

Legislative Fiscal Office

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Joint Committee on Ways and Means

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To: Human Services Subcommittee

From: Gregory Jolivette, Legislative Fiscal Office

Date: May 3, 2023

Subject: SB 5520 – Long-Term Care Ombudsman
Work Session Recommendations

Long-Term Care Ombudsman – Agency Totals

	2019-21 Actual	2021-23 Legislatively Approved	2023-25 Current Service Level	2023-25 LFO Recommended
General Fund	7,496,334	11,164,278	11,984,814	12,110,994
Other Funds	930,428	1,406,991	903,977	1,209,977
Total Funds	8,426,762	12,571,269	12,888,791	13,320,971
Positions	30	36	36	36
FTE	29.14	35.50	35.50	35.50

The Long-Term Care Ombudsman is a federally mandated consumer protection program supporting a network of certified volunteers to investigate and resolve complaints for people who live in Oregon’s nursing facilities, residential care facilities, assisted living facilities, and adult foster homes.

The Legislative Fiscal Office (LFO) recommends a 2023-25 budget of \$13,320,971 total funds and 36 positions (35.50 FTE) for the Long-Term Care Ombudsman (LTCO), which is a 6% increase compared to the 2021-23 legislatively approved budget and a 3.4% increase compared to the 2023-25 Current Service Level. The General Fund recommendation represents a 8.5% increase from the legislatively approved budget, and a 1.1% increase above the 2023-25 Current Service Level.

The 2023-25 LFO recommended budget includes the following policy option package:

Policy Option Package 801 - LFO Adjustments. This package makes two adjustments:

- Provides \$126,180 General Fund to reclassify upward a total of 23 Deputy Ombudsman positions determined by the Department of Administrative Services’ Chief Human Resources Office to be working out of class. Specifically, in the Long-Term Care Ombudsman program, a total of 15 Program Analyst 2 positions are

being reclassified to Compliance Specialist 3; and, in the Oregon Public Guardian program eight Program Analyst 2 positions are being reclassified to Program Analyst 3.

- Increases Other Funds expenditure limitation by \$306,000 to allow the agency to spend Older Americans Act monies carried over from the current biennium. The funds will be used to increase visits to long-term care facilities, with a focus on facilities that have not been visited recently due to the COVID-19 pandemic.

Adjustments to Current Service Level

See attached “Work Session Presentation Report.”

Note: Statewide adjustments and six-year capital construction expenditures are not included in these recommendations. Any needed adjustments will be made in end of session bills.

Accept LFO Recommendation:

MOTION: I move the LFO recommendation to SB 5520. (VOTE)

OR

Change LFO Recommendation:

MOTION: I move the LFO recommendation to SB 5520, with modifications. (VOTE)

Performance Measures

See attached “Legislatively Proposed 2023-25 Key Performance Measures.”

Accept LFO Recommendation:

MOTION: I move the LFO recommendation on Key Performance Measures. (VOTE)

OR

Change LFO Recommendation:

MOTION: I move the LFO recommendation on Key Performance Measures, with modifications. (VOTE)

Recommended Changes

LFO recommends a budget of \$12,110,994 General Fund, \$1,209,977 Other Funds, and 36 positions (35.50 FTE), which is reflected in the –1 amendment.

MOTION: I move adoption of the –1 amendment to SB 5520. (VOTE)

Final Subcommittee Action

LFO recommends that SB 5520, as amended by the –1 amendment, be moved to the Ways and Means Full Committee.

MOTION: I move SB 5520, as amended, to the Full Committee with a do pass recommendation. (VOTE)

Carriers

Full Committee: _____

House Floor: _____

Senate Floor: _____

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2021-23 Agy. Leg. Adopted	10,819,492	-	888,786	-	-	-	11,708,278	36	35.50
2021-23 Ebds, SS & Admin Act	344,786	-	518,205	-	-	-	862,991	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2021-23 Leg Approved Budget	11,164,278	-	1,406,991	-	-	-	12,571,269	36	35.50
2021-23 Leg Approved Budget (Base)	11,164,278	-	1,166,468	-	-	-	12,330,746	36	35.50
Summary of Base Adjustments	444,145	-	28,961	-	-	-	473,106	-	-
2023-25 Base Budget	11,608,423	-	1,195,429	-	-	-	12,803,852	36	35.50
010: Non-PICS Pers Svc/Vacancy Factor	(176)	-	900	-	-	-	724	-	-
020: Phase In / Out Pgm & One-time Cost	-	-	(304,201)	-	-	-	(304,201)	-	-
030: Inflation & Price List Adjustments	376,567	-	11,849	-	-	-	388,416	-	-
2023-25 Current Service Level	11,984,814	-	903,977	-	-	-	12,888,791	36	35.50
Adjusted 2023-25 Current Service Level	11,984,814	-	903,977	-	-	-	12,888,791	36	35.50
Total LFO Recommended Packages	126,180	-	306,000	-	-	-	432,180	-	-
2023-25 Legislative Actions	12,110,994	-	1,209,977	-	-	-	13,320,971	36	35.50
Net change from 2021-23 Leg Approved Budget	946,716	-	(197,014)	-	-	-	749,702	-	-
Percent change from 2021-23 Leg Approved Budget	8.5%	0.0%	(14.0%)	0.0%	0.0%	0.0%	6.0%	0.0%	0.0%
Net change from 2023-25 Adj Current Service Level	126,180	-	306,000	-	-	-	432,180	-	-
Percent change from 2023-25 Adj Current Service Level	1.1%	0.0%	33.9%	0.0%	0.0%	0.0%	3.4%	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2021-23 Agy. Leg. Adopted	6,852,108	-	888,786	-	-	-	7,740,894	24	23.50
2021-23 Ebds, SS & Admin Act	188,669	-	512,205	-	-	-	700,874	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2021-23 Leg Approved Budget	7,040,777	-	1,400,991	-	-	-	8,441,768	24	23.50
2021-23 Leg Approved Budget (Base)	7,040,777	-	1,160,468	-	-	-	8,201,245	24	23.50
Summary of Base Adjustments	257,004	-	28,961	-	-	-	285,965	-	-
2023-25 Base Budget	7,297,781	-	1,189,429	-	-	-	8,487,210	24	23.50
010: Non-PICS Pers Svc/Vacancy Factor	(9,323)	-	900	-	-	-	(8,423)	-	-
020: Phase In / Out Pgm & One-time Cost	-	-	(304,201)	-	-	-	(304,201)	-	-
030: Inflation & Price List Adjustments	198,312	-	10,789	-	-	-	209,101	-	-
2023-25 Current Service Level	7,486,770	-	896,917	-	-	-	8,383,687	24	23.50
Adjusted 2023-25 Current Service Level	7,486,770	-	896,917	-	-	-	8,383,687	24	23.50
Total LFO Recommended Packages	87,058	-	306,000	-	-	-	393,058	-	-
2023-25 Legislative Actions	7,573,828	-	1,202,917	-	-	-	8,776,745	24	23.50
Net change from 2021-23 Leg Approved Budget	533,051	-	(198,074)	-	-	-	334,977	-	-
Percent change from 2021-23 Leg Approved Budget	7.6%	0.0%	(14.1%)	0.0%	0.0%	0.0%	4.0%	0.0%	0.0%
Net change from 2023-25 Adj Current Service Level	87,058	-	306,000	-	-	-	393,058	-	-
Percent change from 2023-25 Adj Current Service Level	1.2%	0.0%	34.1%	0.0%	0.0%	0.0%	4.7%	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 801 LFO Analyst Adjustments

Package Description Provides \$87,058 General Fund to reclassify upwards 15 Deputy Ombudsman positions from Program Analyst 2 to Compliance Specialist 3.

Provides \$306,000 Other Funds expenditure limitation to allow the agency to expend Older Americans Act monies carried over from 2021-23 to increase visits to long term care facilities.

LFO Recommendation Approve

LFO Recommended	87,058	-	306,000	-	-	-	393,058	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2021-23 Agy. Leg. Adopted	3,967,384	-	-	-	-	-	3,967,384	12	12.00
2021-23 Ebds, SS & Admin Act	156,117	-	6,000	-	-	-	162,117	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2021-23 Leg Approved Budget	4,123,501	-	6,000	-	-	-	4,129,501	12	12.00
2021-23 Leg Approved Budget (Base)	4,123,501	-	6,000	-	-	-	4,129,501	12	12.00
Summary of Base Adjustments	187,141	-	-	-	-	-	187,141	-	-
2023-25 Base Budget	4,310,642	-	6,000	-	-	-	4,316,642	12	12.00
010: Non-PICS Pers Svc/Vacancy Factor	9,147	-	-	-	-	-	9,147	-	-
030: Inflation & Price List Adjustments	178,255	-	1,060	-	-	-	179,315	-	-
2023-25 Current Service Level	4,498,044	-	7,060	-	-	-	4,505,104	12	12.00
Adjusted 2023-25 Current Service Level	4,498,044	-	7,060	-	-	-	4,505,104	12	12.00
Total LFO Recommended Packages	39,122	-	-	-	-	-	39,122	-	-
2023-25 Legislative Actions	4,537,166	-	7,060	-	-	-	4,544,226	12	12.00
Net change from 2021-23 Leg Approved Budget	413,665	-	1,060	-	-	-	414,725	-	-
Percent change from 2021-23 Leg Approved Budget	10.0%	0.0%	17.7%	0.0%	0.0%	0.0%	10.0%	0.0%	0.0%
Net change from 2023-25 Adj Current Service Level	39,122	-	-	-	-	-	39,122	-	-
Percent change from 2023-25 Adj Current Service Level	0.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.9%	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 801 LFO Analyst Adjustments

Package Description Provides \$39,122 General Fund to reclassify upwards eight Deputy Ombudsman positions from Program Analyst 2 to Program Analyst 3.

LFO Recommendation Approve

LFO Recommended	39,122	-	-	-	-	-	39,122	-	-
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Legislatively Proposed 2023 - 2025 Key Performance Measures

Published: 4/26/2023 4:55:14 PM

Agency: Long Term Care Ombudsman

Mission Statement:

To enhance the quality of life, improve the level of care, protect the rights of the individual and promote the dignity of each Oregon citizen living in a nursing facility, residential care facility, assisted living facility or adult foster care home.

Legislatively Proposed KPMs	Metrics	Agency Request	Last Reported Result	Target 2024	Target 2025
1. Percentage of non-referred complaints to LTCO where action is needed that are partially or fully resolved.		Approved	89%	98%	98%
2. Average initial response time, measured in business days, to LTCO non-referred cases.		Approved	1	1.50	1.50
3. Average time, measured in business days, to close LTCO non-referred cases.		Approved	22	17	17
4. Percent of NF and ALF/RCF facilities to which a Long-Term Care Certified Ombudsman is assigned.		Approved	37%	70%	70%
5. Long-Term Care Certified Ombudsman hours.		Approved	12,183	29,000	29,000
6. Number of hospitalizations, ER visits, arrests, or psychiatric holds of OPGC clients during the reporting period.		Approved	1.38	1	1
7. Number of referrals diverted away from OPGC by finding less restrictive alternatives.		Approved	42%	65%	65%
8. Customer Service - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.	Accuracy	Approved	75%	90%	90%
	Helpfulness		84%	90%	90%
	Expertise		83%	90%	90%
	Overall		83%	90%	90%
	Timeliness		82%	90%	90%
	Availability of Information		77%	90%	90%

LFO Recommendation:

The Legislative Fiscal Office recommends approval of the proposed 2023-25 Key Performance Measures and targets.

SubCommittee Action: