

Legislative Fiscal Office

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Joint Committee on Ways and Means

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To: Human Services Subcommittee

From: Gregory Jolivette, Legislative Fiscal Office

Date: May 27, 2021

Subject: HB 5019 – Long Term Care Ombudsman
Work Session Recommendations

Long Term Care Ombudsman – Agency Totals

	2017-19 Actual	2019-21 Legislatively Approved	2021-23 Current Service Level	2021-23 LFO Recommended
General Fund	6,169,136	7,558,394	9,114,584	10,874,096
Other Funds	673,947	1,111,464	919,514	894,088
Total Funds	6,843,083	8,669,858	10,034,098	11,768,184
Positions	27	30	30	36
FTE	25.50	29.14	29.50	35.50

The Legislative Fiscal Office (LFO) recommends a budget of \$10,874,096 General Fund, \$894,088 Other Funds, and 36 positions (35.50 FTE) for the Long Term Care Ombudsman (LTCO) in 2021-23. The General Fund recommendation represents a 43.9% increase from the 2019-21 legislatively approved budget and a 19.3% increase from the 2021-23 current service level.

Adjustments to Current Service Level

See attached “Work Session Presentation Report.”

The 2021-23 LFO recommended budget includes the following adjustments to LTCO’s current service level budget:

Package 70 - Revenue Shortfall. Federal Older Americans Act funds transferred to the agency from the Department of Human Services have not kept pace with growth in personal services costs. As such, the Agency cannot maintain the current GF/OF split for current employees. The resulting action reduces Other Funds and increases the General Fund share of Personal Services. Agency General Fund expenditures are then left unchanged through a reduction of 0.31 FTE.

Package 87 - 2020 Special Session. This package provides Other Funds limitation for federal CARES Act moneys received in 2019-21 that the agency intends to spend in 2021-23. The agency received \$267,041 via the CARES Act through the state funding formula normally used for the Older Americans Act Title VII funding. The agency anticipates spending \$46,041 in 2021-23, prior to the grant deadline of December 30, 2021.

Package 99 - Microsoft 365 Consolidation. This package is being applied to all agency budgets due to the consolidation of Microsoft 365 service within the Department of Administrative Services. The package reduces LTCO's budget by \$21,162 General Fund as a result of the realignment of these expenses.

Package 102 - Restore Partial Position Lost in Other Funds Shortfall. This package provides \$74,641 General Fund to fully restore the portion of a Program Analyst 2 position (0.31 FTE) lost due to grant funds not keeping pace with growth in personal service costs.

Package 103 - Guardianship Services for Oregon's Most Vulnerable Adults. This package provides \$1,656,921 General Fund to establish six permanent positions (6.0 FTE) in the Oregon Public Guardian (OPG) program. This includes five Program Analyst 2 positions to serve as Deputy Public Guardians, and one Program Analyst 1 position to provide program support. With this increase in staff, the agency estimates the number of Oregonians served by the program will increase from approximately 85 to 170 individuals.

Package 801 - LFO Adjustments. This package provides \$59,595 General Fund and increases Other Funds expenditure limitation by \$3,174 to allow the agency to reclassify five existing positions, and to reclassify one of the new deputy positions for OPG (in Package 103 above) to a program manager. The Department of Administrative Services conducted a review of the reclassification of the five existing positions and recommends approval. The reclassification of the new position will provide the agency much needed management oversight for the expanded OPG program. (Details are included in the work session presentation report.)

Performance Measures

See attached "Legislatively Proposed 2021-23 Key Performance Measures."

Recommended Changes

LFO recommends a budget of \$10,874,096 General Fund, \$894,088 Other Funds, and 36 positions (35.81 FTE), which is reflected in the -1 amendment.

Final Subcommittee Action

LFO recommends that HB 5019, as amended by the -1 amendment, be moved to the Ways and Means Full Committee.

