



Oregon

Kate Brown, Governor

Office of the Long-Term Care Ombudsman

3855 Wolverine NE, Suite 6

Salem, OR 97305-1251

503.378.6533

Toll Free 1.800.522.2602

TTY 711

FAX 503.373.0852

www.oregon.gov/LTCO

March 17, 2021

Senate Committee on Human Services, Mental Health and Recovery
Oregon State Legislature
900 Court St. NE
Salem, OR 97301

RE: Support for SB 714

Chair Gelser and Members of the Committee:

The Long-Term Care Ombudsman (LTCO) program, on behalf of the Oregonians who live in and receive care in Oregon's nursing homes, assisted living, residential care facilities, and memory care communities, requests the committee's support for SB 714.

SB 714 is the single most important change we can make to improve the lives of Oregonians living and receiving care in assisted living facilities, residential care facilities, and memory care settings.

Facilities are currently required to provide staffing for the "scheduled and unscheduled needs of residents." On its face, that is an ideal goal. However, based on the 5,000 complaints that Oregon LTCO addresses every year for residents in care facilities, too frequently we see that facilities have not provided proper staffing for the known scheduled needs of their residents – and too frequently a situation arising out of the "unscheduled needs" of a resident become an immediate crisis because of low staffing.

At least three primary factors are at play in the low staffing epidemic in Oregon:

- 1) **The current standard is unenforceable for the Oregon Department of Human Services (ODHS) from a regulatory standpoint.** The ODHS response to complaints of low staffing – and the neglect residents experience because of it – has devolved to this: they cannot compel a facility to staff differently until residents' health and safety are in immediate jeopardy. That is an egregious baseline before compelling compliance with a current legal requirement when it comes to the health and safety of individuals, but the ambiguous nature of the existing standard .
- 2) **Profit-driven decisions are too great a factor at determining staffing levels** that facility owners will approve on a day to day basis. Despite the current staffing requirement, facility owners of course recognize that ODHS has chosen not to, or is unable to, enforce the existing staffing standard. Without a more concrete mandate, too many facilities will

be allowed to continue low staffing – and ODHS will continue to have no clarity on what they need to enforce.

- 3) **Caregiver shortages that have been, in part, self-inflicted with low pay and uncontrolled openings of new care facilities.** Since I was appointed as Oregon’s State Long Term Care Ombudsman in September 2015, there are been 75 new assisted living and residential care facilities and approximately 90 new memory care communities opened in Oregon. Every one of these facilities must be staffed – even if with only minimal staffing for a 24 hour, 7 day a week operation.

Though 2017’s HB 3359 did provide some important improvements to how long-term care is delivered in Oregon, some of the most important elements that could have profoundly improved the lives of Oregonians living in long term care have not been able to come to fruition. Most importantly, the component of the bill intended to address staffing problems in some of the most troubled facilities has not been utilized. Recognizing the fact it hasn’t been effectively implemented after 4 years, **it is clear that a more prescriptive approach to staffing is necessary.**

Submitted for the record with this testimony is a report detailing the statewide complaints reported to LTCO over the past year. Through this report, the committee can review just how often staffing issues and concerns are raised as the root cause of resident complaints, harm, and neglect. This is not a comprehensive collection of all cases LTCO handles, it is simply a sampling so that legislators can recognize the issues facing residents in Oregon’s long-term care settings.

Quite simply, Oregonians in long-term care and their families need your help. They need to know that their life-time of savings that they are spending on their care later in life is going to the actual care and services.

After the pandemic year that long-term care residents faced, the time is now to help our vulnerable Oregonians realize a higher level of quality of care, and with the dignity they deserve.

SB 714, with its focus on compelling improved staffing, would have the greatest impact in improving their lives. I urge your support for SB 714.

Sincerely,

Fred Steele, MPH, JD
State Long-Term Care Ombudsman