

**A-Engrossed
House Bill 2600**

Ordered by the House April 16
Including House Amendments dated April 16

Sponsored by Representatives NATHANSON, LIVELY, MCKEOWN; Representatives ALONSO LEON, DOHERTY, GOMBERG, GORSEK, HOLVEY, KENY-GUYER, MITCHELL, NOSSE, PILUSO, POWER, PRUSAK, SALINAS, SCHOUTEN, SOLLMAN, WITT, Senators FREDERICK, GELSER, MANNING JR, MONNES ANDERSON, PROZANSKI, TAYLOR (Pre-session filed.)

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.

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. **Requires facilities to have designated individual with specialized training to be responsible for carrying out infection prevention and control protocols. Requires Department of Human Services, in coordination with Oregon Health Authority, to communicate regularly with facility administrators regarding best practices and protocols and to notify facilities of elevated risk of disease outbreak in facility's community.**

Requires administrators and certain employees of facilities **and adult foster homes** to be trained in [*recognizing*] **preventing and containing disease outbreaks** and reporting disease outbreaks.

Requires long term care facilities, **conversion facilities** and residential care facilities providing care to six or more residents to have inspection by [*Oregon Health Authority*] **department of kitchen and other areas where food is prepared** to ensure compliance with health and sanitation laws.

Requires Long Term Care Ombudsman [*and Residential Facilities Ombudsman to inform staff at long term care facilities and residential care facilities about responsibility of staff to report disease outbreaks and about protections for staff who report disease outbreaks. Requires ombudsmen*] to [*report to*] **notify** licensing agency **about** any disease outbreak reported to [*ombudsmen*] **ombudsman** by [*facility staff*] **residents or identified by ombudsman and to train designees on how to identify and report disease outbreaks.**

A BILL FOR AN ACT

1
2 Relating to disease outbreaks in congregate care facilities; creating new provisions; and amending
3 ORS 433.004, 441.025, 441.406, 441.413, 443.415, 443.425 and 443.735.

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

5 **SECTION 1. (1) As used in this section and section 2 of this 2019 Act:**

6 (a) **"Disease outbreak" has the meaning given that term in ORS 431A.005.**

7 (b) **"Facility" means:**

8 (A) **A long term care facility, as defined in ORS 442.015;**

9 (B) **A conversion facility, as defined in ORS 443.400; and**

10 (C) **A residential care facility, as defined in ORS 443.400, including a residential care fa-**
11 **cility with a memory care endorsement.**

12 (2) **An administrator of a facility and the employees of the facility, as specified by the**
13 **Department of Human Services by rule, must receive training in recognizing disease out-**
14 **breaks and infection control at the time of hiring, unless the administrator or the employee**
15 **has received the training at another facility no later than 18 months before the time of hir-**
16 **ing, and annually as part of the administrator or employee's continuing education require-**

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 **ments.**

2 (3) The department, in consultation with the Oregon Health Authority, shall prescribe
3 by rule the requirements for the training, which must include at least the following:

4 (a) How to properly prevent and contain disease outbreaks based on the current best
5 evidence in the field of infection and disease outbreak identification, prevention and control;
6 and

7 (b) The responsibility of staff members to report disease outbreaks under ORS 433.004.

8 (4) The training may be provided in person, in writing, by webinar or by other electronic
9 means. The department shall make online trainings available.

10 (5)(a) A facility must establish and maintain infection prevention and control protocols
11 designed to provide a safe, sanitary and comfortable environment and to prevent the devel-
12 opment and transmission of communicable diseases.

13 (b) A facility must designate an individual to be responsible for carrying out the infection
14 prevention and control protocols and to serve as the primary point of contact for the de-
15 partment regarding disease outbreaks. The individual must:

16 (A) Be qualified by education, training and experience or certification; and

17 (B) Complete specialized training in infection prevention and control protocols within
18 three months of being designated under this paragraph, unless the designee has received the
19 specialized training no later than 24 months before the time of hiring.

20 (6) Upon hiring a new staff member, a facility shall provide to the staff member infor-
21 mation about the rights and responsibility of facility staff members to report disease out-
22 breaks under ORS 433.004 and the safeguards for staff members who report disease
23 outbreaks.

24 (7) The department, in coordination with the authority, shall:

25 (a) Communicate regularly with facility administrators to recommend best practices and
26 protocols for preventing and responding to disease outbreaks and provide contacts for local
27 public health authorities; and

28 (b) Provide notification to the facilities in a community where there is an elevated risk
29 of an infectious disease outbreak and the residents and staff may be at risk of exposure to
30 the disease outbreak.

31 **SECTION 2.** (1) The Department of Human Services shall annually inspect the kitchen
32 of a facility and other areas where food is prepared for residents, except in a year when the
33 department has scheduled a survey. The kitchen inspection is in addition to other inspections
34 required by law. The inspection must be conducted by an individual who has training and
35 expertise in food sanitation. The department may charge the facility a fee for the inspection
36 of up to \$200.

37 (2) The department or the Oregon Health Authority may not deny or delay a license or
38 refuse to renew a license:

39 (a) For a facility's first failure to pass an inspection; or

40 (b) If the department fails to conduct an inspection in a timely manner.

41 (3) Any fees collected by the department under this section shall be deposited into the
42 Quality Care Fund established in ORS 443.001 and are continuously appropriated to the de-
43 partment for conducting inspections described in subsection (1) of this section.

44 **SECTION 3.** ORS 433.004 is amended to read:

45 433.004. (1) The Oregon Health Authority shall by rule:

- 1 (a) Specify reportable diseases **and when the diseases must be reported under this section;**
2 (b) Identify those categories of persons who must report reportable diseases and the circum-
3 stances under which the reports must be made;
4 (c) Prescribe the procedures and forms for making such reports and transmitting the reports to
5 the authority; and
6 (d) Prescribe measures and methods for investigating the source and controlling reportable dis-
7 eases.
- 8 (2) Persons required under the rules to report reportable diseases shall do so by reporting to the
9 local public health administrator. The local public health administrator shall transmit such reports
10 to the authority.
- 11 (3) The authority or local public health administrator may investigate a case of a reportable
12 disease, disease outbreak or epidemic. The investigation may include, but is not limited to:
- 13 (a) Interviews of:
14 (A) The subject of a reportable disease report;
15 (B) Controls;
16 (C) Health care providers; or
17 (D) Employees of a health care facility.
- 18 (b) Requiring a health care provider, any public or private entity, or an individual who has in-
19 formation necessary for the investigation to:
- 20 (A) Permit inspection of the information by the authority or local public health administrator;
21 and
22 (B) Release the information to the authority or local public health administrator.
- 23 (c) Inspection, sampling and testing of real or personal property with consent of the owner or
24 custodian of the property or with an administrative warrant.
- 25 (4)(a) The authority shall establish by rule the manner in which information may be requested
26 and obtained under subsection (3) of this section.
- 27 (b) Information requested may include, but is not limited to, individually identifiable health in-
28 formation related to:
- 29 (A) The case;
30 (B) An individual who may be the potential source of exposure or infection;
31 (C) An individual who has been or may have been exposed to or affected by the disease;
32 (D) Policies, practices, systems or structures that may have affected the likelihood of disease
33 transmission; and
34 (E) Factors that may influence an individual's susceptibility to the disease or likelihood of being
35 diagnosed with the disease.
- 36 (5) In addition to other grounds for which a state agency may exercise disciplinary action
37 against its licensees or certificate holders, the substantial or repeated failure of a licensee or cer-
38 tificate holder to report when required to do so under subsection (2) or (3) of this section shall be
39 cause for the exercise of any of the agency's disciplinary powers.
- 40 (6) Any person making a report or providing information under this section is immune from any
41 civil or criminal liability that might otherwise be incurred or imposed with respect to the making
42 of a report or providing information under this section.
- 43 **SECTION 4.** ORS 441.025, as amended by section 12, chapter 50, Oregon Laws 2018, is amended
44 to read:
- 45 441.025. (1)(a) Upon receipt of a license fee and an application to operate a health care facility

1 other than a long term care facility, the Oregon Health Authority shall review the application and
2 conduct an on-site inspection of the health care facility. The authority shall issue a license if it finds
3 that the applicant and health care facility comply with ORS 441.015 to 441.087 and 441.196 and the
4 rules of the authority provided that the authority does not receive within the time specified a cer-
5 tificate of noncompliance issued by the State Fire Marshal, deputy, or approved authority pursuant
6 to ORS 479.215.

7 (b) The authority shall, following payment of the fee, annually renew each license issued under
8 this subsection unless:

9 (A) The health care facility's license has been suspended or revoked; or

10 (B) The State Fire Marshal, a deputy or an approved authority has issued a certificate of non-
11 compliance pursuant to ORS 479.215.

12 (2)(a) Upon receipt of a license fee and an application to operate a long term care facility, the
13 Department of Human Services shall review the application and conduct an on-site inspection of the
14 long term care facility, **including an inspection of the kitchen and other areas where food is**
15 **prepared for residents**. The department shall issue a license if the department finds that the ap-
16 plicant and long term care facility comply with ORS 441.015 to 441.087 and 441.196 and the rules
17 of the department provided that it does not receive within the time specified a certificate of non-
18 compliance issued by the State Fire Marshal, deputy, or approved authority pursuant to ORS
19 479.215.

20 (b) The department shall, following an on-site inspection and payment of the fee, annually renew
21 each license issued under this subsection unless:

22 (A) The long term care facility's license has been suspended or revoked;

23 (B) The long term care facility is found not to be in substantial compliance, following the on-site
24 inspection, **with ORS 441.015 to 441.087 and 441.196 and section 1 of this 2019 Act and the rules**
25 **of the department;**

26 (C) **The long term care facility has failed an inspection of the kitchen or other areas**
27 **where food is prepared for residents that was conducted by the department in accordance**
28 **with section 2 of this 2019 Act, except as provided in section 2 (2) of this 2019 Act;** or

29 [(C)] (D) The State Fire Marshal, a deputy or an approved authority has issued a certificate of
30 noncompliance pursuant to ORS 479.215.

31 (3) Each license shall be issued only for the premises and persons or governmental units named
32 in the application and shall not be transferable or assignable.

33 (4) Licenses shall be posted in a conspicuous place on the licensed premises as prescribed by
34 rule of the authority or the department.

35 (5) No license shall be issued or renewed for any health care facility or health maintenance
36 organization that is required to obtain a certificate of need under ORS 442.315 until a certificate
37 of need has been granted. An ambulatory surgical center is not subject to the certificate of need
38 requirements in ORS 442.315.

39 (6) No license shall be issued or renewed for any skilled nursing facility or intermediate care
40 facility, unless the applicant has included in the application the name and such other information
41 as may be necessary to establish the identity and financial interests of any person who has incidents
42 of ownership in the facility representing an interest of 10 percent or more thereof. If the person
43 having such interest is a corporation, the name of any stockholder holding stock representing an
44 interest in the facility of 10 percent or more shall also be included in the application. If the person
45 having such interest is any other entity, the name of any member thereof having incidents of own-

1 ership representing an interest of 10 percent or more in the facility shall also be included in the
2 application.

3 (7) A license may be denied to any applicant for a license or renewal thereof or any stockholder
4 of any such applicant who has incidents of ownership in the health care facility representing an
5 interest of 10 percent or more thereof, or an interest of 10 percent or more of a lease agreement for
6 the facility, if during the five years prior to the application the applicant or any stockholder of the
7 applicant had an interest of 10 percent or more in the facility or of a lease for the facility and has
8 divested that interest after receiving from the authority or the department written notice that the
9 authority or the department intends to suspend or revoke the license or to decertify the facility from
10 eligibility to receive payments for services provided under this section.

11 (8) The Department of Human Services may not issue or renew a license for a long term care
12 facility, unless the applicant has included in the application the identity of any person who has in-
13 cident of ownership in the long term care facility who also has a financial interest in any pharmacy,
14 as defined in ORS 689.005.

15 (9) The authority shall adopt rules for each type of health care facility, except long term care
16 facilities, to carry out the purposes of ORS 441.015 to 441.087 including, but not limited to:

17 (a) Establishing classifications and descriptions for the different types of health care facilities
18 that are licensed under ORS 441.015 to 441.087; and

19 (b) Standards for patient care and safety, adequate professional staff organizations, training of
20 staff for whom no other state regulation exists, suitable delineation of professional privileges and
21 adequate staff analyses of clinical records.

