

HB 2600-7  
(LC 2166)  
4/8/19 (LHF/ps)

Requested by Representative NATHANSON (at the request of the Oregon Health Care Association)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2600**

1 On page 1 of the printed bill, line 3, after “441.406,” delete the rest of the  
2 line and insert “441.413, 443.415, 443.425 and 443.735.”.

3 Delete lines 5 through 25 and delete pages 2 through 10 and insert:

4 **“SECTION 1. (1) As used in this section and section 2 of this 2019**  
5 **Act:**

6 **“(a) ‘Disease outbreak’ has the meaning given that term in ORS**  
7 **431A.005.**

8 **“(b) ‘Facility’ means:**

9 **“(A) A long term care facility, as defined in ORS 442.015;**

10 **“(B) A conversion facility, as defined in ORS 443.400; and**

11 **“(C) A residential care facility, as defined in ORS 443.400, including**  
12 **a residential care facility with a memory care endorsement.**

13 **“(2) An administrator of a facility and the employees of the facility,**  
14 **as specified by the Department of Human Services by rule, must re-**  
15 **ceive training in recognizing disease outbreaks and infection control**  
16 **at the time of hiring, unless the administrator or the employee has**  
17 **received the training at another facility no later than 18 months before**  
18 **the time of hiring, and annually as part of the administrator or**  
19 **employee’s continuing education requirements.**

20 **“(3) The department, in consultation with the Oregon Health Au-**  
21 **thority, shall prescribe by rule the requirements for the training,**

1 **which must include at least the following:**

2 **“(a) How to properly prevent and contain disease outbreaks based**  
3 **on the current best evidence in the field of infection and disease out-**  
4 **break identification, prevention and control; and**

5 **“(b) The responsibility of staff members to report disease outbreaks**  
6 **under ORS 433.004.**

7 **“(4) The training may be provided in person, in writing, by webinar**  
8 **or by other electronic means. The department shall make online**  
9 **trainings available.**

10 **“(5)(a) A facility must establish and maintain infection prevention**  
11 **and control protocols designed to provide a safe, sanitary and com-**  
12 **fortable environment and to prevent the development and trans-**  
13 **mission of communicable diseases.**

14 **“(b) A facility must designate an individual to be responsible for**  
15 **carrying out the infection prevention and control protocols and to**  
16 **serve as the primary point of contact for the department regarding**  
17 **disease outbreaks. The individual must:**

18 **“(A) Be qualified by education, training and experience or certi-**  
19 **fication; and**

20 **“(B) Complete specialized training in infection prevention and con-**  
21 **trol protocols within three months of being designated under this**  
22 **paragraph, unless the designee has received the specialized training**  
23 **no later than 24 months before the time of hiring.**

24 **“(6) Upon hiring a new staff member, a facility shall provide to the**  
25 **staff member information about the rights and responsibility of facil-**  
26 **ity staff members to report disease outbreaks under ORS 433.004 and**  
27 **the safeguards for staff members who report disease outbreaks.**

28 **“(7) The department, in coordination with the authority, shall:**

29 **“(a) Communicate regularly with facility administrators to recom-**  
30 **mend best practices and protocols for preventing and responding to**

1 **disease outbreaks and provide contacts for local public health author-**  
2 **ities; and**

3 **“(b) Provide notification to the facilities in a community where**  
4 **there is an elevated risk of an infectious disease outbreak and the**  
5 **residents and staff may be at risk of exposure to the disease outbreak.**

6 **“SECTION 2. (1) The Department of Human Services shall annually**  
7 **inspect the kitchen of a facility and other areas where food is prepared**  
8 **for residents, except in a year when the department has scheduled a**  
9 **survey. The kitchen inspection is in addition to other inspections re-**  
10 **quired by law. The inspection must be conducted by an individual who**  
11 **has training and expertise in food sanitation. The department may**  
12 **charge the facility a fee for the inspection of up to \$200.**

