



November 3, 2023

Sent via email to:

Senator Gelser Blouin

Sen.SaraGelser@oregonlegislature.gov

Dear Senator Gelser Blouin,

LeadingAge Oregon appreciates the opportunity to address concerns with the Acuity Based Staffing Tool (ABST) that was adopted per SB 714 passed at the 2021 legislative session. LeadingAge Oregon is an association of nonprofit and mission driven organizations dedicated to advancing quality aging services.

Our membership whole heartedly believes that appropriate staffing levels are imperative for the wellbeing of residents and staff. The implementation of ABST has been incredibly challenging for providers and staff, creating barriers, frustration, excessive citations and is not supporting or contributing to a positive outcome for residents.

The original intent and spirit of SB 714 has been lost in implementation. Per the Oregon Department of Human Services' ABST Provider Guide dated September 2022:

"The ODHS ABST provides an estimate of the time needed to provide resident care. The ODHS is intended to be one of several sources that assist providers in meeting the requirements of Oregon's acuity-based staffing regulation. Said another way, the ODHS ABST isn't a staffing tool; instead, it's an estimate of the amount of time it takes to provide residents scheduled and unscheduled care."

Providers are not being surveyed solely based on a helpful tool and 'one of several resources.' Citations are being issued when facilities are indeed adequately staffed; they are being cited when the data or responses to inquiries of data in ABST have been deemed unsatisfactory. Consequently, these citations have led to unwarranted conditions being imposed on facilities.

Providers are de facto required to use the state's tool. While the Provider Guide indicates that facilities could choose their own tool, they are ultimately being surveyed and held to the particulars of the state tool. Providers have felt compelled to adopt the state tool, and due to the tool's extensive limitations (e.g., inability to export data, filter, or calculate staff), most providers must maintain their own system too and then manually enter data into the state system. This presents challenges for staff and requires additional data entry and management time.

Proposed Oregon Administrative Rules reference the Provider Guide. Additionally, we have concerns that the proposed rules currently in the rules advisory committee process include requirements that mandate Facilities to refer to the Provider Guide when considering the Staffing Plan. A rule that references a guide would allow ODHS to make changes within the Provider Guide

at any time, holding providers accountable to requirements without any defined system or process for stakeholders to comment, review or provide input.

Request. We urge the Committee to consider the intent and purpose of SB 714 and to question if the current process and system is achieving its goals. We respectfully request a taskforce be formed to identify solutions together with legislators, ODHS, and stakeholders, that meet the intent of the bill without continuing to cause additional strain on providers and staff. We sincerely appreciate the opportunity to further discuss how we can work together for the betterment of the residents and staff who care for them.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristin Milligan".

Kristin Milligan

Chief Executive Officer

LeadingAge Oregon

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