</b>	-	-	-	<b>7,309,609</b>	<b>27</b>	<b>25.50</b>
Summary of Base Adjustments	489,812	-	28,366	-	-	-	518,178	-	1.00
<b>2019-21 Base Budget</b>	<b>6,891,364</b>	-	<b>936,423</b>	-	-	-	<b>7,827,787</b>	<b>27</b>	<b>26.50</b>
010: Non-PICS Pers Svc/Vacancy Factor	158,203	-	6,170	-	-	-	164,373	-	-
030: Inflation & Price List Adjustments	163,336	-	11,566	-	-	-	174,902	-	-
<b>2019-21 Current Service Level</b>	<b>7,212,903</b>	-	<b>954,159</b>	-	-	-	<b>8,167,062</b>	<b>27</b>	<b>26.50</b>
070: Revenue Reductions/Shortfall	-	-	(100,982)	-	-	-	(100,982)	-	-
<b>Adjusted 2019-21 Current Service Level</b>	<b>7,212,903</b>	-	<b>853,177</b>	-	-	-	<b>8,066,080</b>	<b>27</b>	<b>26.50</b>
<b>Total LFO Recommended Packages</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>2019-21 Legislative Actions</b>	<b>7,212,903</b>	-	<b>853,177</b>	-	-	-	<b>8,066,080</b>	<b>27</b>	<b>26.50</b>
Net change from 2017-19 Leg Approved Budget	811,351	-	(54,880)	-	-	-	756,471	-	1.00
Percent change from 2017-19 Leg Approved Budget	12.7%	0.0%	(6.0%)	0.0%	0.0%	0.0%	10.4%	0.0%	3.9%
Net change from 2019-21 Adj Current Service Level	-	-	-	-	-	-	-	-	-
Percent change from 2019-21 Adj Current Service Level	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
<b>2017-19 Agy. Leg. Adopted</b>	<b>4,607,778</b>	-	<b>894,242</b>	-	-	-	<b>5,502,020</b>	<b>21</b>	<b>20.50</b>
2017-19 Ebds, SS & Admin Act	100,736	-	13,815	-	-	-	114,551	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
<b>2017-19 Leg Approved Budget</b>	<b>4,708,514</b>	-	<b>908,057</b>	-	-	-	<b>5,616,571</b>	<b>21</b>	<b>20.50</b>
<b>2017-19 Leg Approved Budget (Base)</b>	<b>4,708,514</b>	-	<b>908,057</b>	-	-	-	<b>5,616,571</b>	<b>21</b>	<b>20.50</b>
Summary of Base Adjustments	328,750	-	28,366	-	-	-	357,116	-	-
<b>2019-21 Base Budget</b>	<b>5,037,264</b>	-	<b>936,423</b>	-	-	-	<b>5,973,687</b>	<b>21</b>	<b>20.50</b>
010: Non-PICS Pers Svc/Vacancy Factor	115,308	-	6,170	-	-	-	121,478	-	-
030: Inflation & Price List Adjustments	81,841	-	11,566	-	-	-	93,407	-	-
<b>2019-21 Current Service Level</b>	<b>5,234,413</b>	-	<b>954,159</b>	-	-	-	<b>6,188,572</b>	<b>21</b>	<b>20.50</b>
070: Revenue Reductions/Shortfall	-	-	(100,982)	-	-	-	(100,982)	-	-
<b>Adjusted 2019-21 Current Service Level</b>	<b>5,234,413</b>	-	<b>853,177</b>	-	-	-	<b>6,087,590</b>	<b>21</b>	<b>20.50</b>
<b>Total LFO Recommended Packages</b>	-	-	-	-	-	-	-	-	-
<b>2019-21 Legislative Actions</b>	<b>5,234,413</b>	-	<b>853,177</b>	-	-	-	<b>6,087,590</b>	<b>21</b>	<b>20.50</b>
Net change from 2017-19 Leg Approved Budget	525,899	-	(54,880)	-	-	-	471,019	-	-
Percent change from 2017-19 Leg Approved Budget	11.2%	0.0%	(6.0%)	0.0%	0.0%	0.0%	8.4%	0.0%	0.0%
Net change from 2019-21 Adj Current Service Level	-	-	-	-	-	-	-	-	-
Percent change from 2019-21 Adj Current Service Level	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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**Package 070 Revenue Shortfalls**