13 **“(2) The department or the Oregon Health Authority may not deny**  
14 **or delay a license or refuse to renew a license:**

15 **“(a) For a facility’s first failure to pass an inspection; or**

16 **“(b) If the department fails to conduct an inspection in a timely**  
17 **manner.**

18 **“(3) Any fees collected by the department under this section shall**  
19 **be deposited into the Quality Care Fund established in ORS 443.001 and**  
20 **are continuously appropriated to the department for conducting in-**  
21 **spections described in subsection (1) of this section.**

22 **“SECTION 3. ORS 433.004 is amended to read:**

23 **“433.004. (1) The Oregon Health Authority shall by rule:**

24 **“(a) Specify reportable diseases and when the diseases must be re-**  
25 **ported under this section;**

26 **“(b) Identify those categories of persons who must report reportable dis-**  
27 **eases and the circumstances under which the reports must be made;**

28 **“(c) Prescribe the procedures and forms for making such reports and**  
29 **transmitting the reports to the authority; and**

30 **“(d) Prescribe measures and methods for investigating the source and**

1 controlling reportable diseases.

2 “(2) Persons required under the rules to report reportable diseases shall  
3 do so by reporting to the local public health administrator. The local public  
4 health administrator shall transmit such reports to the authority.

5 “(3) The authority or local public health administrator may investigate  
6 a case of a reportable disease, disease outbreak or epidemic. The investi-  
7 gation may include, but is not limited to:

8 “(a) Interviews of:

9 “(A) The subject of a reportable disease report;

10 “(B) Controls;

11 “(C) Health care providers; or

12 “(D) Employees of a health care facility.

13 “(b) Requiring a health care provider, any public or private entity, or an  
14 individual who has information necessary for the investigation to:

15 “(A) Permit inspection of the information by the authority or local public  
16 health administrator; and

17 “(B) Release the information to the authority or local public health ad-  
18 ministrator.

19 “(c) Inspection, sampling and testing of real or personal property with  
20 consent of the owner or custodian of the property or with an administrative  
21 warrant.

22 “(4)(a) The authority shall establish by rule the manner in which infor-  
23 mation may be requested and obtained under subsection (3) of this section.

24 “(b) Information requested may include, but is not limited to, individually  
25 identifiable health information related to:

26 “(A) The case;

27 “(B) An individual who may be the potential source of exposure or in-  
28 fection;

29 “(C) An individual who has been or may have been exposed to or affected  
30 by the disease;

1 “(D) Policies, practices, systems or structures that may have affected the  
2 likelihood of disease transmission; and

3 “(E) Factors that may influence an individual’s susceptibility to the dis-  
4 ease or likelihood of being diagnosed with the disease.

5 “(5) In addition to other grounds for which a state agency may exercise  
6 disciplinary action against its licensees or certificate holders, the substantial  
7 or repeated failure of a licensee or certificate holder to report when required  
8 to do so under subsection (2) or (3) of this section shall be cause for the  
9 exercise of any of the agency’s disciplinary powers.

10 “(6) Any person making a report or providing information under this  
11 section is immune from any civil or criminal liability that might otherwise  
12 be incurred or imposed with respect to the making of a report or providing  
13 information under this section.

14 **“SECTION 4.** ORS 441.025, as amended by section 12, chapter 50, Oregon  
15 Laws 2018, is amended to read:

16 “441.025. (1)(a) Upon receipt of a license fee and an application to operate  
17 a health care facility other than a long term care facility, the Oregon Health  
18 Authority shall review the application and conduct an on-site inspection of  
19 the health care facility. The authority shall issue a license if it finds that  
20 the applicant and health care facility comply with ORS 441.015 to 441.087 and  
21 441.196 and the rules of the authority provided that the authority does not  
22 receive within the time specified a certificate of noncompliance issued by the  
23 State Fire Marshal, deputy, or approved authority pursuant to ORS 479.215.

