

Presentation to the Senate Human Services Committee

Acuity-Based Staffing Tool overview

Nakeshia Knight-Coyle, Director
Corissa Neufeldt, Deputy Director, Regulatory
Office of Aging and People with Disabilities
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Agenda

- I. Overview
- II. Progress
- III. Challenges
- IV. Solutions and next steps
- V. Questions

Office of Aging and
People with Disabilities



Overview

An Acuity-Based Staffing Tool (ABST) determines long-term care facility staff time required based on each resident's needs:

- Required by [House Bill 3359](#) (2017)
- Requirements amended by [Senate Bill 714](#) (2021).
- All residential care and assisted living facilities, including those with a memory care endorsement (currently 576 total), must adopt a technology-based ABST.
- ODHS assesses facilities' staffing levels using the ABST.

Implementation

- **February 2022:** Licensed facilities adopted an ABST.
- **February 2022 to July 1, 2022:** ODHS provided technical assistance.
- **July 2022:** Facilities required to implement an ABST.
- **April 2023:** Mapping process conducted across the program to support implementation.
- **August 2023:** Crosswalk conducted of current process with amendments made in SB 714 to verify implementation met the intent of the law.

Progress: Licensing Complaint Unit review status

Staffing is not yet adequate to keep pace with needed ABST reviews.

- Since July 2022, **862 ABST complaints**, representing **481 facilities**, have required investigation.
- Of these, **357 violations** have been substantiated to date.

Progress: Licensing Survey data

- Since the ABST requirement was implemented, **256 surveys were conducted** at facilities from July 2022 to current.
- Survey types included:
 - Initial
 - Change of ownership
 - Re-licensure.

Progress: Corrective action following survey and complaint reviews

Corrective action taken since July 2022:

- **A total of 227 facilities** received either a letter of determination for not correctly implementing an ABST, received an impending license condition notice or had a condition imposed since July 2022.
 - **221 virtual reviews** were conducted of facilities' ABST following corrective action, which is a requirement before a license condition can be lifted.
 - **108 active ABST-only license conditions** are in place currently.

Challenges

Increased workload

- The number of complaints and subsequent LCU visits increased.
- The number of license conditions increased by 11 times since July 2022 compared with the year-ago period.

Insufficient resources

- SB 714 didn't provide sufficient staffing resources for the work required.

Provider concerns

- Providers are experiencing process and financial burdens with ABST implementation.
- Inconsistent interpretations and application across APD's Safety quality and Oversight staff.

Proposed solutions and next steps

Proposed solution:

- Clarify the intent of SB 714 to place a condition on a facility related to use of the tool and staffing.

Proposed solution:

- Consider ODHS approval of proprietary ABSTs.

Next steps:

- Develop updated FAQ and monitoring template.
- Establish process and requirements for ODHS approved proprietary ABSTs.



Questions?
