

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2600 - A8

80th Oregon Legislative Assembly – 2019 Regular Session
Legislative Fiscal Office*Only Impacts on Original or Engrossed
Versions are Considered Official*Prepared by: Kim To
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Date: June 5, 2019**Measure Description:**

Requires long term care facilities, conversion facilities and residential care facilities providing care to six or more residents to adopt specified protocols and procedures regarding preventing and reporting disease outbreaks.

Government Unit(s) Affected:

Department of Human Services (DHS), Oregon Judicial Department (OJD), Oregon Health Authority (OHA), Long Term Care Ombudsman (LTCO)

Summary of Fiscal Impact:

Costs related to the measure may require budgetary action - See analysis.

Summary of Expenditure Impact - Department of Human Services:

| | 2019-21 Biennium | 2021-23 Biennium |
|---------------------------------|------------------|------------------|
| Other Funds - Quality Care Fund | | |
| Personal Services | 103,137 | 275,028 |
| Services and Supplies | 32,454 | 59,961 |
| Total Other Funds | \$135,591 | \$334,989 |
| Federal Funds | | |
| Personal Services | 103,137 | 275,028 |
| Services and Supplies | 32,031 | 58,866 |
| Total Federal Funds | \$135,168 | \$333,894 |
| TOTAL FUNDS | \$270,759 | \$668,883 |
| Positions | 3 | 3 |
| FTE | 1.14 | 3.00 |

Analysis:

HB 2600 with the -A8 amendment requires long term care facilities, conversion facilities, and residential care facilities providing care to six or more residents to adopt protocols and procedures for preventing and reporting disease outbreaks. These facilities must designate a qualified person with specialized training to be responsible for the protocols, and to serve as a contact for the Department of Human Services (DHS) and the Oregon Health Authority (OHA) regarding outbreaks. The bill also requires the Long Term Care Ombudsman to notify the licensing agency about any disease outbreak reported to the Ombudsman and to train designees on how to identify and report outbreaks. Passage of the measure will require DHS to:

- Prescribe, by rule, in consultation with OHA, the requirements for training on how to prevent and contain outbreaks, and the responsibility of staff members to report outbreaks. The measure stipulates the timing of the training and requires that DHS make online training available.
- Communicate regularly with facilities to recommend best practices and protocols for preventing and responding to disease outbreaks.

- Provide notification to facilities in a community where there is an elevated risk of outbreak.
- Conduct annual onsite inspections of facilities' kitchens and food preparation areas. This inspection is to be carried out in the same year that DHS is required to conduct a survey of the facility, as part of the survey. The inspection must be conducted by an individual who has training and expertise in food sanitation. For an inspection not conducted as part of a legally required survey, the department may charge the inspected facility a fee of up to \$200.

These requirements apply to the issuance or renewal of a license for a facility on or after January 1, 2021.

The -A8 amendment extends the period of time which an employee of a facility could have received disease-prevention training at a prior facility from 18 months to 24 months prior to the time of hiring. The -A8 amendment also specifies that DHS must inspect a facilities' kitchens and food preparation areas in the same year that DHS is required to conduct a survey of the facility, as part of the survey

Department of Human Services (DHS)

DHS estimates the fiscal impact of this bill to be \$270,759 Total Funds [\$135,591 Other Funds + \$135,168 Federal Funds] and three positions (1.14 FTE) for the 2019-21 biennium; and \$668,883 Total Funds [\$334,989 Other Funds + \$333,894 Federal Funds] and three positions (3.00 FTE) for the 2021-23 biennium. DHS estimates there are approximately 275 facilities that will be subject to annual onsite inspections of kitchens and food preparation areas. To conduct these inspections, DHS anticipates establishing three permanent full-time Client Care Surveyor positions. The bill stipulates that the inspections must be conducted by an individual who has training and expertise in food sanitation.

The bill authorizes DHS to charge the facility a fee for inspection of up to \$200 for inspections that are not conducted as part of a legally required survey. Fees collected are to be deposited into the Quality Care Fund and continuously appropriated to DHS to conduct the required inspection of facilities' kitchens and food preparation areas. Revenues from this fee is indeterminate but anticipated to be nominal because of the following reasons:

- The bill requires DHS to inspect a facilities' kitchens and food preparation areas in the same year that DHS is required to conduct a survey of the facility, as part of the survey; and
- DHS can only charge a fee only when an inspection not conducted as part of a legally required survey.

While the fees are not anticipated to fully cover the cost of inspections, other Quality Care Fund revenues are projected to be available to cover the remainder.

DHS anticipates meeting the training requirements of the bill by incorporating these changes into contracts with the agency's training vendors at no additional costs.

Oregon Health Authority (OHA), Oregon Judicial Department (OJD), Long Term Care Ombudsman (LTCO)

Passage of this bill is anticipated to have minimal fiscal impact to OHA, OJD, and LTCO.