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)
2019-21 Agy. Leg. Adopted	7,728,112	-	845,016	-	-	-	8,573,128	30	29.14
2019-21 Ebds, SS & Admin Act	(169,718)	-	266,448	-	-	-	96,730	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2019-21 Leg Approved Budget	7,558,394	-	1,111,464	-	-	-	8,669,858	30	29.14
2019-21 Leg Approved Budget (Base)	7,728,112	-	845,016	-	-	-	8,573,128	30	29.14
Summary of Base Adjustments	941,153	-	61,635	-	-	-	1,002,788	-	0.36
2021-23 Base Budget	8,669,265	-	906,651	-	-	-	9,575,916	30	29.50
010: Non-PICS Pers Svc/Vacancy Factor	87,308	-	3,275	-	-	-	90,583	-	-
020: Phase In / Out Pgm & One-time Cost	15,762	-	-	-	-	-	15,762	-	-
030: Inflation & Price List Adjustments	342,249	-	9,588	-	-	-	351,837	-	-
2021-23 Current Service Level	9,114,584	-	919,514	-	-	-	10,034,098	30	29.50
070: Revenue Reductions/Shortfall	-	-	(74,641)	-	-	-	(74,641)	-	(0.31)
080: E-Boards	-	-	46,041	-	-	-	46,041	-	-
Adjusted 2021-23 Current Service Level	9,114,584	-	890,914	-	-	-	10,005,498	30	29.19
Total LFO Recommended Packages	1,759,512	-	3,174	-	-	-	1,762,686	6	6.31
2021-23 Legislative Actions	10,874,096	-	894,088	-	-	-	11,768,184	36	35.50
Net change from 2019-21 Leg Approved Budget	3,315,702	-	(217,376)	-	-	-	3,098,326	6	6.36
Percent change from 2019-21 Leg Approved Budget	43.9%	0.0%	(19.6%)	0.0%	0.0%	0.0%	35.7%	20.0%	21.8%
Net change from 2021-23 Adj Current Service Level	1,759,512	-	3,174	-	-	-	1,762,686	6	6.31
Percent change from 2021-23 Adj Current Service Level	19.3%	0.0%	0.4%	0.0%	0.0%	0.0%	17.6%	20.0%	21.6%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2019-21 Agy. Leg. Adopted	5,771,922	-	845,016	-	-	-	6,616,938	24	23.14
2019-21 Ebds, SS & Admin Act	(63,678)	-	266,448	-	-	-	202,770	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2019-21 Leg Approved Budget	5,708,244	-	1,111,464	-	-	-	6,819,708	24	23.14
2019-21 Leg Approved Budget (Base)	5,771,922	-	845,016	-	-	-	6,616,938	24	23.14
Summary of Base Adjustments	709,071	-	61,635	-	-	-	770,706	-	0.36
2021-23 Base Budget	6,480,993	-	906,651	-	-	-	7,387,644	24	23.50
010: Non-PICS Pers Svc/Vacancy Factor	70,996	-	3,275	-	-	-	74,271	-	-
020: Phase In / Out Pgm & One-time Cost	15,762	-	-	-	-	-	15,762	-	-
030: Inflation & Price List Adjustments	234,751	-	9,588	-	-	-	244,339	-	-
2021-23 Current Service Level	6,802,502	-	919,514	-	-	-	7,722,016	24	23.50
070: Revenue Reductions/Shortfall	-	-	(74,641)	-	-	-	(74,641)	-	(0.31)
080: E-Boards	-	-	46,041	-	-	-	46,041	-	-
Adjusted 2021-23 Current Service Level	6,802,502	-	890,914	-	-	-	7,693,416	24	23.19
Total LFO Recommended Packages	83,167	-	3,174	-	-	-	86,341	-	0.31
2021-23 Legislative Actions	6,885,669	-	894,088	-	-	-	7,779,757	24	23.50
Net change from 2019-21 Leg Approved Budget	1,177,425	-	(217,376)	-	-	-	960,049	-	0.36
Percent change from 2019-21 Leg Approved Budget	20.6%	0.0%	(19.6%)	0.0%	0.0%	0.0%	14.1%	0.0%	1.6%
Net change from 2021-23 Adj Current Service Level	83,167	-	3,174	-	-	-	86,341	-	0.31
Percent change from 2021-23 Adj Current Service Level	1.2%	0.0%	0.4%	0.0%	0.0%	0.0%	1.1%	0.0%	1.3%

