

House Bill 2552

Sponsored by Representative MEEK (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 **as introduced**.

Removes limit on number of residents in adult foster homes. Requires Department of Human Services to adopt rules applicable to adult foster homes providing care to more than five residents. Specifies additional requirements.

Requires department to annually assess capacity of residential facilities and adult foster homes.

A BILL FOR AN ACT

1
2 Relating to the capacity of community-based care providers; creating new provisions; and amending
3 ORS 443.424 and 443.705.

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

5 **SECTION 1. (1) In addition to rules adopted under ORS 443.734, for adult foster homes**
6 **that provide care to more than five adults, the Department of Human Services shall adopt**
7 **by rule additional requirements to:**

8 (a) **Ensure that a resident's agreement to give up a single occupancy room and share a**
9 **room with another resident is voluntary;**

10 (b) **Require that a resident who agrees to share a room under paragraph (a) of this sub-**
11 **section signs a residency agreement attesting that the resident's agreement to share a room**
12 **with another resident is voluntary; and**

13 (c) **Require the adult foster home to pass a physical inspection conducted by the depart-**
14 **ment to determine if the home and the operation of the home can safely accommodate ad-**
15 **ditional residents.**

16 (2) **In approving an adult foster home to accept more than five residents, the department**
17 **must take into account:**

18 (a) **The adult foster home's compliance with regulatory requirements during the preced-**
19 **ing two-year period.**

20 (b) **The history of abuse complaints and the findings of investigators in response to**
21 **complaints of abuse.**

22 (c) **Input from the local regulatory authority about the adult foster home's overall ability**
23 **to take on additional residents.**

24 (3) **The department shall provide to the Long Term Care Ombudsman a list of adult foster**
25 **homes providing care to more than five residents. The ombudsman shall take steps necessary**
26 **to ensure that residents in the adult foster homes are aware of the services provided by the**
27 **ombudsman and are informed about the availability of the Long Term Care Ombudsman and**
28 **the Residential Facilities Ombudsman to assist the residents with concerns that may arise**
29 **after the homes accept additional residents.**

30 **SECTION 2. ORS 443.705 is amended to read:**

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.

1 443.705. As used in ORS 443.705 to 443.825:

2 (1) "Adult foster home" means any family home or facility in which residential care is provided
3 in a homelike environment for [*five or fewer*] adults who are not related to the provider by blood
4 or marriage.

5 (2) "Licensed adult foster home" means a home [*which*] **that** has been investigated and approved
6 by the licensing agency. This includes an on-site inspection of the facility.

7 (3) "Licensing agency" means:

8 (a) The Department of Human Services for adult foster homes licensed by the department.

9 (b) The Oregon Health Authority for adult foster homes licensed by the authority.

10 (4) "Provider" means any person operating an adult foster home and includes a resident man-
11 ager. "Provider" does not include the owner or lessor of the building in which the adult foster home
12 is located or the owner or lessor of the land on which the adult foster home is situated unless the
13 owner or lessor is also the operator of the adult foster home.

14 (5) "Residential care" means the provision of room and board and services that assist the resi-
15 dent in activities of daily living, such as assistance with bathing, dressing, grooming, eating,
16 medication management, money management or recreation.

17 (6) "Substitute caregiver" means any person who provides care and services in an adult foster
18 home under the jurisdiction of the licensing agency in the absence of the provider or resident
19 manager.

20 **SECTION 3.** ORS 443.424 is amended to read:

21 443.424. (1) The Department of Human Services, in cooperation with representatives of residen-
22 tial facilities and adult foster homes, shall:

23 (a) Assess the capacity on January 1[, 2008,] **of each year** of residential facilities and adult
24 foster homes to serve residents who qualify for state medical assistance;

25 (b) Establish targets for expansion of the capacity assessed in paragraph (a) of this subsection
26 in each area of the state; and

27 (c) Issue a report on changes in capacity on a quarterly basis.

28 (2) The department shall report semiannually to the Legislative Assembly or the Emergency
29 Board the findings in subsection (1) of this section and any recommendations for legislative action.

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