Package Description This package reduces services and supplies expenditures to align with the projected 2019-21 level of federal grant funding passed through to the agency from the Department of Human Services (DHS) for the Senior Medicare Patrol (SMP) program. Due to federal program changes, the Long Term Care Ombudsman’s ongoing efforts will be limited to outreach and education activities that can be managed as part of the agency's existing work in those areas. The program expects to receive \$30,000 per year in grant funds; this amount had ranged from \$50,000 to \$70,000 per year in prior biennia.

In addition to the expenditure reduction, the LFO recommendation increases the transfer-in from DHS by \$45,000 to reflect a total of \$60,000 Other Funds revenue from this source in the 2019-21 biennium.

LFO Recommendation Approve the package.

<b>LFO Recommended</b>	-	-	(100,982)	-	-	-	(100,982)	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
<b>2017-19 Agy. Leg. Adopted</b>	<b>1,479,845</b>	-	-	-	-	-	<b>1,479,845</b>	<b>4</b>	<b>4.00</b>
2017-19 Ebds, SS & Admin Act	213,193	-	-	-	-	-	213,193	2	1.00
Ways & Means Actions	-	-	-	-	-	-	-	-	-
<b>2017-19 Leg Approved Budget</b>	<b>1,693,038</b>	-	-	-	-	-	<b>1,693,038</b>	<b>6</b>	<b>5.00</b>
<b>2017-19 Leg Approved Budget (Base)</b>	<b>1,693,038</b>	-	-	-	-	-	<b>1,693,038</b>	<b>6</b>	<b>5.00</b>
Summary of Base Adjustments	161,062	-	-	-	-	-	161,062	-	1.00
<b>2019-21 Base Budget</b>	<b>1,854,100</b>	-	-	-	-	-	<b>1,854,100</b>	<b>6</b>	<b>6.00</b>
010: Non-PICS Pers Svc/Vacancy Factor	42,895	-	-	-	-	-	42,895	-	-
030: Inflation & Price List Adjustments	81,495	-	-	-	-	-	81,495	-	-
<b>2019-21 Current Service Level</b>	<b>1,978,490</b>	-	-	-	-	-	<b>1,978,490</b>	<b>6</b>	<b>6.00</b>
<b>Adjusted 2019-21 Current Service Level</b>	<b>1,978,490</b>	-	-	-	-	-	<b>1,978,490</b>	<b>6</b>	<b>6.00</b>
<b>Total LFO Recommended Packages</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>2019-21 Legislative Actions</b>	<b>1,978,490</b>	-	-	-	-	-	<b>1,978,490</b>	<b>6</b>	<b>6.00</b>
Net change from 2017-19 Leg Approved Budget	285,452	-	-	-	-	-	285,452	-	1.00
Percent change from 2017-19 Leg Approved Budget	16.9%	0.0%	0.0%	0.0%	0.0%	0.0%	16.9%	0.0%	20.0%
Net change from 2019-21 Adj Current Service Level	-	-	-	-	-	-	-	-	-
Percent change from 2019-21 Adj Current Service Level	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

