



OREGON DEPARTMENT OF
Human Services

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Immediate Jeopardy and license conditions process for Residential Care and Assisted Living Facilities

Presented to the Senate Interim Committee on Human Services

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Agenda

- Key definitions
- Immediate Jeopardy and conditions process

What is Immediate Jeopardy (IJ)

Immediate Jeopardy is a situation where a facility's failure to comply with rules has caused, or is likely to cause:

- Serious injury, harm or impairment
- Death

An Immediate Jeopardy finding ensures we act quickly to protect residents of residential facilities from harm when a facility is, or is potentially, out of compliance

What is a license condition?

A license condition is an additional requirement for a facility to maintain its license.

We impose a condition when a facility has failed to substantially comply with an Oregon Administrative Rule, and this poses a risk to health or safety of residents.

Examples of when we consider a license condition:

- **Failure to comply with previous notices** from the department, thereby subjecting residents to actual harm or risk of harm.
- When the department becomes aware of **serious incidents of non-compliance** through survey (such as immediate jeopardy situations) or investigations that resulted in harm or threaten the safety of residents.
- A license condition specifying **restriction of new resident admissions** may be imposed when the department determines facility conditions indicate immediate jeopardy.

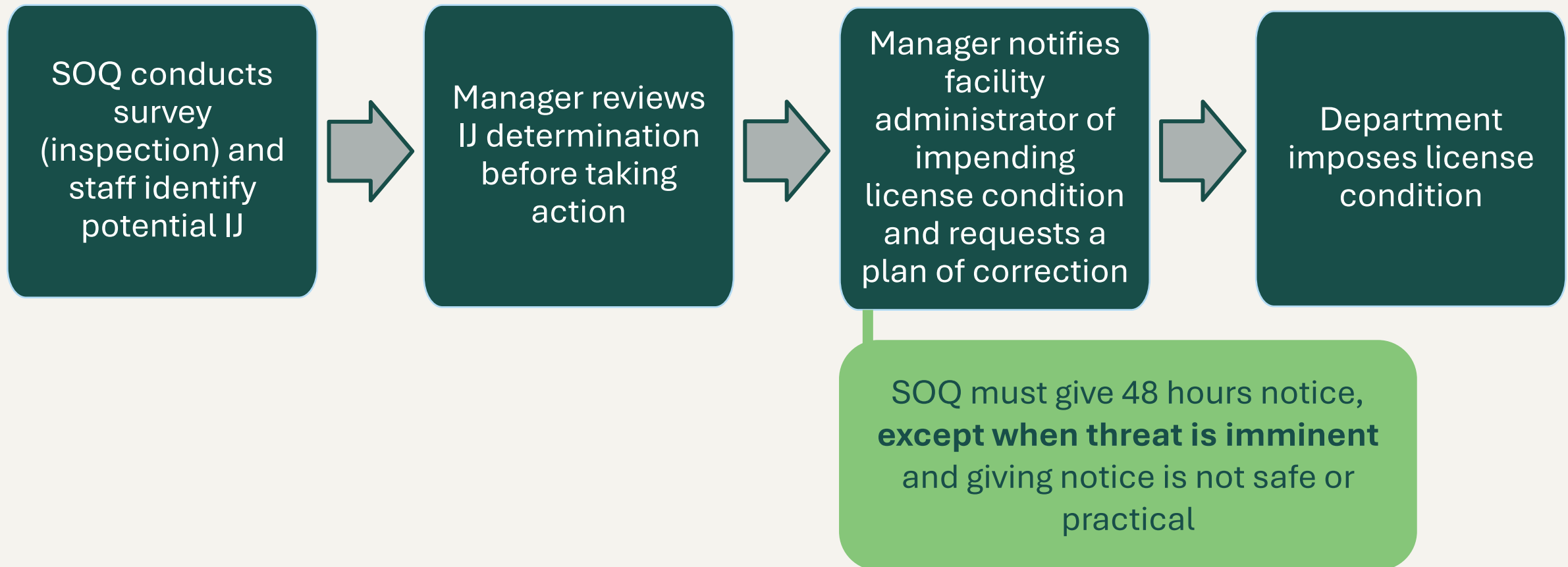
IJs and conditions: current statute and rule

ORS 441.736: “The department ... shall impose a condition on the license in response to a finding of immediate jeopardy.”

OAR 411-054-0110: “A condition shall be imposed in response to a finding of immediate jeopardy, whether or not the finding of immediate jeopardy is substantiated at the time the license condition is imposed.”

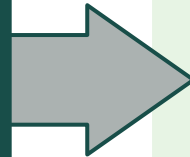
OAR 411-054-0110(3)(f): Restriction on admissions may be imposed as a condition if the situation is likely to present immediate jeopardy to future residents.

Process: identifying Immediate Jeopardy and imposing a license condition



Potential Immediate Jeopardy identified

When a protentional IJ situation exist during a survey or complaint investigation, Safety, Oversight and Quality (SOQ) management is immediately informed.



Management considers:

- Severity of harm or risk of harm
- Was the facility aware? Should they have reasonably been aware?
- Did the facility fail to act?

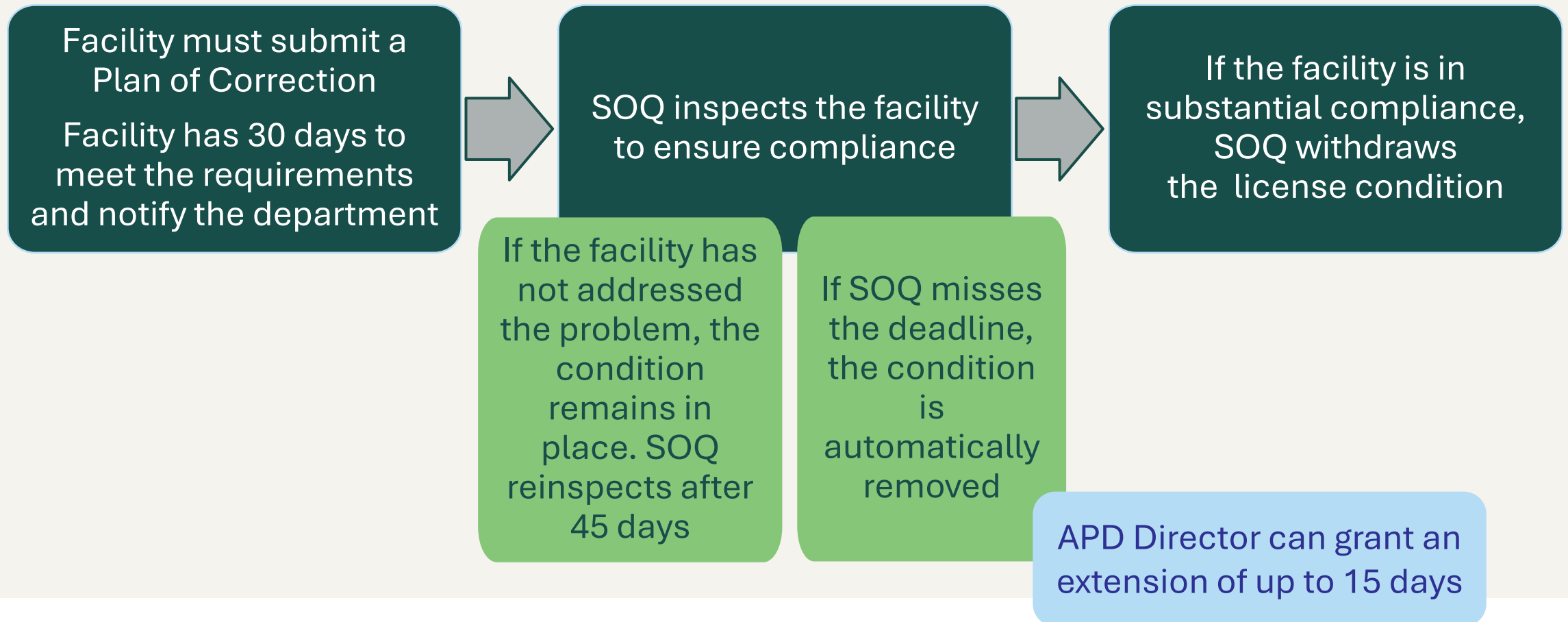
Issuing a license condition

If Immediate Jeopardy is found:

- The department must impose a condition immediately
- Conditions can include but not limited to restrictions to admissions, training, and staffing:
 - Restricting number and/or “impairment level” of residents
 - Requiring additional staff, staff qualification requirements, training or documentation
 - Restriction on new admissions to facility



Process: Lifting a license condition



Senate Bill 739: Changes timeline for conditions on admission

Senate Bill 739 requires:

- The department has five days to reinspect if there is a license condition with restriction on admission.
- The department lifts the restriction within 24 hours if the facility has met substantial compliance.



Thank you!



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