	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 The Agency is projecting a shortfall of federal Older Americans Act (OAA) funds. These funds are received as Other Funds through a transfer from ODHS. The Agency cannot maintain the current GF/OF split for current employees as these revenues have not kept pace with projected Personal Services cost increases. The resulting action reduces Other Funds and increases the General Fund share of Personal Services. Agency General Fund expenditures are then left unchanged through a reduction of 0.31 FTE.

LFO Recommendation Approve

LFO Recommended	-	-	(74,641)	-	-	-	(74,641)	-	(0.31)
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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)
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Package 087 August 2020 Special Session

Package Description This package provides Other Funds expenditure limitation for federal CARES Act dollars received in 2019-21 that the Agency intends to spend in 2021-23. The Agency received \$267,041 via the CARES Act through the state funding formula normally used for the Older Americans Act (OAA) Title VII funding. This funding is passed through to LTCO from ODHS as Other Funds. The Agency anticipates spending \$46,041 in 2021-23, prior to the deadline of the grant, which is December 30, 2021.

LFO Recommendation Approve

LFO Recommended	-	-	46,041	-	-	-	46,041	-	-
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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)
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Package 099 Microsoft 365 Consolidation

Package Description Microsoft 365 Consolidation: Microsoft 365 is being consolidated within the Office of the State Information Officer at the E5 level of service. This cost is built into the State Government Service Charge for every agency as a cost increase for the 21-23 biennium. This package makes a corresponding reduction to the agency base budget in an amount equivalent to what agencies should be paying in the current 2019-21 biennium for Microsoft 365 at the E3 level of service.

LFO Recommendation

LFO Recommended	(14,743)	-	-	-	-	-	(14,743)	-	-
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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)
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Package 101 Restore Position lost in OF Shortfall

Package Description Adds \$74,641 General Fund to restore a Deputy Ombudsman position. In the past, the position has been supported entirely by Other Funds; however, statewide personal service adjustments caused the cost of the position to exceed available grants resulting in an Other Funds shortfall package that reduced the position by 0.31 FTE.

LFO Recommendation Approve

LFO Recommended	74,641	-	-	-	-	-	74,641	-	0.31
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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)
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Package 801 LFO Analyst Adjustments

Package Description This package adds \$23,269 General Fund and Other Funds expenditure limitation of \$3,174 to support the reclassification of three positions in the Long Term Care Ombudsman program. The reclassification requests have been reviewed and approved by the Department of Administrative Services and determined to be appropriate: the Office Specialist position is changed to an Office Coordinator; the Research Analyst 1 position is changed to a Research Analyst 2; and, the Deputy Director position is changed from a PEM-D to PEM-E

LFO Recommendation Approve

LFO Recommended	23,269	-	3,174	-	-	-	26,443	-	-
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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)
2019-21 Agy. Leg. Adopted	1,956,190	-	-	-	-	-	1,956,190	6	6.00
2019-21 Ebds, SS & Admin Act	(106,040)	-	-	-	-	-	(106,040)	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2019-21 Leg Approved Budget	1,850,150	-	-	-	-	-	1,850,150	6	6.00
2019-21 Leg Approved Budget (Base)	1,956,190	-	-	-	-	-	1,956,190	6	6.00
Summary of Base Adjustments	232,082	-	-	-	-	-	232,082	-	-
2021-23 Base Budget	2,188,272	-	-	-	-	-	2,188,272	6	6.00
010: Non-PICS Pers Svc/Vacancy Factor	16,312	-	-	-	-	-	16,312	-	-
030: Inflation & Price List Adjustments	107,498	-	-	-	-	-	107,498	-	-
2021-23 Current Service Level	2,312,082	-	-	-	-	-	2,312,082	6	6.00
Adjusted 2021-23 Current Service Level	2,312,082	-	-	-	-	-	2,312,082	6	6.00
Total LFO Recommended Packages	1,676,345	-	-	-	-	-	1,676,345	6	6.00
2021-23 Legislative Actions	3,988,427	-	-	-	-	-	3,988,427	12	12.00
Net change from 2019-21 Leg Approved Budget	2,138,277	-	-	-	-	-	2,138,277	6	6.00
Percent change from 2019-21 Leg Approved Budget	115.6%	0.0%	0.0%	0.0%	0.0%	0.0%	115.6%	100.0%	100.0%
Net change from 2021-23 Adj Current Service Level	1,676,345	-	-	-	-	-	1,676,345	6	6.00
Percent change from 2021-23 Adj Current Service Level	72.5%	0.0%	0.0%	0.0%	0.0%	0.0%	72.5%	100.0%	100.0%

	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 099 Microsoft 365 Consolidation

Package Description Microsoft 365 Consolidation: Microsoft 365 is being consolidated within the Office of the State Information Officer at the E5 level of service. This cost is built into the State Government Service Charge for every agency as a cost increase for the 21-23 biennium. This package makes a corresponding reduction to the agency base budget in an amount equivalent to what agencies should be paying in the current 2019-21 biennium for Microsoft 365 at the E3 level of service.

LFO Recommendation

LFO Recommended	(6,419)	-	-	-	-	-	(6,419)	-	-
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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)
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Package 103 Guardianship Services for Oregon's Most Vulnerable Adults

Package Description Adds \$1,656,921 General Fund to fund six permanent positions (6.0 FTE) in the Oregon Public Guardian program, including five Program Analyst 2 positions to serve Deputy Public Guardians, and one Program Analyst 1 position to serve as a Case Manager. With this package the number of vulnerable Oregonians served by the program will double, going from approximately 85 individuals to 170 individuals.

LFO Recommendation Approve

LFO Recommended	1,656,921	-	-	-	-	-	1,656,921	6	6.00
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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)
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Package 801 LFO Analyst Adjustments

Package Description This package adds \$25,843 General Fund to reclassify one of the five Deputy Public Guardian positions provided in Package 103. The position will change from a Program Analyst 2 to a Program Analyst 4, and will serve as the Deputy Program Manager of the Public Guardian Program. This package also reclassifies the Public Gaurdian from a Program Analyst 4 to a PEM-D; and the Residential Facilities Ombudsman from a Program Analyst 4 to a PEM-D. These reclassifications have been reviewed and determined to be appropriate by the Department of Administrative Services' Human Resources Office.

LFO Recommendation Approve

LFO Recommended	25,843	-	-	-	-	-	25,843	-	-
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Legislatively Proposed 2021 - 2023 Key Performance Measures

Published: 5/21/2021 9:30:53 AM

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 2022	Target 2023
1. Percentage of non-referred complaints to LTCO where action is needed that are partially or fully resolved.		Approved	89%	98%	98%
2. Average initial response time, measured in business days, to LTCO non-referred cases.		Approved	1.17	1.50	1.50
3. Average time, measured in business days, to close LTCO non-referred cases.		Approved	13.46	17	17
4. Percent of NF and ALF/RCF facilities to which a Long-Term Care Certified Ombudsman is assigned.		Approved	47%	70%	70%
5. Long-Term Care Certified Ombudsman hours.		Approved	15,848	29,000	29,000
6. Number of hospitalizations, ER visits, arrests, or psychiatric holds of OPGC clients during the reporting period.		Approved	0.96	1	1
7. Number of referrals diverted away from OPGC by finding less restrictive alternatives.		Approved	64.90%	65%	65%
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	82%	90%	90%
	Helpfulness		89%	90%	90%
	Expertise		87%	90%	90%
	Overall		86%	90%	90%
	Timeliness		92%	90%	90%
	Availability of Information		80%	90%	90%

LFO Recommendation:

Approve the proposed 2021-23 key performance measures and targets as shown.

Subcommittee Action: