



To: House Committee on Health Care, House Subcommittee on COVID-19
From: Oregon Health Care Association
Date: 03/08/2021
Re: HB 2327, -3 Amendment Explanatory Memo

This document outlines section-by-section provisions of the requested -3 amendment to HB 2327 for the committee's consideration. The changes in the -3 amendment are based on dialogue with stakeholders.

HB 2327, -3 AMENDMENT OVERVIEW

SECTION 1

Definitions

- 'Declared Emergency'
- 'Emergency'
- 'Emergency response plan'
- 'Long term care facility'
- 'Personal protective equipment' (PPE)

Rulemaking Requirements and Guidance

- Charges the Oregon Department of Human Services (ODHS) in collaboration with The Oregon Health Authority (OHA) to make rules, offer guidance, and study best practices to ensure long term care providers are adequately prepared and resourced for public health emergencies. This section requires rulemaking or official guidance on the following:
 - Access to PPE in long term care
 - Cleaning and sanitizing PPE
 - Infectious disease testing frequency and procedures
 - Evacuations plans
 - Staff training in response to a declared public health emergency
 - Require long term care providers to update emergency response plans to align with federal or state guidelines in a declared public health emergency
 - Require long term care providers to make emergency response plans available in languages other than English upon request with help from ODHS

- ODHS to study and distribute best practices for systems that reduce air pollutants and the spread of infectious disease
- Require providers to include resident social isolation prevention plans in their emergency response plans
- Require providers to have a backup power source for essential medication, supplies and basic temperature regulation in the event of a power outage
- Require the state to have a reserve of PPE dedicated to long term care should long term care facilities exhaust their supply or are unable to access supply via the supply chain
- ODHS may provide financial assistance to long term care providers preparing for, responding to or recovering from an emergency to enable providers to purchase equipment to meet the requirements in this bill. A new fund may be established for this purpose to help struggling providers.

The Long Term Care Emergency Preparedness and Response Team

- Establish the Long Term Care Emergency Preparedness and Response Team (Team) within the ODHS. The Team will not have rulemaking authority and will exist for the express purpose of acting as an advisory body of experts and stakeholders to advise ODHS regarding long term care emergency response and preparedness for impending or declared emergencies. ODHS is not required to take recommendations from the Team. The Team will be comprised of the members listed below, appointed by the Governor:
 - Two members from the ODHS;
 - Two members from the Oregon Health Authority;
 - Two members representing skilled nursing facilities;
 - Two members representing residential facilities;
 - One member from a local public health authority;
 - One member from the Office of Emergency Management;
 - Two members who are health care providers with expertise in long term care and public health epidemiology or disaster response;
 - The Long Term Care Ombudsman
 - Two members who are direct care workers employed by a long term care provider
 - One member who is a consumer of long term care services

Team Charge

- The Team must confer with residents in long term care and apply health equity information and impacts on rural communities when developing recommendations to the agency. The Team shall advise the department on the following:
 - Communication and coordination between long term care providers and OHA
 - Coordination between state agencies and local public health
 - How to address staffing shortages
 - Vaccine or treatment distribution to staff and residents
 - Promoting safety and wellness for residents and staff, which may include certain staffing or training requirements

- Supporting social isolation prevention plans
- Personal protective equipment distribution plans
- Infectious disease testing for staff, volunteers and residents

Access to Technical Assistance and Training for Providers

- OHDS must provide consultation and technical assistance to long term care providers and recommendations for evidence-based best practices in responding to the emergency and protecting the health and safety of the residents.

SECTION 2

- ODHS shall develop and make available to local public health authorities informational/training materials about long term care settings and the unique needs of its residents. The training is not required and is meant to be an educational resource.

SECTION 3

- Permits ODHS to conduct virtual inspections, if necessary, during an emergency that disallows or inhibits in-person inspections

SECTION 4

- Requires ODHS to develop uniform evidence-based practices to infectious disease prevention and communicate regularly with long term care facilities regarding these practices

SECTION 5

- Adds memory care communities to the types of facilities the department inspects
- Conforming language to allow for virtual inspections, if necessary

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