22 (10) The department shall adopt rules for each type of long term care facility to carry out the
23 purposes of ORS 441.015 to 441.087 including, but not limited to:

24 (a) Establishing classifications and descriptions for the different types of long term care facili-
25 ties that are licensed under ORS 441.015 to 441.087; [and]

26 (b) Standards for patient care and safety, adequate professional staff organizations, training of
27 staff for whom no other state regulation exists, suitable delineation of professional privileges and
28 adequate staff analyses of clinical records[.]; **and**

29 **(c) Rules to ensure that a long term care facility complies with section 1 of this 2019 Act.**

30 (11) The authority or department may not adopt a rule requiring a health care facility to serve
31 a specific food as long as the necessary nutritional food elements are present in the food that is
32 served.

33 (12) A health care facility licensed by the authority or department may not:

34 (a) Offer or provide services beyond the scope of the license classification assigned by the au-
35 thority or department; or

36 (b) Assume a descriptive title or represent itself under a descriptive title other than the classi-
37 fication assigned by the authority or department.

38 (13) A health care facility must reapply for licensure to change the classification assigned or the
39 type of license issued by the authority or department.

40 **SECTION 5.** ORS 443.415 is amended to read:

41 443.415. (1) Applications for licensure to maintain and operate a residential facility shall be
42 made to the Department of Human Services or the Oregon Health Authority on forms provided for
43 that purpose by the appropriate licensing agency. Each application shall be accompanied by a fee.
44 No fee is required of any governmentally operated residential facility.

45 (2)(a) The application fee for a residential training facility or a residential treatment facility is

1 \$60.

2 (b) The application fee for a residential training home is \$50.

3 (c) The application fee for a residential treatment home is \$30.

4 (d) The application fee for a residential care facility is:

5 (A) For a facility with one to 15 beds, \$2,000.

6 (B) For a facility with 16 to 49 beds, \$3,000.

7 (C) For a facility with 50 to 99 beds, \$4,000.

8 (D) For a facility with 100 to 150 beds, \$5,000.

9 (E) For a facility with more than 150 beds, \$6,000.

10 (3) Upon receipt of an application and fee, the licensing agency shall conduct an *[investigation]*
11 **on-site inspection, including, for residential care facilities, an inspection of the kitchen and**
12 **other areas where food is prepared for residents.** The licensing agency shall issue a license to
13 any applicant for operation of a residential facility in compliance with ORS 443.002 and 443.400 to
14 443.455 and the rules of the licensing agency. Licensure may be denied when a residential facility
15 is not in compliance with ORS 443.002 or 443.400 to 443.455 or the rules of the licensing agency.
16 Licensure shall be denied if the State Fire Marshal, deputy or approved authority has given notice
17 of noncompliance of a residential care facility, residential training facility or residential treatment
18 facility pursuant to ORS 479.220.

19 **SECTION 6.** ORS 443.425 is amended to read:

20 443.425. (1) Licensure under ORS 443.415 is effective for two years from the date of issue unless
21 sooner revoked. Each license shall state:

22 (a) The name of the person operating the residential facility;

23 (b) The name of the person who owns the residential facility;

24 (c) The address of the premises to which the license applies and the maximum number of resi-
25 dents to be maintained in the residential facility at any time whether the residential facility is li-
26 censed as a residential training facility, a residential treatment facility, a residential care facility,
27 a residential training home or residential treatment home; and

28 (d) Other information that the Department of Human Services or the Oregon Health Authority
29 considers necessary.

30 (2) A license is renewable upon submission of an application to the department or the authority
31 and payment of a renewal fee. No fee is required of a governmentally operated residential facility.
32 Filing of an application for renewal before the date of expiration of a license extends the effective
33 date of expiration of the license until the licensing agency has acted upon the application. The li-
34 censing agency shall refuse to renew a license if:

35 (a) The facility is not substantially in compliance with all applicable laws and rules[, or if];

36 (b) **For a residential care facility, the facility has failed an inspection of the kitchen or**
37 **other areas where food is prepared for residents that was conducted by the department in**
38 **accordance with section 2 of this 2019 Act, except as provided in section 2 (2) of this 2019**
39 **Act; or**

40 (c) The State Fire Marshal, deputy or approved authority has given notice of noncompliance of
41 a residential care facility, residential training facility or residential treatment facility pursuant to
42 ORS 479.220.

43 (3)(a) The biennial renewal fee for a residential training facility or a residential treatment fa-
44 cility is \$60.

45 (b) The biennial renewal fee for a residential training home is \$50.

1 (c) The biennial renewal fee for a residential treatment home is \$30.

