

**SB 5520 A BUDGET REPORT and MEASURE SUMMARY**

**Carrier:** Sen. Beyer

**Joint Committee On Ways and Means**

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**Action Date:** 05/31/19

**Action:** Do pass with amendments. (Printed A-Eng.)

**Senate Vote**

**Yeas:** 9 - Beyer, Frederick, Hansell, Heard, Johnson, Manning Jr, Roblan, Steiner Hayward, Wagner

**Nays:** 1 - Girod

**Exc:** 2 - Thomsen, Winters

**House Vote**

**Yeas:** 8 - Gomberg, Holvey, McLain, Nosse, Piluso, Rayfield, Smith G, Stark

**Exc:** 1 - McLane

**Prepared By:** Tamara Brickman, Department of Administrative Services

**Reviewed By:** Laurie Byerly, Legislative Fiscal Office

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**Long Term Care Ombudsman**

**2019-21**

**Budget Summary\***

	2017-19 Legislatively Approved Budget <sup>(1)</sup>	2019-21 Current Service Level	2019-21 Committee Recommendation	Committee Change from 2017-19 Leg. Approved	
				\$ Change	% Change
General Fund	\$ 6,401,552	\$ 7,212,903	\$ 7,212,903	\$ 811,351	12.7%
Other Funds Limited	\$ 908,057	\$ 954,159	\$ 853,177	\$ (54,880)	(6.0%)
Total	\$ 7,309,609	\$ 8,167,062	\$ 8,066,080	\$ 756,471	10.4%

**Position Summary**

Authorized Positions	27	27	27	0	0.0%
Full-time Equivalent (FTE) positions	25.50	26.50	26.50	1.00	3.9%

<sup>(1)</sup> Includes adjustments through December 2018

\* Excludes Capital Construction expenditures

**Summary of Revenue Changes**

General Fund supports 89 percent of the budget for the Long Term Care Ombudsman (LTCO). Most of the remaining revenue is federal Older Americans Act funds and a small amount of Senior Medicare Patrol program funds received from the Department of Human Services (DHS), which LTCO spends as Other Funds. LTCO also receives civil penalty revenue from DHS to help cover costs of work under the Residential Facilities Ombudsman Program, which expanded LTCO’s duties to include advocating for residents of care facilities; these residents have mental health conditions or intellectual and developmental disabilities. The Oregon Public Guardian program is fully supported with General Fund.

**Summary of Human Services Subcommittee Action**

The LTCO’s mission is to protect individual rights, promote independence, and ensure quality of life for Oregonians living in long-term care and residential facilities and Oregonians with decisional limitations. The LTCO is made up of three programs: (1) Long Term Care Ombudsman; (2) Residential Facilities Ombudsman (RFO); and (3) the Oregon Public Guardian (OPG). The LTCO program, established per Title VII of the Older Americans Act, coordinates a network of trained and certified volunteer ombudsmen who regularly visit long-term care residents and monitor the facilities in which they reside. The program is led by the State Long Term Care Ombudsman, who also serves in the capacity of agency director. Additional professional staff provide technical support and training for these volunteers. The RFO program, created by Senate Bill 626 (2013), provides advocacy for persons with intellectual and developmental disabilities and/or a mental health diagnosis living in licensed community residential facilities. Volunteers for this program engage in complaint investigation, resolution, rights education, and advocacy for improvements in resident care and quality of life. The OPG program, established by Senate Bill 1553 (2014), serves adults in need of guardian

and conservator services who have no resources to obtain these services in the private sector nor any other individuals in their lives who can serve in this capacity.

The Subcommittee approved a budget of \$8,066,080 total funds, consisting of \$7,212,903 General Fund, \$853,177 Other Funds expenditure limitation, and 27 positions (26.50 FTE). The total funds approved budget is 10.4 percent above the 2017-19 Legislatively Approved Budget.

#### **Long Term Care Ombudsman**

The Subcommittee approved a modified current service level budget for this program, which is the current service level as adjusted by the Subcommittee's approval of Package 070, Revenue Shortfalls. This package reduces Services and Supplies expenditures to align with the projected 2019-21 level of federal grant funding passed through to the agency from DHS for the Senior Medicare Patrol (SMP) program. Due to federal program changes, LTCO's ongoing efforts will be limited to outreach and education activities that can be managed as part of the agency's existing work in those areas. The program expects to receive \$30,000 per year in grant funds; this amount had ranged from \$50,000 to \$70,000 per year in prior biennia. In addition to the expenditure reduction, the package increases the revenue transfer-in from DHS by \$45,000 to reflect a total of \$60,000 Other Funds revenue from this source in the 2019-21 biennium. The total budget approved for this program is \$6,087,590 total funds and 21 positions (20.50 FTE).

#### **Oregon Public Guardian and Conservator Program**

The Subcommittee approved a current service level budget for this program in the amount of \$1,978,490 General Fund and six positions (6.00 FTE).

#### **Summary of Performance Measure Action**

See attached "Legislatively Approved 2019-2021 Key Performance Measures."

## DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION

Long Term Care Ombudsman  
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DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS		FEDERAL FUNDS		TOTAL ALL FUNDS	POS	FTE
			LIMITED	NONLIMITED	LIMITED	NONLIMITED			
2017-19 Legislatively Approved Budget at Dec 2018 *	\$ 6,401,552	\$ -	\$ 908,057	\$ -	\$ -	\$ -	7,309,609	27	25.50
2019-21 Current Service Level (CSL)*	\$ 7,212,903	\$ -	\$ 954,159	\$ -	\$ -	\$ -	8,167,062	27	26.50
<b>SUBCOMMITTEE ADJUSTMENTS (from CSL)</b>									
<b>SCR 11400-010 - Long Term Care Ombudsman</b>									
Package 070: Revenue Shortfalls									
Services and Supplies	\$ -	\$ -	\$ (100,982)	\$ -	\$ -	\$ -	(100,982)		
<b>TOTAL ADJUSTMENTS</b>	\$ -	\$ -	\$ (100,982)	\$ -	\$ -	\$ -	(100,982)	0	0.00
<b>SUBCOMMITTEE RECOMMENDATION *</b>	\$ 7,212,903	\$ -	\$ 853,177	\$ -	\$ -	\$ -	8,066,080	27	26.50
% Change from 2017-19 Leg Approved Budget	12.7%	0.0%	-6.0%	0.0%	0.0%	0.0%	10.4%	0.0%	3.9%
% Change from 2019-21 Current Service Level	0.0%	0.0%	-10.6%	0.0%	0.0%	0.0%	-1.2%	0.0%	0.0%

\*Excludes Capital Construction Expenditures

# Legislatively Approved 2019 - 2021 Key Performance Measures

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**Agency:** Long Term Care Ombudsman, Office of

**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 Approved KPMs	Metrics	Agency Request	Last Reported Result	Target 2020	Target 2021
1. Percentage of non-referred complaints to LTOCO where action is needed that are partially or fully resolved.		Approved	89%	98%	98%
2. Average initial response time, measured in business days, to close LTOCO non-referred cases.		Approved	No Data	1.50	1.50
3. Average time, measured in business days, to close LTOCO non-referred cases.		Approved	No Data	25	25
4. Percent of NF and ALF/RCF facilities to which a Long-Term Care Certified Ombudsman is assigned.		Approved	No Data	70%	70%
5. Long-Term Care Certified Ombudsman hours.		Approved	No Data	29,000	29,000
6. Number of hospitalizations, ER visits, arrests, or psychiatric holds of OPGC clients during the reporting period.		Approved	No Data	1	1
7. Number of referrals diverted away from OPGC by finding less restrictive alternatives.		Approved	No Data	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	71%	90%	90%
	Helpfulness		77%	90%	90%
	Expertise		78%	90%	90%
	Overall		71%	90%	90%
	Timeliness		83%	90%	90%
	Availability of Information		76%	90%	90%
2. Average initial response time to close LTOCO non-referred cases.		Legislatively Deleted	1.61	TBD	TBD
3. Average time to close LTOCO non-referred cases.		Legislatively Deleted	25	TBD	TBD
4. Percentage of nursing facilities visited at least once annually.		Legislatively Deleted	97%	TBD	TBD
5. Percentage of assisted living and residential care facilities visited at least once annually.		Legislatively Deleted	92%	TBD	TBD
6. Percentage of adult foster care homes visited at least once annually.		Legislatively Deleted	53%	TBD	TBD
7. Number of requests for assistance from consumers, the public, facility staff and agencies.		Legislatively Deleted	7,276	TBD	TBD
8. Participation in system-wide advocacy meetings at the local, regional, state and national levels.		Legislatively Deleted	240	TBD	TBD
9. Total number of certified ombudsmen volunteer hours annually.		Legislatively Deleted	25,828	TBD	TBD

**LFO Recommendation:**

The agency's requested KPM changes are a combination of language clarifications, measurement unit changes, deletions, and new measures which also result in some KPM renumbering. The LFO recommendations

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for the agency's proposed KPM changes are as follows:

KPM #1 - No requested change from the agency. Approve the targets as shown.

KPM #2 - As requested by the agency, modify language to count response time in business days instead of calendar days; approve this proposed change. Approve the targets as shown.

KPM #3 - As requested by the agency, modify language to count closure time in business days instead of calendar days; approve this proposed change. Approve the targets as shown.

KPM #4 and #5 - As requested by the agency, collapse these two measures into one and modify language to track the percentage of facilities having an assigned long term care certified ombudsman, instead of the percentage visited annually; approve this proposed change. Approve the targets as shown. (This will be KPM #4.)

KPM #6 - The agency requested deletion of this measure; approve this proposed change. However, LFO also recommends directing the agency to continue to track adult foster home visits and develop a new measure or measures for 2021-23 that will help gauge program performance related to both adult foster homes serving seniors and facilities served by the Residential Facilities Ombudsman.

KPM #7 - The agency requested deletion of this measure; approve this proposed change. However, LFO also recommends directing LTCO to continue to track the volume and nature of requests for assistance received by the agency.

KPM #8 - The agency requested deletion of this measure; approve this proposed change.

KPM #9 - As requested by the agency, modify wording to clarify the measure is counting only "long term care" certified ombudsman hours. Approve the targets as shown. (This measure will also be renumbered to #5.)

KPM #10 - No requested change from the agency. Approve the targets as shown. LFO also recommends the agency continue to seek solutions for challenges it has identified around capturing customer service data. (This measure will be renumbered to #8.)

In 2017, the Joint Committee on Ways and Means directed LTCO to develop at least two key performance measures for the Oregon Public Guardian and Conservator program; accordingly, the agency is proposing **NEW** KPM #6 (client stability) and **NEW** KPM #7 (potential clients diverted). LFO recommends approval of the two new measures and proposed targets.

**SubCommittee Action:**

The Human Services Subcommittee approved the Legislative Fiscal Office recommendations on Key Performance Measures; this includes the measures and targets as presented along with direction to track certain information, work on a new measure related to adult foster home visits, and seek customer service data collection solutions.