24 “(b) The authority shall, following payment of the fee, annually renew  
25 each license issued under this subsection unless:

26 “(A) The health care facility’s license has been suspended or revoked; or

27 “(B) The State Fire Marshal, a deputy or an approved authority has is-  
28 sued a certificate of noncompliance pursuant to ORS 479.215.

29 “(2)(a) Upon receipt of a license fee and an application to operate a long  
30 term care facility, the Department of Human Services shall review the ap-

1 plication and conduct an on-site inspection of the long term care facility,  
2 **including an inspection of the kitchen and other areas where food is**  
3 **prepared for residents.** The department shall issue a license if the depart-  
4 ment finds that the applicant and long term care facility comply with ORS  
5 441.015 to 441.087 and 441.196 and the rules of the department provided that  
6 it does not receive within the time specified a certificate of noncompliance  
7 issued by the State Fire Marshal, deputy, or approved authority pursuant to  
8 ORS 479.215.

9 “(b) The department shall, following an on-site inspection and payment  
10 of the fee, annually renew each license issued under this subsection unless:

11 “(A) The long term care facility’s license has been suspended or revoked;

12 “(B) The long term care facility is found not to be in substantial compli-  
13 ance, following the on-site inspection, **with ORS 441.015 to 441.087 and**  
14 **441.196 and section 1 of this 2019 Act and the rules of the department;**

15 “(C) **The long term care facility has failed an inspection of the**  
16 **kitchen or other areas where food is prepared for residents that was**  
17 **conducted by the department in accordance with section 2 of this 2019**  
18 **Act, except as provided in section 2 (2) of this 2019 Act;** or

19 “[C)] (D) The State Fire Marshal, a deputy or an approved authority has  
20 issued a certificate of noncompliance pursuant to ORS 479.215.

21 “(3) Each license shall be issued only for the premises and persons or  
22 governmental units named in the application and shall not be transferable  
23 or assignable.

24 “(4) Licenses shall be posted in a conspicuous place on the licensed  
25 premises as prescribed by rule of the authority or the department.

26 “(5) No license shall be issued or renewed for any health care facility or  
27 health maintenance organization that is required to obtain a certificate of  
28 need under ORS 442.315 until a certificate of need has been granted. An  
29 ambulatory surgical center is not subject to the certificate of need require-  
30 ments in ORS 442.315.

1 “(6) No license shall be issued or renewed for any skilled nursing facility  
2 or intermediate care facility, unless the applicant has included in the appli-  
3 cation the name and such other information as may be necessary to establish  
4 the identity and financial interests of any person who has incidents of own-  
5 ership in the facility representing an interest of 10 percent or more thereof.  
6 If the person having such interest is a corporation, the name of any stock-  
7 holder holding stock representing an interest in the facility of 10 percent or  
8 more shall also be included in the application. If the person having such  
9 interest is any other entity, the name of any member thereof having incidents  
10 of ownership representing an interest of 10 percent or more in the facility  
11 shall also be included in the application.

12 “(7) A license may be denied to any applicant for a license or renewal  
13 thereof or any stockholder of any such applicant who has incidents of own-  
14 ership in the health care facility representing an interest of 10 percent or  
15 more thereof, or an interest of 10 percent or more of a lease agreement for  
16 the facility, if during the five years prior to the application the applicant  
17 or any stockholder of the applicant had an interest of 10 percent or more in  
18 the facility or of a lease for the facility and has divested that interest after  
19 receiving from the authority or the department written notice that the au-  
20 thority or the department intends to suspend or revoke the license or to de-  
21 certify the facility from eligibility to receive payments for services provided  
22 under this section.

23 “(8) The Department of Human Services may not issue or renew a license  
24 for a long term care facility, unless the applicant has included in the appli-  
25 cation the identity of any person who has incident of ownership in the long  
26 term care facility who also has a financial interest in any pharmacy, as de-  
27 fined in ORS 689.005.

28 “(9) The authority shall adopt rules for each type of health care facility,  
29 except long term care facilities, to carry out the purposes of ORS 441.015 to  
30 441.087 including, but not limited to:

1       “(a) Establishing classifications and descriptions for the different types  
2 of health care facilities that are licensed under ORS 441.015 to 441.087; and

3       “(b) Standards for patient care and safety, adequate professional staff or-  
4 ganizations, training of staff for whom no other state regulation exists,  
5 suitable delineation of professional privileges and adequate staff analyses of  
6 clinical records.

7       “(10) The department shall adopt rules for each type of long term care  
8 facility to carry out the purposes of ORS 441.015 to 441.087 including, but  
9 not limited to:

10       “(a) Establishing classifications and descriptions for the different types  
11 of long term care facilities that are licensed under ORS 441.015 to 441.087;  
12 [*and*]

13       “(b) Standards for patient care and safety, adequate professional staff or-  
14 ganizations, training of staff for whom no other state regulation exists,  
15 suitable delineation of professional privileges and adequate staff analyses of  
16 clinical records[.]; **and**

17       **“(c) Rules to ensure that a long term care facility complies with**  
18 **section 1 of this 2019 Act.**

19       “(11) The authority or department may not adopt a rule requiring a health  
20 care facility to serve a specific food as long as the necessary nutritional food  
21 elements are present in the food that is served.

22       “(12) A health care facility licensed by the authority or department may  
23 not:

24       “(a) Offer or provide services beyond the scope of the license classifica-  
25 tion assigned by the authority or department; or

26       “(b) Assume a descriptive title or represent itself under a descriptive title  
27 other than the classification assigned by the authority or department.

28       “(13) A health care facility must reapply for licensure to change the  
29 classification assigned or the type of license issued by the authority or de-  
30 partment.



1       **“SECTION 5.** ORS 443.415 is amended to read:

2       “443.415. (1) Applications for licensure to maintain and operate a resi-  
3       dential facility shall be made to the Department of Human Services or the  
4       Oregon Health Authority on forms provided for that purpose by the appro-  
5       priate licensing agency. Each application shall be accompanied by a fee. No  
6       fee is required of any governmentally operated residential facility.

7       “(2)(a) The application fee for a residential training facility or a residen-  
8       tial treatment facility is \$60.

9       “(b) The application fee for a residential training home is \$50.

10       “(c) The application fee for a residential treatment home is \$30.

11       “(d) The application fee for a residential care facility is:

12       “(A) For a facility with one to 15 beds, \$2,000.

13       “(B) For a facility with 16 to 49 beds, \$3,000.

14       “(C) For a facility with 50 to 99 beds, \$4,000.

15       “(D) For a facility with 100 to 150 beds, \$5,000.

16       “(E) For a facility with more than 150 beds, \$6,000.

17       “(3) Upon receipt of an application and fee, the licensing agency shall  
18       conduct an [*investigation*] **on-site inspection, including, for residential**  
19       **care facilities, an inspection of the kitchen and other areas where food**  
20       **is prepared for residents.** The licensing agency shall issue a license to any  
21       applicant for operation of a residential facility in compliance with ORS  
22       443.002 and 443.400 to 443.455 and the rules of the licensing agency.  
23       Licensure may be denied when a residential facility is not in compliance  
24       with ORS 443.002 or 443.400 to 443.455 or the rules of the licensing agency.  
25       Licensure shall be denied if the State Fire Marshal, deputy or approved au-  
26       thority has given notice of noncompliance of a residential care facility, resi-  
27       dential training facility or residential treatment facility pursuant to ORS  
28       479.220.

