



*Oregon's Voice for Long Term Care & Senior Housing*

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**Testimony on HB 3270**  
**House Human Services and Housing Committee**  
**March 25, 2019**

Chair Keny-Guyer, Vice-Chairs Sanchez and Noble, members of the committee,

My name is Phil Bentley. On behalf of the Oregon Health Care Association which represents senior housing and licensed long-term care providers in Oregon, thank you for the opportunity to share our perspective on House Bill 3270 and the -2 amendment.

Adult foster homes serve a valuable role in our long term care system of caring for vulnerable Oregonians. Oregon has a long-established regulatory system, including building, fire and life safety codes, as well as caregiver training and operational requirements, that are based on the current definitions of an adult foster home serving up to five residents, and a Residential Care Facility serving six or more residents.

Adult Foster Homes have the option currently to serve more than five residents by obtaining a Residential Care Facility license, which contains the appropriate life, safety and operational requirements for serving larger numbers of seniors and people with physical disabilities.

If Oregon is going to increase the number of seniors and people with physical disabilities that may reside in an adult foster home by 40%, then we should do so thoughtfully to ensure resident safety and quality of life.

HB 3270 opens the door widely to permitting almost all adult foster homes statewide to increase the number of residents they serve without any additional requirements to ensure that the home is safe and appropriate for more residents. A pilot program, as suggested by the -2 amendment, is a good first step. We recommend that the pilot program be more limited in

scope and that there be more specific criteria for approving an adult foster home to participate in the pilot.

Increasing the number of residents an adult foster home can serve when it was initially inspected, licensed and equipped for a smaller number creates potential risks to residents.

Adult foster homes typically offer services in a single-family residence, which also serves as the residence of the adult foster home resident manager. Adult Foster Home regulations reflect this difference. For example, the adult foster home rules provide that each adult foster home must comply with the state and local fire and safety regulations for a single-family residence (OAR 411-050-0645(1)(b)). Additionally, an adult foster home is required to have only 150 square feet of common area space.

Residential Care Facilities, by contrast, are buildings entirely dedicated to providing care and services to residents. Residential Care Facilities must comply with extensive and detailed fire/safety and evacuation requirements consistent with a facility that cares for more residents. (OAR 411-054-0090).

HB 3270 also creates a potential conflict in the law. Residential Care Facilities, a highly regulated care setting, provides care and services to six or more seniors and adults with disabilities. With the increased number of individuals who may be served in an adult foster home overlapping with the definition of a residential care facility, the question becomes what license is required? When is a community with seven seniors and disabled residents an adult foster home and when is it a residential care facility?

If the committee is inclined to move this bill forward, we would recommend that some additional sideboards and safeguards be included in the pilot program amendment. These include:

- 1) The number of adult foster homes eligible to participate in the pilot program should be limited in scope, with appropriate data collected and reported to the Department of Human Services and the Legislature.

- 2) The geographic area of the pilot program should be limited to those areas where the Department of Human Services has direct regulatory authority over the adult foster homes. In some areas, these functions are performed by the county where there is limited information and abuse data shared by the local entity to the DHS.
- 3) There should be a physical inspection of the adult foster home by the DHS **before** approving the 40% increase in the permitted number of residents to insure the facility and its operations are safe and appropriate.
- 4) Fire, life and safety requirements should be amended for participating adult foster homes to address the higher resident levels, including an increase in the amount of required common space above the current 150 square footage minimums.
- 5) Require participating adult foster homes to file an amended evacuation plan to address how they will evacuate the higher number of residents. Current law requires that residents can be evacuated in 3 minutes unless there is a sprinkler system.
- 6) And there may be a need for additional caregiver training depending on the nature and acuity levels of the residents being served or increased availability of licensed nursing staff, similar to residential care facility requirements.

Thank you.