

Requested by Senator GELSER

**PROPOSED AMENDMENTS TO
SENATE BILL 714**

1 On page 1 of the printed bill, line 2, after the semicolon delete the rest
2 of the line and insert “creating new provisions; amending ORS 443.886; and
3 prescribing an effective date.”.

4 Delete lines 4 through 31 and delete pages 2 and 3 and insert:

5 **“SECTION 1. As used in this section and ORS 443.886 and section 2**
6 **of this 2021 Act:**

7 **“(1) ‘Acuity-based staffing tool’ means the acuity-based staffing tool**
8 **described in ORS 443.432 or an acuity-based staffing tool adopted by a**
9 **facility that meets requirements established by the Department of**
10 **Human Services by rule.**

11 **“(2) ‘Endorsed memory care community’ means a special care unit**
12 **in a designated, separated area for residents with Alzheimer’s disease**
13 **or other forms of dementia that is locked or secured to prevent or**
14 **limit access by a resident outside the designated or separated area.**

15 **“(3) ‘Facility’ means a long term care facility, residential care fa-**
16 **cility, assisted living facility or any other like facility required to be**
17 **licensed by the department.**

18 **“SECTION 2. (1) The Department of Human Services shall adopt**
19 **rules:**

20 **“(a) Establishing minimum requirements for an acuity-based staff-**
21 **ing tool adopted by a facility and the frequency with which a facility**

1 **must reassess the facility’s staffing patterns with the acuity-based**
2 **staffing tool.**

3 **“(b) Establishing requirements for the design of an acuity-based**
4 **staffing tool adopted by a facility to ensure that the tool recommends**
5 **staffing levels, intensity and qualifications necessary to meet the**
6 **scheduled and unscheduled needs of all residents 24 hours a day, seven**
7 **days a week.**

8 **“(c) For carrying out subsection (4) of this section.**

9 **“(2) The department shall assess the staffing levels of a facility, at**
10 **a minimum, each time the department conducts a survey, license ap-**
11 **proval or renewal or an investigation into a complaint regarding:**

12 **“(a) Abuse of a resident;**

13 **“(b) Injury to a resident;**

14 **“(c) Resident safety; or**

15 **“(d) Staffing levels.**

16 **“(3) The assessment under subsection (2) of this section must in-**
17 **clude a determination of whether the facility is:**

18 **“(a) Using an acuity-based staffing tool that meets the require-**
19 **ments of rules adopted under subsection (1) of this section;**

20 **“(b) Recalculating the facility’s staffing patterns using the acuity-**
21 **based staffing tool with the frequency required by rules adopted under**
22 **subsection (1) of this section;**

23 **“(c) Consistently staffing to the levels, intensity and qualifications**
24 **indicated by the acuity-based staffing tool; and**

25 **“(d) Consistently meeting the scheduled and unscheduled needs of**
26 **all residents 24 hours a day, seven days a week.**

27 **“(4) If the department finds, during an assessment under subsection**
28 **(2) of this section, that a facility is:**

29 **“(a) Not using an acuity-based staffing tool, the department shall**
30 **require the facility to adopt the acuity-based staffing tool developed**

1 by the department.

2 “(b) Not meeting the scheduled and unscheduled needs of all resi-
3 dents 24 hours a day, seven days a week, the department shall:

4 “(A) Place a condition on the facility’s license as provided in ORS
5 441.736 (1)(b)(A), (B), (C) or (F) until the facility implements an
6 acuity-based staffing tool and meets the minimum staffing levels
7 identified by the department as necessary to the scheduled and un-
8 scheduled needs of all residents 24 hours a day, seven days a week;

9 “(B) Place the facility on an enhanced oversight and supervision
10 program under ORS 443.436; and

11 “(C) Impose fines, penalties or conditions required by law or that
12 the department deems necessary to compel compliance.

13 “(c) Using an acuity-based staffing tool but is not consistently
14 staffing to the levels, intensity and qualifications indicated by the tool
15 or is not recalculating the facility’s staffing patterns with the tool at
16 the frequency required by rule, the department shall:

17 “(A) Assess whether the facility is meeting the scheduled and un-
18 scheduled needs of all residents 24 hours a day, seven days a week;

19 “(B) Place a condition on the facility’s license as provided in ORS
20 441.736 (1)(b)(A), (B), (C) or (F) until the facility implements an
21 acuity-based staffing tool and demonstrates the facility’s ability to
22 meet the scheduled and unscheduled needs of all residents 24 hours a
23 day, seven days a week; and

24 “(C) Continuously monitor the facility, for at least six months, for
25 compliance with the staffing levels, intensity and qualifications indi-
26 cated by the acuity-based staffing tool.

