

B-Engrossed
Senate Bill 815

Ordered by the Senate June 5
Including Senate Amendments dated April 15 and June 5

Sponsored by Senator GELSER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires residential care facilities to provide written notice to applicants for admission and to current residents upon request regarding services, types and level of care, potential for resident to be required to leave facility if facility can no longer meet resident's needs for care and services, possibility of resident not being permitted to return to facility if resident leaves facility for acute care and resident's right to appeal facility's decision to remove resident or to not permit resident to return after receiving acute care. Establishes requirements for written notice.

Extends, for one year, deadline for residential care facilities to report on quality metrics and for Department of Human Services to publish report on residential care facilities' quality metrics.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to information that must be provided by residential care facilities; creating new provisions;
3 amending section 19, chapter 679, Oregon Laws 2017; and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS 443.400 to**
6 **443.455.**

7 **SECTION 2. (1) A residential care facility, which includes an assisted living facility, shall**
8 **provide, at a minimum, the following information to an individual or any person acting on**
9 **behalf of the individual at the time the individual applies for admission to the residential care**
10 **facility and upon request:**

11 (a) A summary explanation of the services provided by the facility;

12 (b) A summary explanation of the types of care that the facility does not provide;

13 (c) A statement that if the facility is not capable of meeting the resident's needs for care
14 and services, the facility may require the resident to pursue other options, including by
15 moving to another facility or care setting;

16 (d) A statement that if a resident leaves the facility to receive acute medical, psychiatric,
17 nursing facility or other care, before the resident may return to the facility, the facility will
18 first evaluate whether the facility is capable of meeting the resident's care needs and, if not,
19 the resident will not be permitted to return to the facility;

20 (e) A statement of a resident's right to appeal if the facility requires the resident to leave
21 the facility or does not permit the resident to return to the facility, as described in para-
22 graphs (c) and (d) of this subsection; and

23 (f) A statement of whether the facility will arrange for or otherwise coordinate hospice

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 care for a resident upon request.

2 (2) The information described in subsection (1) of this section must:

3 (a) Be in writing;

4 (b) Be written in plain English;

5 (c) Be explained to the individual or the person acting on behalf of the individual in a
6 manner the individual or person understands;

7 (d) Be provided separately from all other disclosure and residency agreement documents;
8 and

9 (e) Require the signature of the individual or the person acting on behalf of the individual
10 acknowledging that the individual or person understands the content and the implications
11 of the information.

12 **SECTION 3.** Section 19, chapter 679, Oregon Laws 2017, is amended to read:

13 **Sec. 19.** (1) The Department of Human Services shall first publish the report described in [*sec-*
14 *tion 15 (1) of this 2017 Act*] **ORS 443.446 (1)** no later than July 1, [2020] **2021**.

15 (2) A residential care facility shall first report quality metrics under [*section 15 (2) of this 2017*
16 *Act*] **ORS 443.446 (2)** no later than January 31, [2020] **2021**. A residential care facility may volun-
17 tarily report quality metrics before January 31, [2020] **2021**, once the reporting system is able to
18 receive reports.

19 **SECTION 4.** This 2019 Act takes effect on the 91st day after the date on which the 2019
20 regular session of the Eightieth Legislative Assembly adjourns sine die.