# Legislatively Proposed 2019 - 2021 Key Performance Measures

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**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 Proposed KPMs	Metrics	Agency Request	Last Reported Result	Target 2020	Target 2021
1. Percentage of non-referred complaints to LTOCO where action is needed that are partially or fully resolved.		Approved	89%	98%	98%
8. 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	71%	90%	90%
	Helpfulness		77%	90%	90%
	Expertise		78%	90%	90%
	Overall		71%	90%	90%
	Timeliness		83%	90%	90%
	Availability of Information		76%	90%	90%
2. Average initial response time, measured in business days, to close LTOCO non-referred cases.		Proposed New	No Data	1.50	1.50
3. Average time, measured in business days, to close LTOCO non-referred cases.		Proposed New	No Data	25	25
4. Percent of NF and ALF/RCF facilities to which a Long-Term Care Certified Ombudsman is assigned.		Proposed New	No Data	70%	70%
5. Long-Term Care Certified Ombudsman hours.		Proposed New	No Data	29,000	29,000
6. Number of hospitalizations, ER visits, arrests, or psychiatric holds of OPGC clients during the reporting period.		Proposed New	No Data	1	1
7. Number of referrals diverted away from OPGC by finding less restrictive alternatives.		Proposed New	No Data	65%	65%
2. Average initial response time to close LTOCO non-referred cases.		Proposed Delete	1.61	TBD	TBD
3. Average time to close LTOCO non-referred cases.		Proposed Delete	25	TBD	TBD
4. Percentage of nursing facilities visited at least once annually.		Proposed Delete	97%	TBD	TBD
5. Percentage of assisted living and residential care facilities visited at least once annually.		Proposed Delete	92%	TBD	TBD
6. Percentage of adult foster care homes visited at least once annually.		Proposed Delete	53%	TBD	TBD
7. Number of requests for assistance from consumers, the public, facility staff and agencies.		Proposed Delete	7,276	TBD	TBD
8. Participation in system-wide advocacy meetings at the local, regional, state and national levels.		Proposed Delete	240	TBD	TBD
9. Total number of certified ombudsmen volunteer hours annually.		Proposed Delete	25,828	TBD	TBD

**LFO Recommendation:**

The agency's requested KPM changes are a combination of language clarifications, measurement unit changes, deletions, and new measures which also result in some KPM renumbering. The LFO recommendations

for the agency's proposed KPM changes are as follows:

KPM #1 - No requested change from the agency. Approve the targets as shown.

KPM #2 - As requested by the agency, modify language to count response time in business days instead of calendar days; approve this proposed change. Approve the targets as shown.

KPM #3 - As requested by the agency, modify language to count closure time in business days instead of calendar days; approve this proposed change. Approve the targets as shown.

KPM #4 and #5 - As requested by the agency, collapse these two measures into one and modify language to track the percentage of facilities having an assigned long term care certified ombudsman, instead of the percentage visited annually; approve this proposed change. Approve the targets as shown. (This will be KPM #4.)

KPM #6 - The agency requested deletion of this measure; approve this proposed change. However, LFO also recommends directing the agency to continue to track adult foster home visits and develop a new measure or measures for 2021-23 that will help gauge program performance related to both adult foster homes serving seniors and facilities served by the Residential Facilities Ombudsman.

KPM #7 - The agency requested deletion of this measure; approve this proposed change. However, LFO also recommends directing LTCO to continue to track the volume and nature of requests for assistance received by the agency.

KPM #8 - The agency requested deletion of this measure; approve this proposed change.

KPM #9 - As requested by the agency, modify wording to clarify the measure is counting only "long term care" certified ombudsman hours. Approve the targets as shown. (This measure will also be renumbered to #5.)

KPM #10 - No requested change from the agency. Approve the targets as shown. LFO also recommends the agency continue to seek solutions for challenges it has identified around capturing customer service data. (This measure will be renumbered to #8.)

In 2017, the Joint Committee on Ways and Means directed LTCO to develop at least two key performance measures for the Oregon Public Guardian and Conservator program; accordingly, the agency is proposing **NEW** KPM #6 (client stability) and **NEW** KPM #7 (potential clients diverted). LFO recommends approval of the two new measures and proposed targets.

**SubCommittee Action:**