

# Senate Bill 433

Sponsored by Senator MANNING JR (at the request of Kyndall Mason - SEIU Local 503 - OPEU) (Presession 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**.

Requires Department of Human Services to adopt rules for Long Term Care Quality Workforce Employer and Labor Partnership eligible to receive increased Medicaid reimbursement to raise hourly wages or base salaries of direct care staff in skilled nursing facilities and certain residential care facilities. Rules must include requirements for Long Term Care Quality Workforce Employer and Labor Partnership to establish training standards, provide scholarships to direct care staff, ensure specified staffing standards at participating facilities and perform other specified functions.

Requires Oregon Health Authority and department to work together to adopt uniform financial reporting requirements across all skilled nursing facilities and certain residential care facilities.

Appropriates moneys to department to distribute as seed money to Long Term Care Quality Workforce Employer and Labor Partnership for training and scholarships for direct care staff.

## A BILL FOR AN ACT

1  
2 Relating to providers of residential care.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) **“Direct care staff” means employees of a residential care facility or a skilled nursing**  
6 **facility whose primary responsibilities are to provide personal care services to residents, in-**  
7 **cluding but not limited to:**

8 (A) **Administering medications;**

9 (B) **Coordinating resident-focused activities;**

10 (C) **Supervising and supporting residents;**

11 (D) **Supporting activities of daily living, including but not limited to bathing, dressing,**  
12 **eating and transferring; and**

13 (E) **Serving but not preparing meals.**

14 (b) **“Employer” means an owner or operator of a residential care facility or skilled**  
15 **nursing facility.**

16 (c) **“Residential care facility” means a facility described in ORS 443.400 (7)(a).**

17 (d) **“Skilled nursing facility” has the meaning given that term in ORS 442.015.**

18 (2) **Employers may participate in a Long Term Care Quality Workforce Employer and**  
19 **Labor Partnership meeting criteria adopted by the Department of Human Services by rule.**  
20 **Residential care facilities and skilled nursing facilities participating in the partnership will**  
21 **receive an increase of 10 percent in the Medicaid reimbursement paid by the department or**  
22 **the Oregon Health Authority. Employers must use at least 75 percent of the increased re-**  
23 **imbursement to raise hourly wages or base salaries of the direct care staff at their facilities.**

24 (3) **Rules adopted by the department under subsection (2) of this section shall ensure**  
25 **that:**

26 (a) **A Long Term Care Quality Workforce Employer and Labor Partnership:**

27 (A) **Has a governing body composed equally of members who are direct care staff and are**

**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 representative of the racial and ethnic diversity of the direct care staff workforce in this  
2 state and employers; and

3 (B) Establishes and contributes to a fund to provide:

4 (i) Scholarships for direct care staff desiring to advance their education, with priority  
5 given to direct care staff who face multiple institutional barriers to advancement such as  
6 people of color or those with limited English proficiency; and

7 (ii) Trainings described in paragraph (c) of this subsection;

8 (b) Employers participating in a Long Term Care Quality Workforce Employer and Labor  
9 Partnership:

10 (A) Use increased reimbursement under subsection (2) of this section to raise hourly  
11 wages or base salaries of direct care staff;

12 (B) Employ the number of licensed nursing staff and direct care staff to:

13 (i) Properly assess the needs of residents;

14 (ii) Develop and implement resident care plans;

15 (iii) Provide direct care services to residents; and

16 (iv) Perform other related activities to maintain the health, safety and welfare of the  
17 residents; and

18 (C) Have a registered nurse in each facility 24 hours per day and employ and schedule  
19 additional staff in each facility as needed to:

20 (i) Ensure quality care for residents in case of a disease outbreak, fire or other similar  
21 occurrence;

22 (ii) Address the medical acuity of the residents of the facility; and

23 (iii) Comply with state and federal staffing requirements; and

24 (c) Participants in a Long Term Care Quality Workforce Employer and Labor Partner-  
25 ship, both employers and direct care staff, collaborate to create standards applicable to all  
26 participants in the Long Term Care Quality Workforce Employer and Labor Partnership for:

27 (A) Training new direct care staff and how to provide the training, including remote ac-  
28 cess and language accessibility options; and

29 (B) Continuing education for existing direct care staff that includes training to give di-  
30 rect care staff opportunities for career advancement.

31 (4) A Long Term Care Quality Workforce Employer and Labor Partnership shall annually  
32 report to the department on the activities of the partnership including the:

33 (a) Number of trainings provided and the hours of training completed by direct care staff;

34 (b) Racial and ethnic composition of direct care staff who received training;

35 (c) Number of trainings offered in languages other than English; and

36 (d) Name of each employer participating in the Long Term Care Quality Workforce Em-  
37 ployer and Labor Partnership and the number and geographic dispersion of employers par-  
38 ticipating in the partnership.

39 **SECTION 2.** The Oregon Health Authority and the Department of Human Services shall  
40 work together to adopt uniform financial reporting requirements across all skilled nursing  
41 facilities, as defined in ORS 442.015, and residential care facilities, as described in ORS 443.400  
42 (7)(a).

43 **SECTION 3.** In addition to and not in lieu of any other appropriation, there is appropri-  
44 ated to the Department of Human Services, for the biennium beginning July 1, 2021, out of  
45 the General Fund, the amount of \$1,500,000, to distribute to a Long Term Care Quality

1 **Workforce Employer and Labor Partnership as seed money for the fund described in section**  
2 **1 (3)(a)(B) of this 2021 Act.**  
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