29       **“SECTION 6.** ORS 443.425 is amended to read:

30       “443.425. (1) Licensure under ORS 443.415 is effective for two years from

1 the date of issue unless sooner revoked. Each license shall state:

2 “(a) The name of the person operating the residential facility;

3 “(b) The name of the person who owns the residential facility;

4 “(c) The address of the premises to which the license applies and the  
5 maximum number of residents to be maintained in the residential facility at  
6 any time whether the residential facility is licensed as a residential training  
7 facility, a residential treatment facility, a residential care facility, a resi-  
8 dential training home or residential treatment home; and

9 “(d) Other information that the Department of Human Services or the  
10 Oregon Health Authority considers necessary.

11 “(2) A license is renewable upon submission of an application to the de-  
12 partment or the authority and payment of a renewal fee. No fee is required  
13 of a governmentally operated residential facility. Filing of an application for  
14 renewal before the date of expiration of a license extends the effective date  
15 of expiration of the license until the licensing agency has acted upon the  
16 application. The licensing agency shall refuse to renew a license if:

17 “(a) The facility is not substantially in compliance with all applicable  
18 laws and rules[, or if];

19 “(b) **For a residential care facility, the facility has failed an in-**  
20 **spection of the kitchen or other areas where food is prepared for res-**  
21 **idents that was conducted by the department in accordance with**  
22 **section 2 of this 2019 Act, except as provided in section 2 (2) of this 2019**  
23 **Act; or**

24 “(c) The State Fire Marshal, deputy or approved authority has given no-  
25 tice of noncompliance of a residential care facility, residential training fa-  
26 cility or residential treatment facility pursuant to ORS 479.220.

27 “(3)(a) The biennial renewal fee for a residential training facility or a  
28 residential treatment facility is \$60.

29 “(b) The biennial renewal fee for a residential training home is \$50.

30 “(c) The biennial renewal fee for a residential treatment home is \$30.

1 “(d) The biennial renewal fee for a residential care facility is:

2 “(A) For a facility with one to 15 beds, \$1,000.

3 “(B) For a facility with 16 to 49 beds, \$1,500.

4 “(C) For a facility with 50 to 99 beds, \$2,000.

5 “(D) For a facility with 100 to 150 beds, \$2,500.

6 “(E) For a facility with more than 150 beds, \$3,000.

7 **“SECTION 7.** ORS 443.735 is amended to read:

8 “443.735. (1)(a) Applications for a license to maintain and operate an adult  
9 foster home shall be made on forms provided by the licensing agency.

10 “(b) Each application submitted to the Department of Human Services for  
11 an adult foster home serving individuals with intellectual or developmental  
12 disabilities shall be accompanied by a fee of \$50 per bed requested for li-  
13 censing.

14 “(c) Each application submitted to the Oregon Health Authority, or to the  
15 Department of Human Services for an adult foster home not serving indi-  
16 viduals with intellectual or developmental disabilities, shall be accompanied  
17 by a fee of \$20 per bed requested for licensing.

18 “(2) Upon receipt of an application and fee, the licensing agency shall  
19 conduct an investigation.

20 “(3) The licensing agency shall not issue an initial license unless:

21 “(a) The applicant and adult foster home are in compliance with ORS  
22 443.002 and 443.705 to 443.825 and the rules of the licensing agency;

23 “(b) The licensing agency has completed an inspection of the adult foster  
24 home;

25 “(c) The licensing agency has completed a criminal records check under  
26 ORS 181A.195 on the applicant and any person, other than a resident, 16  
27 years of age or older who will be residing in the adult foster home. The  
28 criminal records check shall be conducted in accordance with rules adopted  
29 under ORS 181A.195;

30 “(d) The licensing agency has determined that the registry maintained

1 under ORS 441.678 contains no finding that the applicant or any nursing  
2 assistant employed by the applicant has been responsible for abuse; and

3 “(e) The applicant has demonstrated to the licensing agency the financial  
4 ability and resources necessary to operate the adult foster home. The li-  
5 censing agency shall adopt rules as the agency deems appropriate that es-  
6 tablish the financial standards an applicant must meet to qualify for issuance  
7 of a license and that protect financial information from public disclosure.  
8 The demonstration of financial ability under this paragraph shall include,  
9 but need not be limited to, providing the licensing agency with a list of any  
10 unsatisfied judgments, pending litigation and unpaid taxes and notifying the  
11 agency regarding whether the applicant is in bankruptcy. If the applicant is  
12 unable to demonstrate the financial ability and resources required by this  
13 paragraph, the licensing agency may require the applicant to furnish a fi-  
14 nancial guarantee as a condition of initial licensure.

15 “(4) The licensing agency may not renew a license under this section un-  
16 less:

17 “(a) The applicant and the adult foster home are in compliance with ORS  
18 443.002 and 443.705 to 443.825 **and section 1 of this 2019 Act** and the rules  
19 of the licensing agency;

20 “(b) The licensing agency has completed an inspection of the adult foster  
21 home;

22 “(c) The licensing agency has completed a criminal records check under  
23 ORS 181A.195 on the applicant and any person, other than a resident, 16  
24 years of age or older who will be residing in the adult foster home. The  
25 criminal records check under this paragraph shall be conducted in accord-  
26 ance with rules adopted under ORS 181A.195; and

27 “(d) The licensing agency has determined that the registry maintained  
28 under ORS 441.678 contains no finding that the applicant or any nursing  
29 assistant employed by the applicant has been responsible for abuse.

30 “(5)(a) In seeking an initial license and renewal of a license when an

1 adult foster home has been licensed for less than 24 months, the burden of  
2 proof shall be upon the provider and the adult foster home to establish  
3 compliance with ORS 443.705 to 443.825 and the rules of the licensing agency.

4 “(b) In proceedings for renewal of a license when an adult foster home  
5 has been licensed for at least 24 continuous months, the burden of proof shall  
6 be upon the licensing agency to establish noncompliance with ORS 443.705  
7 to 443.825 and the rules of the agency.

8 “(6)(a) Persons who have been convicted of one or more crimes that, as  
9 determined by rules of the licensing agency, are substantially related to the  
10 qualifications, functions or duties of a provider, substitute caregiver or other  
11 household member of an adult foster home shall be prohibited from operat-  
12 ing, working in or residing in an adult foster home.

13 “(b) The licensing agency shall adopt rules that distinguish the criminal  
14 convictions and types of abuse that permanently prohibit a person from op-  
15 erating, working in or living in an adult foster home from the convictions  
16 and types of abuse that do not permanently prohibit the person from oper-  
17 ating, working in or living in an adult foster home.

18 “(c) A provider may not hire, retain in employment or allow to live in  
19 an adult foster home, other than as a resident, any person who the provider  
20 knows has been convicted of a disqualifying crime or has been found re-  
21 sponsible for a disqualifying type of abuse.

22 “(7) A license under ORS 443.725 is effective for one year from the date  
23 of issue unless sooner revoked. Each license shall state the name of the  
24 resident manager of the adult foster home, the names of all providers who  
25 own the adult foster home, the address of the premises to which the license  
26 applies, the maximum number of residents and the classification of the adult  
27 foster home. If, during the period covered by the license, a resident manager  
28 changes, the provider must within 15 days request modification of the li-  
29 cense. The request must be accompanied by a fee of \$10.

30 “(8) No license under ORS 443.725 is transferable or applicable to any

1 location, persons operating the adult foster home or the person owning the  
2 adult foster home other than that indicated on the application for licensing.

3 “(9) The licensing agency shall not issue a license to operate an addi-  
4 tional adult foster home to a provider unless the provider has demonstrated  
5 the qualifications and capacity to operate the provider’s existing licensed  
6 adult foster homes and has demonstrated the ability to provide to the resi-  
7 dents of those adult foster homes care that is adequate and substantially free  
8 from abuse and neglect.

9 “(10)(a) All moneys collected under ORS 443.725 to 443.780 from adult  
10 foster homes that are licensed to serve persons with mental, emotional or  
11 behavioral disturbances or alcohol or drug dependence shall be deposited in  
12 a special account in the General Fund, and are appropriated continuously for  
13 payment of expenses incurred by the Oregon Health Authority.

14 “(b) All moneys collected under ORS 443.725 to 443.780 from adult foster  
15 homes licensed to serve persons who are elderly, have physical disabilities  
16 or have developmental disabilities shall be deposited in the Quality Care  
17 Fund established in ORS 443.001.

18 “(11) Notwithstanding any other provision of this section or ORS 443.725  
19 or 443.738, the licensing agency may issue a 60-day provisional license to a  
20 qualified person if the agency determines that an emergency situation exists  
21 after being notified that the licensed provider of an adult foster home is no  
22 longer overseeing operation of the adult foster home.

23 **“SECTION 8.** ORS 441.406, as amended by section 17, chapter 61, Oregon  
24 Laws 2018, is amended to read:

25 “441.406. (1) The Long Term Care Ombudsman shall carry out the fol-  
26 lowing duties:

27 “(a) Investigate and resolve complaints made by or for residents of long  
28 term care facilities about administrative actions that may adversely affect  
29 their health, safety, welfare or rights, including subpoenaing any person to  
30 appear, to give sworn testimony or to produce documentary or other evidence

1 that is reasonably material to any matter under investigation.

2 “(b) **Notify the Department of Human Services or the Oregon**  
3 **Health Authority about disease outbreaks reported by residents to the**  
4 **ombudsman or identified by the ombudsman.**

5 “[b] (c) Undertake, participate in or cooperate with persons and agen-  
6 cies in such conferences, inquiries, meetings or studies as may lead to im-  
7 provements in the functioning of long term care facilities.

8 “[c] (d) Monitor the development and implementation of federal, state  
9 and local laws, regulations and policies that relate to long term care facili-  
10 ties in this state.

11 “[d] (e) Provide information to public agencies about the problems of  
12 residents of long term care facilities.

13 “[e] (f) Work closely with cooperative associations and citizen groups  
14 in this state and the state protection and advocacy system under ORS  
15 192.517.

16 “[f] (g) Widely publicize the Long Term Care Ombudsman’s services,  
17 purpose and mode of operation.

18 “[g] (h) Collaborate with the Oregon Health Authority, the Department  
19 of Human Services, the Long Term Care Administrators Board and any other  
20 appropriate agencies and organizations to establish a statewide system to  
21 collect and analyze information on complaints and conditions in long term  
22 care facilities for the purpose of publicizing improvements and resolving  
23 significant problems.

24 “[h] (i) Contract with the state protection and advocacy system de-  
25 scribed in ORS 192.517 (1) to provide services and assistance to persons who  
26 are prospective or current residents of a mental health treatment facility or  
27 of a residential facility for individuals with developmental disabilities when  
28 the system has received a notice regarding the person pursuant to ORS  
29 125.060 (7)(c) or (8)(c).

30 “[i] (j) Appoint designees to serve as local representatives of the office

1 of the Long Term Care Ombudsman in various districts of the state and  
2 regularly monitor their functions.

3 “[j] (k) Specify qualifications and duties of designees.

4 “[k] (L) Adopt rules necessary for carrying out ORS 441.402 to 441.414,  
5 after consultation with the Residential Ombudsman and Public Guardianship  
6 Advisory Board.

7 “[L] (m) Provide periodically, or at least annually, a report to the  
8 Governor, authority, department and Legislative Assembly.

9 “[m] (n) Prepare necessary reports with the assistance of the authority  
10 and the department.

11 “[n] (o) Advise and support the Oregon Public Guardian and  
12 Conservator appointed under ORS 125.678.

13 “[o] (p) Supervise, monitor, advise and support the Residential Facilities  
14 Ombudsman appointed under ORS 443.382.

15 “(2) At least quarterly, the Department of Human Services shall provide  
16 the Long Term Care Ombudsman with a list of the number of licensed or  
17 certified beds in each long term care facility for which the ombudsman has  
18 responsibilities under this section.

19 **“SECTION 9.** ORS 441.413 is amended to read:

20 “441.413. (1) The Long Term Care Ombudsman shall appoint designees, in  
21 consultation with local screening committees **that are appointed by and**  
22 **serve at the pleasure of the ombudsman**, that may consist of but not be  
23 limited to persons representing:

24 “(a) The area agency, as defined in ORS 410.040.

25 “(b) The local office of the Department of Human Services.

26 “(c) The local health department.

27 “(d) Senior citizens groups in the area.

28 “(e) Local elected officials.

29 “(2) To be appointed as a designee, a person must complete an initial  
30 training, as prescribed by the Long Term Care Ombudsman by rule, and at-



1 tend quarterly training sessions that are approved by the ombudsman and  
2 that shall be coordinated and funded by the Department of Human Services  
3 and the Oregon Health Authority, subject to the availability of funds. **The**  
4 **training must include instruction on how to identify and report disease**  
5 **outbreaks.** [*Local screening committees shall be appointed by and serve at the*  
6 *pleasure of the ombudsman.*]

7 “(3) Designees must sign a contract with the state that outlines the scope  
8 of their duties. In districts where a designee is an employee or agent of a  
9 local entity, a three-party contract shall be executed. Violation of the con-  
10 tract is cause for the termination of the appointment. A directory of all  
11 designees shall be maintained in the office of the Long Term Care Ombuds-  
12 man.

13 “(4) The qualifications of designees shall include experience with long  
14 term care facilities or residents or potential residents of long term care fa-  
15 cilities, and the ability to communicate well, to understand laws, rules and  
16 regulations, and to be assertive, yet objective.

17 “(5) Applicants who have experience in either social service, mental  
18 health, developmental disability services, gerontology, nursing or paralegal  
19 work shall be given preference in the appointment of designees.

20 “(6) The contract shall include statements that the purpose of the Long  
21 Term Care Ombudsman Program is to:

22 “(a) Promote rapport and trust between the residents and staff of the long  
23 term care facilities and Long Term Care Ombudsman;

24 “(b) Assist residents with participating more actively in determining the  
25 delivery of services at the facilities;

26 “(c) Serve as an educational resource;

27 “(d) Receive, resolve or relay concerns to the Long Term Care Ombuds-  
28 man or the appropriate agency; and

29 “(e) Ensure equitable resolution of problems.

30 “(7) The duties of the designees are to:

- 1       “(a) Visit each assigned long term care facility on a regular basis:  
2       “(A) Upon arrival and departure, inform a specified staff member.  
3       “(B) Review, with a specified staff member, any problems or concerns that  
4 need to be considered.  
5       “(C) Visit individual residents and resident councils.  
6       “(b) Maintain liaison with appropriate agencies and the Long Term Care  
7 Ombudsman.  
8       “(c) Report, in writing, monthly to the Long Term Care Ombudsman.  
9       “(d) Keep residents and staff informed of the Long Term Care Ombudsman  
10 Program.  
11       “(e) Periodically review the rights prescribed in ORS 441.605, 441.610 and  
12 441.612, and any other applicable rights to services, with residents, families,  
13 guardians, administrators and staff of long term care facilities.  
14       “(f) Perform other related duties as specified.

15       **“SECTION 10. Sections 1 and 2 of this 2019 Act and the amendments  
16 to ORS 433.004, 441.025, 441.406, 441.413, 443.415, 443.425 and 443.735 by  
17 sections 3 to 9 of this 2019 Act apply to the issuance or renewal of a  
18 license for a long term care facility, conversion facility, residential  
19 care facility or adult foster home on or after the effective date of this  
20 2019 Act.”**

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