

## SB 266 STAFF MEASURE SUMMARY

### Senate Committee On Human Services, Mental Health and Recovery

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**Prepared By:** C. Ross, Counsel

**Meeting Dates:** 4/1, 4/8

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#### WHAT THE MEASURE DOES:

Directs Department of Human Services (DHS) to recommend staff training and resident care improvements in long term facilities to the legislature by September 15, 2022. Sunsets January 2, 2023.

#### ISSUES DISCUSSED:

- Incorporating resident safety into definition of "substantial compliance" for purposes of regulatory enforcement
- Codifying what already exists; no displacement of existing requirements
- Provisions of pending amendment

#### EFFECT OF AMENDMENT:

*[-1 amendment dated 4/5/21]* Replaces the measure. Requires DHS to establish minimum standards to by rule by January 1, 2022 for determining whether residential, memory care, and long-term care facilities meet residents' needs. Requires at least: consistency with Centers for Medicare and Medicaid Services; current, person-centered service plans for each resident; immediate, 24-hour access to supports needed for activities of daily living; immediate response to issues effecting resident dignity; and care consistent with each resident's plan. Adds a representative from the relevant licensing authority to list of entities entitled to receive copies of initial status reports prepared by local area agencies or DHS upon receipt of notice from law enforcement that there is reasonable cause to believe abuse has occurred. Requires DHS to investigate alleged licensing violations and inadequate staffing complaints immediately. Adds to required content of such investigations and subsequent report, an assessment of facility staffing, if the complaint contains certain allegations. Requires DHS to prioritize residents in its enforcement process and to shift its strategy to increase pressures to ensure compliance when other strategies fail. Adds to DHS' compliance assessment framework for residential care facilities, measuring the facility's ability to meet resident needs and the impact of noncompliance on residents. Requires DHS to publish and distribute framework and to make enhanced oversight operational by January 1, 2002. Requires DHS to publish notice online when a facility is subject to enhanced oversight. Requires DHS to report to the legislature by the same date. Sets effective date 91st day after *sine die* adjournment.

*[-5 amendment dated 4/8/21]* Duplicates and refines -1 amendment. Removes a duplicative section. Changes deadline for DHS to adopt rules from January to April 1, 2022. Replaces requirement for immediate responses to residents with *timely* responses, and immediate DHS investigation to investigation *without undue delay*. Specifies facility staffing assessment with respect to consistency. Allows rather than requires DHS to escalate pressure to ensure compliance. Clarifies distinctions between long term care facilities and residential care facilities. Changes deadline for DHS to publish framework, make enhanced oversight operational, and report to the legislature ,from January to April 1, 2022.

#### BACKGROUND: