

Agenda

- □ Overview of Safety, Oversight and Regulatory Unit
- □Summary of APD Licensed Settings
 - Licensing/Regulations
- □ Admissions
- □Involuntary Move Outs
- □ Regulatory Framework
- ☐Basis of Regulations
- Appendix
 - Rule Citations



APD Safety, Oversight and Quality Overview

Core Responsibilities

- ☐ Licensing
 - Adult Foster Homes
 - Community-Based Care settings
 - Nursing Facilities
- ☐ Regulatory oversight
 - Survey
 - Corrective Action
 - ✓ Technical Assistance
 - ✓ Civil penalties
 - ✓ License Conditions
 - ✓ Facility Enhanced Oversight and Supervision (FEOS)
 - ✓ Suspension, non-renewal or revocation of license
- ☐ Licensing Complaint Investigations
- ☐ Abuse complaint investigations (NF only)
- ☐ Regulatory rule and policy development and management



Summary of APD Licensed Care Settings







Adult Foster Homes

- Primarily state regulated (Oregon Administrative Rule)
- Subject to Federal Home and Community Based Services (HCBS) standards for resident rights & freedoms
- Licensed annually by APD Local Office or Area Agency on Aging (AAA) staff
- Provide assistance with activities of daily living such as bathing and medication management in a small homelike setting

Community Based Care

- Comprised of Assisted Living and Residential Care Facilities (Intensive Intervention and/or Memory Care Endorsements where applicable)
- Primarily state regulated (Oregon Administrative Rule)
- Subject to Federal HCBS standards for resident rights & freedoms
- Licensed every 2 years by SOQ
- Provide assistance with activities of daily living such as bathing and medication management

Nursing Facilities

- Primarily federally regulated (Medicare and/or Medicaid certified)
- Licensed annually by SOQ staff who meet CMS required training standards
- May be short-term stays following hospitalization or long term
- 24-hour skilled care and post-acute rehabilitative and specialized medical care
- 10 facilities are Memory Care endorsed



APD Adult Foster Homes (AFH) Licensing

- □Licensing visits conducted by APD Local Office or AAA licensors can include the following:
 - Complaint investigation
 - Renewal/ monitoring
 - Corrective action oversight
 - Other check-ins, as needed
- □Licensors evaluate and review resident safety and care based on the following areas of rule:
 - Facility standards
 - Caregiver staffing
 - Resident records
 - Medication and treatment standards





Community Based Care (CBC) Survey

- □ Reasons for survey:
 - Annual kitchen inspection
 - Licensing renewal (every 2 years)
 - Revisit due to not being in substantial compliance following a survey
 - At the discretion of the Department
- ☐ Team of 2-5 surveyors onsite for approximately 4-5 business days
- ☐ Make observations, conduct interviews and review resident records.
 - If identified licensing violations, facility will receive a statement of deficiencies with a description of each violation
 - Facility required to develop plan of correction for each violation
 - · Civil penalties and conditions may be imposed based on scope and severity of
 - violations
 - Survey will confirm correction for each violation issued.





Nursing Facility Survey Unit (NFSU)

☐ Reasons for Survey:

- Annual licensing renewal using a federal survey process and Long-Term Care Survey Process tool.
- Abuse and licensing complaint investigations

☐ Survey Standards:

Facilities are held to the CMS State Operations Manual for Nursing Facilities and state administrative rules
 Code of Federal Regulations (CFRs)
 & CMS State Operations Manual
 and Oregon Administrative Rules

 (OARs)

Process

- Team of 3-4 surveyors conduct visit on site for approximately 1 week
- Make observations, conduct interviews and review resident records.
- If identified licensing violations, facility will receive a statement of deficiencies with a description of each violation
- Facility required to develop plan of correction for each violation
- Facility is subject to federal and state civil penalties and corrective action based on scope and severity of violations
- · Survey will confirm correction for each violation issued







Nursing Facility Complaint Investigations

- □ Conducted by NFSU certified surveyors
- □ Required by Federal and State requirements
 - State response timelines are more stringent than Federal
- ☐ Focused on specific concern(s) and systemic issues
- ☐ Facility-developed plan of correction required for each citation
- □ If abuse is substantiated, NFSU corrective action determines responsibility
- □Subject to Federal and State civil penalties and other remedies based on scope and severity





Admission processes

- Admissions
 - ☐ Factors a provider must consider before a new resident admission:
 - Staffing needs
 - Ability to meet scheduled and unscheduled needs
 - Evacuation standards
 - Overall facility acuity









Involuntary move out notices

- □Less than 30-day and 30-day move out notices may be issued per statute.
- ☐ Must have a safe discharge location/ plan
- □Notices may be issued:
 - When care or behaviors present a danger to either the resident or others in the long-term setting
 - Due to non-payment
 - For failure to disclose conviction of a sex crime
 - For reasons of revocation, non-renewal or termination
- ☐ Residents have hearing rights with all notices
 - Hearings will be expedited with less-than 30-days notice
- □ For NF specifically:
 - Once discharged, resident right of readmission.
 - Residents have the right to return









Regulatory Framework

Legislatively Required ~ Generally intent is to be progressive

- □ Technical Assistance
 - Available to all APD providers and is customized verbally or in writing based on:
 - > Scope what is the overall impact to residents with this deficiency?
 - Severity what is the risk of harm to residents?
 - ➤ History has there been a pattern of similar deficiencies in recent history?

□ Corrective Action

- Civil penalties
- License Conditions
- Facility Enhanced Oversight and Supervision (FEOS)
- Suspension, non-renewal or revocation of license





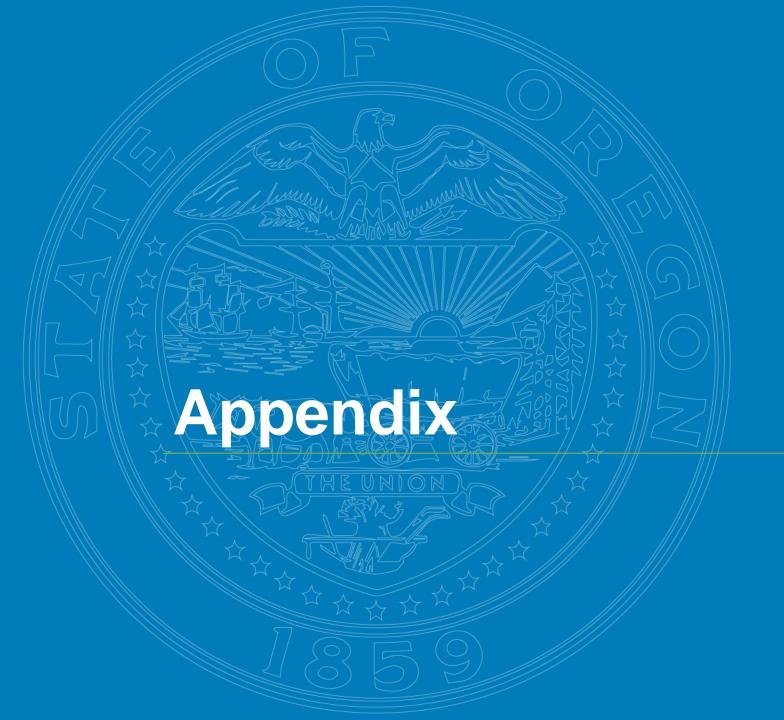




Basis of Regulations

- ☐ How much is in the state's ability to change and how much is federal?
 - Nursing facility regulations are heavily driven by CMS regulations
 - CBC and AFH are mostly driven by Oregon Administrative Rules except the federal Home and Community Based Care Setting requirements (which are intended to protect individual resident rights and freedoms)
- □Which regulations did the state add on?
 - AFH rules are heavily driven by state statute. Statues were created after a series of negative events in the 1990s
 - CBC rules are driven both by statute and a goal to keep individuals safe from harm
- □What could the state do to relieve the perceived burden?
 - APD believes that the regulatory framework is intended to protect residents from harm and to support providers in delivering quality care to consumers







Rule Citations

APD Adult Foster Homes

Chapter 411 and Divisions 049, 050, 051, 052

• Division 051 is the primary division related to the provision of care and services

Community Based Care Facilities

CBC Rules <u>411-054</u> Endorsed Memory Care Communities <u>411-057</u>

Nursing Facilities

Code of Federal Regulations (CFRs) & CMS State Operations Manual

AFH & CBC- Other Applicable Rules

Adult Protective Services <u>411-020</u>
Home and Community Based Services <u>411-004</u>