2 (d) The biennial renewal fee for a residential care facility is:

3 (A) For a facility with one to 15 beds, \$1,000.

4 (B) For a facility with 16 to 49 beds, \$1,500.

5 (C) For a facility with 50 to 99 beds, \$2,000.

6 (D) For a facility with 100 to 150 beds, \$2,500.

7 (E) For a facility with more than 150 beds, \$3,000.

8 **SECTION 7.** ORS 443.735 is amended to read:

9 443.735. (1)(a) Applications for a license to maintain and operate an adult foster home shall be
10 made on forms provided by the licensing agency.

11 (b) Each application submitted to the Department of Human Services for an adult foster home
12 serving individuals with intellectual or developmental disabilities shall be accompanied by a fee of
13 \$50 per bed requested for licensing.

14 (c) Each application submitted to the Oregon Health Authority, or to the Department of Human
15 Services for an adult foster home not serving individuals with intellectual or developmental disa-
16 bilities, shall be accompanied by a fee of \$20 per bed requested for licensing.

17 (2) Upon receipt of an application and fee, the licensing agency shall conduct an investigation.

18 (3) The licensing agency shall not issue an initial license unless:

19 (a) The applicant and adult foster home are in compliance with ORS 443.002 and 443.705 to
20 443.825 and the rules of the licensing agency;

21 (b) The licensing agency has completed an inspection of the adult foster home;

22 (c) The licensing agency has completed a criminal records check under ORS 181A.195 on the
23 applicant and any person, other than a resident, 16 years of age or older who will be residing in the
24 adult foster home. The criminal records check shall be conducted in accordance with rules adopted
25 under ORS 181A.195;

26 (d) The licensing agency has determined that the registry maintained under ORS 441.678 con-
27 tains no finding that the applicant or any nursing assistant employed by the applicant has been re-
28 sponsible for abuse; and

29 (e) The applicant has demonstrated to the licensing agency the financial ability and resources
30 necessary to operate the adult foster home. The licensing agency shall adopt rules as the agency
31 deems appropriate that establish the financial standards an applicant must meet to qualify for issu-
32 ance of a license and that protect financial information from public disclosure. The demonstration
33 of financial ability under this paragraph shall include, but need not be limited to, providing the li-
34 censing agency with a list of any unsatisfied judgments, pending litigation and unpaid taxes and
35 notifying the agency regarding whether the applicant is in bankruptcy. If the applicant is unable to
36 demonstrate the financial ability and resources required by this paragraph, the licensing agency may
37 require the applicant to furnish a financial guarantee as a condition of initial licensure.

38 (4) The licensing agency may not renew a license under this section unless:

39 (a) The applicant and the adult foster home are in compliance with ORS 443.002 and 443.705 to
40 443.825 **and section 1 of this 2019 Act** and the rules of the licensing agency;

41 (b) The licensing agency has completed an inspection of the adult foster home;

42 (c) The licensing agency has completed a criminal records check under ORS 181A.195 on the
43 applicant and any person, other than a resident, 16 years of age or older who will be residing in the
44 adult foster home. The criminal records check under this paragraph shall be conducted in accord-
45 ance with rules adopted under ORS 181A.195; and

1 (d) The licensing agency has determined that the registry maintained under ORS 441.678 con-
2 tains no finding that the applicant or any nursing assistant employed by the applicant has been re-
3 sponsible for abuse.

4 (5)(a) In seeking an initial license and renewal of a license when an adult foster home has been
5 licensed for less than 24 months, the burden of proof shall be upon the provider and the adult foster
6 home to establish compliance with ORS 443.705 to 443.825 and the rules of the licensing agency.

7 (b) In proceedings for renewal of a license when an adult foster home has been licensed for at
8 least 24 continuous months, the burden of proof shall be upon the licensing agency to establish
9 noncompliance with ORS 443.705 to 443.825 and the rules of the agency.

10 (6)(a) Persons who have been convicted of one or more crimes that, as determined by rules of
11 the licensing agency, are substantially related to the qualifications, functions or duties of a provider,
12 substitute caregiver or other household member of an adult foster home shall be prohibited from
13 operating, working in or residing in an adult foster home.

14 (b) The licensing agency shall adopt rules that distinguish the criminal convictions and types
15 of abuse that permanently prohibit a person from operating, working in or living in an adult foster
16 home from the convictions and types of abuse that do not permanently prohibit the person from
17 operating, working in or living in an adult foster home.

18 (c) A provider may not hire, retain in employment or allow to live in an adult foster home, other
19 than as a resident, any person who the provider knows has been convicted of a disqualifying crime
20 or has been found responsible for a disqualifying type of abuse.

21 (7) A license under ORS 443.725 is effective for one year from the date of issue unless sooner
22 revoked. Each license shall state the name of the resident manager of the adult foster home, the
23 names of all providers who own the adult foster home, the address of the premises to which the li-
24 cense applies, the maximum number of residents and the classification of the adult foster home. If,
25 during the period covered by the license, a resident manager changes, the provider must within 15
26 days request modification of the license. The request must be accompanied by a fee of \$10.

27 (8) No license under ORS 443.725 is transferable or applicable to any location, persons operating
28 the adult foster home or the person owning the adult foster home other than that indicated on the
29 application for licensing.

30 (9) The licensing agency shall not issue a license to operate an additional adult foster home to
31 a provider unless the provider has demonstrated the qualifications and capacity to operate the
32 provider's existing licensed adult foster homes and has demonstrated the ability to provide to the
33 residents of those adult foster homes care that is adequate and substantially free from abuse and
34 neglect.

35 (10)(a) All moneys collected under ORS 443.725 to 443.780 from adult foster homes that are li-
36 censed to serve persons with mental, emotional or behavioral disturbances or alcohol or drug de-
37 pendence shall be deposited in a special account in the General Fund, and are appropriated
38 continuously for payment of expenses incurred by the Oregon Health Authority.

39 (b) All moneys collected under ORS 443.725 to 443.780 from adult foster homes licensed to serve
40 persons who are elderly, have physical disabilities or have developmental disabilities shall be de-
41 posited in the Quality Care Fund established in ORS 443.001.

42 (11) Notwithstanding any other provision of this section or ORS 443.725 or 443.738, the licensing
43 agency may issue a 60-day provisional license to a qualified person if the agency determines that
44 an emergency situation exists after being notified that the licensed provider of an adult foster home
45 is no longer overseeing operation of the adult foster home.

1 **SECTION 8.** ORS 441.406, as amended by section 17, chapter 61, Oregon Laws 2018, is amended
2 to read:

3 441.406. (1) The Long Term Care Ombudsman shall carry out the following duties:

4 (a) Investigate and resolve complaints made by or for residents of long term care facilities about
5 administrative actions that may adversely affect their health, safety, welfare or rights, including
6 subpoenaing any person to appear, to give sworn testimony or to produce documentary or other
7 evidence that is reasonably material to any matter under investigation.

8 **(b) Notify the Department of Human Services or the Oregon Health Authority about**
9 **disease outbreaks reported by residents to the ombudsman or identified by the ombudsman.**

10 [(b)] (c) Undertake, participate in or cooperate with persons and agencies in such conferences,
11 inquiries, meetings or studies as may lead to improvements in the functioning of long term care fa-
12 cilities.

13 [(c)] (d) Monitor the development and implementation of federal, state and local laws, regu-
14 lations and policies that relate to long term care facilities in this state.

15 [(d)] (e) Provide information to public agencies about the problems of residents of long term care
16 facilities.

17 [(e)] (f) Work closely with cooperative associations and citizen groups in this state and the state
18 protection and advocacy system under ORS 192.517.

19 [(f)] (g) Widely publicize the Long Term Care Ombudsman's services, purpose and mode of op-
20 eration.

21 [(g)] (h) Collaborate with the Oregon Health Authority, the Department of Human Services, the
22 Long Term Care Administrators Board and any other appropriate agencies and organizations to es-
23 tablish a statewide system to collect and analyze information on complaints and conditions in long
24 term care facilities for the purpose of publicizing improvements and resolving significant problems.

25 [(h)] (i) Contract with the state protection and advocacy system described in ORS 192.517 (1) to
26 provide services and assistance to persons who are prospective or current residents of a mental
27 health treatment facility or of a residential facility for individuals with developmental disabilities
28 when the system has received a notice regarding the person pursuant to ORS 125.060 (7)(c) or (8)(c).

29 [(i)] (j) Appoint designees to serve as local representatives of the office of the Long Term Care
30 Ombudsman in various districts of the state and regularly monitor their functions.

31 [(j)] (k) Specify qualifications and duties of designees.

32 [(k)] (L) Adopt rules necessary for carrying out ORS 441.402 to 441.414, after consultation with
33 the Residential Ombudsman and Public Guardianship Advisory Board.

34 [(L)] (m) Provide periodically, or at least annually, a report to the Governor, authority, depart-
35 ment and Legislative Assembly.

36 [(m)] (n) Prepare necessary reports with the assistance of the authority and the department.

37 [(n)] (o) Advise and support the Oregon Public Guardian and Conservator appointed under ORS
38 125.678.

39 [(o)] (p) Supervise, monitor, advise and support the Residential Facilities Ombudsman appointed
40 under ORS 443.382.

41 (2) At least quarterly, the Department of Human Services shall provide the Long Term Care
42 Ombudsman with a list of the number of licensed or certified beds in each long term care facility
43 for which the ombudsman has responsibilities under this section.

44 **SECTION 9.** ORS 441.413 is amended to read:

45 441.413. (1) The Long Term Care Ombudsman shall appoint designees, in consultation with local

1 screening committees **that are appointed by and serve at the pleasure of the ombudsman**, that
2 may consist of but not be limited to persons representing:

- 3 (a) The area agency, as defined in ORS 410.040.
- 4 (b) The local office of the Department of Human Services.
- 5 (c) The local health department.
- 6 (d) Senior citizens groups in the area.
- 7 (e) Local elected officials.

8 (2) To be appointed as a designee, a person must complete an initial training, as prescribed by
9 the Long Term Care Ombudsman by rule, and attend quarterly training sessions that are approved
10 by the ombudsman and that shall be coordinated and funded by the Department of Human Services
11 and the Oregon Health Authority, subject to the availability of funds. **The training must include**
12 **instruction on how to identify and report disease outbreaks.** [*Local screening committees shall*
13 *be appointed by and serve at the pleasure of the ombudsman.*]

14 (3) Designees must sign a contract with the state that outlines the scope of their duties. In
15 districts where a designee is an employee or agent of a local entity, a three-party contract shall be
16 executed. Violation of the contract is cause for the termination of the appointment. A directory of
17 all designees shall be maintained in the office of the Long Term Care Ombudsman.

18 (4) The qualifications of designees shall include experience with long term care facilities or
19 residents or potential residents of long term care facilities, and the ability to communicate well, to
20 understand laws, rules and regulations, and to be assertive, yet objective.

21 (5) Applicants who have experience in either social service, mental health, developmental disa-
22 bility services, gerontology, nursing or paralegal work shall be given preference in the appointment
23 of designees.

24 (6) The contract shall include statements that the purpose of the Long Term Care Ombudsman
25 Program is to:

- 26 (a) Promote rapport and trust between the residents and staff of the long term care facilities
27 and Long Term Care Ombudsman;
- 28 (b) Assist residents with participating more actively in determining the delivery of services at
29 the facilities;
- 30 (c) Serve as an educational resource;
- 31 (d) Receive, resolve or relay concerns to the Long Term Care Ombudsman or the appropriate
32 agency; and
- 33 (e) Ensure equitable resolution of problems.

34 (7) The duties of the designees are to:

- 35 (a) Visit each assigned long term care facility on a regular basis:
 - 36 (A) Upon arrival and departure, inform a specified staff member.
 - 37 (B) Review, with a specified staff member, any problems or concerns that need to be considered.
 - 38 (C) Visit individual residents and resident councils.
- 39 (b) Maintain liaison with appropriate agencies and the Long Term Care Ombudsman.
- 40 (c) Report, in writing, monthly to the Long Term Care Ombudsman.
- 41 (d) Keep residents and staff informed of the Long Term Care Ombudsman Program.
- 42 (e) Periodically review the rights prescribed in ORS 441.605, 441.610 and 441.612, and any other
43 applicable rights to services, with residents, families, guardians, administrators and staff of long
44 term care facilities.
- 45 (f) Perform other related duties as specified.

1 **SECTION 10.** Sections 1 and 2 of this 2019 Act and the amendments to ORS 433.004,
2 441.025, 441.406, 441.413, 443.415, 443.425 and 443.735 by sections 3 to 9 of this 2019 Act apply
3 to the issuance or renewal of a license for a long term care facility, conversion facility,
4 residential care facility or adult foster home on or after the effective date of this 2019 Act.
5 _____