

# Senate Bill 435

Sponsored by Senator MANNING JR (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**.

Requires long term care facilities and residential facilities to update infection prevention and control protocols at any time Centers for Disease Control and Prevention forecasts upcoming pandemic.

Authorizes virtual inspections of long term care facilities and residential facilities if on-site inspection foreclosed by natural disaster or pandemic.

Increases frequency of on-site inspections of residential facilities.

## A BILL FOR AN ACT

1  
2 Relating to community-based care regulations; amending ORS 441.087, 443.012 and 443.416.

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

4 **SECTION 1.** ORS 443.012 is amended to read:

5 443.012. (1) As used in this section and ORS 443.417:

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 facility  
11 with a memory care endorsement.

12 (2) An administrator of a facility and the employees of the facility, as specified by the Depart-  
13 ment of Human Services by rule, must receive training in recognizing disease outbreaks and in-  
14 fection control at the time of hiring, unless the administrator or the employee has received the  
15 training at another facility within the 24-month period prior to the time of hiring, and annually as  
16 part of, and not in addition to, the administrator or employee's continuing education requirements.

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

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

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

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

24 (5)(a) A facility must establish and maintain infection prevention and control protocols designed  
25 to provide a safe, sanitary and comfortable environment and to prevent the development and trans-  
26 mission of communicable diseases. **The protocols must be reviewed and updated at any time the**  
27 **Centers for Disease Control and Prevention forecasts an upcoming pandemic.**

28 (b) A facility must designate an individual to be responsible for carrying out the infection pre-  
29 vention and control protocols and to serve as the primary point of contact for the department re-

**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 guarding disease outbreaks. The individual must:

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

3 (B) Complete specialized training in infection prevention and control protocols within three  
4 months of being designated under this paragraph, unless the designee has received the specialized  
5 training within the 24-month period prior to the time of the designation.

6 (6) Upon hiring a new staff member, a facility shall provide to the staff member information  
7 about the rights and responsibility of facility staff members to report disease outbreaks under ORS  
8 433.004 and the safeguards for staff members who report disease outbreaks.

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

10 (a) Communicate regularly with facility administrators to recommend best practices and proto-  
11 cols for preventing and responding to disease outbreaks and provide contacts for local public health  
12 authorities; and

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

16 **SECTION 2.** ORS 441.087 is amended to read:

17 441.087. (1) The Department of Human Services shall, in addition to any inspections conducted  
18 pursuant to complaints filed against long term care facilities, conduct at least one general inspection  
19 of each long term care facility in the state each calendar year, including, but not limited to, entering  
20 the facility, interviewing residents and reviewing records. No advance notice shall be given of any  
21 inspection conducted pursuant to this section.

22 (2) Any state employee giving advance notice in violation of subsection (1) of this section shall  
23 be suspended from all duties without pay for a period of at least 10 working days, or for a longer  
24 period as determined by the Director of Human Services.

25 **(3) If an on-site inspection is foreclosed by a natural disaster or pandemic, the depart-**  
26 **ment shall conduct a virtual inspection by electronic means. A virtual inspection must in-**  
27 **clude all elements of an on-site inspection described in subsection (1) of this section.**

28 **SECTION 3.** ORS 443.416 is amended to read:

29 443.416. (1) The Director of Human Services or authorized representative shall [*periodically*] **no**  
30 **less than annually** visit and inspect every residential care facility, residential training facility or  
31 residential training home to determine whether it is maintained and operated in accordance with  
32 ORS 443.400 to 443.455 and the rules of the director, and to consult with and advise management  
33 concerning methods of care, treatment, training, records, housing and equipment. Employees of the  
34 Department of Human Services and the State Fire Marshal or authorized representative on request  
35 shall be permitted access to the premises and records of individuals in the facility or home that are  
36 pertinent to fire safety.

37 (2) The Director of the Oregon Health Authority or authorized representative shall  
38 [*periodically*] **no less than annually** visit and inspect every residential treatment facility or resi-  
39 dential treatment home to determine whether it is maintained and operated in accordance with ORS  
40 443.400 to 443.455 and the rules of the director, and to consult with and advise management con-  
41 cerning methods of care, treatment, training, records, housing and equipment. Employees of the  
42 Oregon Health Authority and the State Fire Marshal or authorized representative on request shall  
43 be permitted access to the premises and records of individuals in the facility or home that are per-  
44 tinent to fire safety.

45 **(3) Inspections required by this section are in addition to any inspections conducted**

1 **pursuant to complaints filed against a facility or home.**

2 **(4) If a visit to a facility or home is foreclosed by a natural disaster or pandemic, the**  
3 **department or the authority shall conduct a virtual inspection by electronic means. A virtual**  
4 **inspection must include all elements required for a visit or inspection under subsections (1)**  
5 **and (2) of this section that are capable of being performed virtually.**

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