27 “(d) Not meeting the scheduled and unscheduled needs of all resi-
28 dents 24 hours a day, seven days a week, the department shall estab-
29 lish staffing standards in a corrective action plan and place a condition
30 on the facility’s license as provided in ORS 441.736 (1)(b)(A), (B), (C)

1 or (F) until the facility complies with the corrective action plan.

2 **“SECTION 3. (1) The Department of Human Services shall ensure**
3 **that the acuity-based staffing tool described in ORS 443.432 is opera-**
4 **tional and accessible to residential care providers as an online tool no**
5 **later than January 1, 2022.**

6 **“(2) A facility with a memory care endorsement under ORS 443.886**
7 **shall adopt an acuity-based staffing tool, as defined in section 1 of this**
8 **2021 Act, no later than February 1, 2022.**

9 **“(3) The department’s assessment of staffing levels under section 2**
10 **(2) of this 2021 Act shall begin no later than February 1, 2022.**

11 **“SECTION 4. ORS 443.886 is amended to read:**

12 **“443.886. (1) If a facility intends to provide care for residents with**
13 **Alzheimer’s disease or other forms of dementia by means of an endorsed**
14 **memory care community, the facility must obtain a memory care endorse-**
15 **ment on its license or registration.**

16 **“(2) The Department of Human Services, with the input from represen-**
17 **tatives of advocate groups and the long term care industry, shall adopt by**
18 **rule standards that ensure that the special needs of any resident with**
19 **Alzheimer’s disease or other form of dementia who is cared for in an en-**
20 **dorsed memory care community are met and that quality care is provided.**
21 **The standards must include but are not limited to provisions for:**

22 **“(a) Care planning, including physical design, staffing, staff training,**
23 **safety, egress control, individual care planning, admission policy, family in-**
24 **volvement, therapeutic activities and social services;**

25 **“(b) Continuity of basic care requirements; and**

26 **“(c) Marketing and advertising of the availability of and services from**
27 **endorsed memory care communities.**

28 **“(3) The department shall adopt a fee schedule for memory care endorse-**
29 **ment, taking into account the type of facility and the number of residents.**

30 **“(4) The department shall enforce rules adopted under subsection (2) of**

1 this section **and section 2 of this 2021 Act** and shall allow a licensee or
2 registrant to retain the memory care endorsement required to care for resi-
3 dents with Alzheimer’s disease or other forms of dementia only as long as
4 the licensee or registrant complies with the rules.

5 “(5) The memory care endorsement may be suspended or revoked in the
6 same manner as the license or registration is suspended or revoked.

7 “(6) Unless a facility has obtained the memory care endorsement required
8 by subsection (1) of this section, the facility may not:

9 “(a) Advertise the facility as providing an Alzheimer’s care unit or mem-
10 ory care community; or

11 “(b) Market the facility as providing an Alzheimer’s care unit or memory
12 care community.

13 “[*(7) As used in this section:*]

14 “[*(a) ‘Endorsed memory care community’ means a special care unit in a*
15 *designated, separated area for residents with Alzheimer’s disease or other*
16 *forms of dementia that is locked or secured to prevent or limit access by a*
17 *resident outside the designated or separated area.]*

18 “[*(b) ‘Facility’ means a long term care facility, residential care facility,*
19 *assisted living facility or any other like facility required to be licensed by the*
20 *department.]*

21 “[*(c) ‘Registry’ means a facility will provide the department with informa-*
22 *tion relating to the endorsed memory care community, including the number*
23 *of residents in the community, the stage of dementia for each resident, a de-*
24 *scription of how services are provided and the length of time the community*
25 *has been operating.]*

26 **“SECTION 5. This 2021 Act takes effect on the 91st day after the**
27 **date on which the 2021 regular session of the Eighty-first Legislative**
28 **Assembly adjourns sine die.”**

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