

HB 5019 A BUDGET REPORT and MEASURE SUMMARY

Carrier: Rep. Nosse

Joint Committee On Ways and Means

Action Date: 06/04/21

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

House Vote

Yeas: 11 - Bynum, Drazan, Gomberg, Leif, McLain, Nosse, Rayfield, Sanchez, Smith G, Sollman, Stark

Senate Vote

Yeas: 12 - Anderson, Frederick, Girod, Golden, Gorsek, Hansell, Johnson, Knopp, Lieber, Steiner Hayward, Taylor, Thomsen

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Reviewed By: Gregory Jolivette, Legislative Fiscal Office

**Long Term Care Ombudsman
2021-23**

Budget Summary*

	2019-21	2021 - 23	2021-23	Committee Change from 2019-21 Leg.	
	Legislatively Approved Budget ⁽¹⁾	Current Service Level	Committee Recommendation	Approved	
				\$ Change	% Change
General Fund	\$ 7,558,394	\$ 9,114,584	\$ 10,874,096	\$ 3,315,702	43.9%
Other Funds Limited	\$ 1,111,464	\$ 919,514	\$ 894,088	\$ (217,376)	-19.6%
Total	\$ 8,669,858	\$ 10,034,098	\$ 11,768,184	\$ 3,098,326	35.7%

Position Summary

Authorized Positions	30	30	36	6
Full-time Equivalent (FTE) positions	29.14	29.50	35.50	6.36

⁽¹⁾ Includes adjustments through January 2021

* Excludes Capital Construction expenditures

Summary of Revenue Changes

The Long Term Care Ombudsman (LTCO) is primarily funded with General Fund (approximately 92%) and also receives funding from the Oregon Department of Human Services (DHS) for the LTCO program and the Residential Facilities Ombudsman (RFO) program. The LTCO program receives Senior Medicare Patrol grant funds and federal Older Americans Act (OAA) funds. These resources are expended as Other Funds within the LTCO budget. In 2021-23, the LTCO anticipates receiving less in OAA funding than is needed to fund current staff at the current General Fund/Other Funds split, as such, the Subcommittee approved a revenue reduction package (070) to reduce Other Funds by \$74,641. For the RFO program, the Agency receives civil penalties and fines from DHS, levied against licensed facilities serving Individuals with intellectual and/or Developmental Disabilities and mental health clients. The Oregon Public Guardian program is solely funded with General Fund.

Summary of Human Services Subcommittee Action

The Long Term Care Ombudsman’s (LTCO) mission is to protect individual rights, promote independence, and ensure quality of life for Oregonians living in long-term care and residential facilities, as well as those 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 Program (OPG).

The Subcommittee recommended a budget of \$11,768,184 total funds (\$10,874,096 General Fund and \$894,088 Other Funds expenditure limitation) and 36 positions (35.50 FTE). This represents a total funds increase of 35.7% from the 2019-21 Legislatively Approved Budget. The Agency position count and full-time equivalent positions are increased by six (6.36 FTE).

Long Term Care Ombudsman

The LTCO program, established per Title VII of the Older Americans Act (OAA), coordinates a network of trained and certified volunteer ombudsmen who regularly visit long-term care residents and monitor facilities in which they reside. As the volunteers receive complaints, these volunteers advocate for residents of licensed long-term care facilities and investigate and resolve complaints made by, or on behalf of these residents. The complaints are referred to local adult protective services offices for investigation. The program is led by the State Long-Term Care Ombudsman, who serves in the capacity of agency director and additional professional staff who provide technical support and training for these volunteers. This budget structure also includes the RFO program, created by SB 626 (2013), which provides advocacy for persons with intellectual/developmental disabilities 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 Subcommittee recommended a budget of \$7,779,757 total funds (\$6,885,669 General Fund and \$894,088 Other Funds expenditure limitation) and 24 positions (23.50 FTE). The Subcommittee recommended the following packages:

Package 070: Revenue Shortfalls. This package reduces Other Funds expenditure limitation by \$74,641 and eliminates 0.31 FTE, due to a shortfall of federal Older American Act (OAA) funds. These funds are received as Other Funds through a transfer from the Oregon Department of Human Services (DHS). The Agency cannot maintain the current General Fund/Other Funds split for current employees, as these revenues have not kept pace with projected personal services cost increases.

Package 087: August 2020 Special Session. This package provides Other Funds expenditure limitation for federal CARES Act dollars received in 2019-21, which the Agency intends to spend in 2021-23. The Agency received \$267,041 via the CARES Act through the state funding formula normally used for OAA Title VII funding. This funding is passed through to LTCO from DHS, as Other Funds. The Agency anticipates spending \$46,041 in 2021-23, prior to the deadline of the grant, which is December 30, 2021.

Package 099: Microsoft 365 Consolidation. Microsoft 365 is being consolidated within the Office of the State Information Officer at the E5 level of service. This cost is built into the State Government Service Charge for every agency as a cost increase for the 2021-23 biennium. This package makes a corresponding reduction to the agency base budget in an amount equivalent to what agencies should be paying in the current 2019-21 biennium for Microsoft 365 at the E3 level of service.

Package 101: Restore Position lost in OF Shortfall. This package adds \$74,641 General Fund and 0.31 FTE to restore a Deputy Ombudsman position. In the past, the position has been supported entirely by Other Funds; however, statewide personal service adjustments caused the cost of the position to exceed available grants resulting in an Other Funds shortfall package that reduced the position by 0.31 FTE.

Package 801: LFO Analyst Adjustments. This package adds \$23,269 General Fund and Other Funds expenditure limitation of \$3,174 to support the reclassification of three positions in the LTCO program. The reclassifications include an Office Specialist position moving to an Office Coordinator; a Research Analyst 1 position is changed to a Research Analyst 2; the Deputy Director position is changed from a Principal Executive Manager D to Principal Executive Manager E; and a Residential Facilities Ombudsman position from a Program Analyst 4 to a Principal Executive Manager D. The reclassifications have been reviewed and determined to be appropriate by the Department of Administrative Services' Chief Human Resources Office

Public Guardian and Conservator Program

The Oregon Public Guardian (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 recommended a budget of \$3,988,427 General Fund and 12 positions (12.00 FTE). The Subcommittee recommended the following packages:

Package 099: Microsoft 365 Consolidation. Microsoft 365 is being consolidated within the Office of the State Information Officer at the E5 level of service. This cost is built into the State Government Service Charge for every agency as a cost increase for the 2021-23 biennium. This package makes a corresponding reduction to the agency base budget in an amount equivalent to what agencies should be paying in the current 2019-21 biennium for Microsoft 365 at the E3 level of service.

Package 103: Guardianship Services for Oregon's Most Vulnerable Adults. This package adds \$1,656,921 General Fund to fund six permanent positions (6.00 FTE) in the Oregon Public Guardian program, including five Program Analyst 2 positions to serve as Deputy Public Guardians, and one Program Analyst 1 position to serve as a Case Manager. With this package, the number of vulnerable Oregonians served by the program is expected to double, going from approximately 85 individuals to 170 individuals.

Package 801: LFO Analyst Adjustments. This package adds \$25,843 General Fund to reclassify one of the five Deputy Public Guardian positions provided in Package 103. The position will change from a Program Analyst 2 to a Program Analyst 4, and will serve as the Deputy Program Manager of the OPG program. This package also reclassifies the Public Guardian from a Program Analyst 4 to a Principal Executive Manager D. The reclassifications have been reviewed and determined to be appropriate by the Department of Administrative Services' Chief Human Resources Office.

Summary of Performance Measure Action

See attached Legislatively Adopted 2021-23 Key Performance Measures form.

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	LIMITED	NONLIMITED	LIMITED	NONLIMITED	ALL FUNDS	POS	FTE
2019-21 Legislatively Approved Budget at Jan. 2021*	\$ 7,558,394	\$ -	\$ 1,111,464	\$ -	\$ -	\$ -	8,669,858	30	29.14
2021-23 Current Service Level (CSL)*	\$ 9,114,584	\$ -	\$ 919,514	\$ -	\$ -	\$ -	10,034,098	30	29.50
SUBCOMMITTEE ADJUSTMENTS (from CSL)									
SCR 11400-010 - Long Term Care Ombudsman									
Package 070: Revenue Shortfalls									
Personal Services	\$ 1,376	\$ -	\$ (74,641)	\$ -	\$ -	\$ -	(73,265)	0	-0.31
Services and Supplies	\$ (1,376)	\$ -	\$ -	\$ -	\$ -	\$ -	(1,376)		
Package 087: August 2020 Special Session									
Services and Supplies	\$ -	\$ -	\$ 46,041	\$ -	\$ -	\$ -	46,041		
Package 099: Microsoft 365 Consolidation									
Services and Supplies	\$ (14,743)	\$ -	\$ -	\$ -	\$ -	\$ -	(14,743)		
Package 101: Restore Position lost in OF Shortfall									
Personal Services	\$ 73,264	\$ -	\$ -	\$ -	\$ -	\$ -	73,264	0	0.31
Services and Supplies	\$ 1,377	\$ -	\$ -	\$ -	\$ -	\$ -	1,377		
Package 801: LFO Analyst Adjustments									
Personal Services	\$ 23,269	\$ -	\$ 3,174	\$ -	\$ -	\$ -	26,443	0	0.00
SCR 11400-020 - Public Guardian and Conservator Program									
Package 099: Microsoft 365 Consolidation									
Services and Supplies	\$ (6,419)	\$ -	\$ -	\$ -	\$ -	\$ -	(6,419)		
Package 103: Guardianship Services for Oregon's Most Vulnerable Adults									
Personal Services	\$ 1,237,219	\$ -	\$ -	\$ -	\$ -	\$ -	1,237,219	6	6.00
Services and Supplies	\$ 419,702	\$ -	\$ -	\$ -	\$ -	\$ -	419,702		
Package 801: LFO Analyst Adjustments									
Personal Services	\$ 25,843	\$ -	\$ -	\$ -	\$ -	\$ -	25,843	0	0.00
TOTAL ADJUSTMENTS	\$ 1,759,512	\$ -	\$ (25,426)	\$ -	\$ -	\$ -	1,734,086	6	6.00
SUBCOMMITTEE RECOMMENDATION *	\$ 10,874,096	\$ -	\$ 894,088	\$ -	\$ -	\$ -	11,768,184	36	35.50
% Change from 2019-21 Leg Approved Budget	43.9%	0.0%	-19.6%	0.0%	0.0%	0.0%	35.7%	20.0%	21.8%
% Change from 2021-23 Current Service Level	19.3%	0.0%	-2.8%	0.0%	0.0%	0.0%	17.3%	20.0%	20.3%

*Excludes Capital Construction Expenditures

Legislatively Approved 2021 - 2023 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 2022	Target 2023
1. Percentage of non-referred complaints to LTCO where action is needed that are partially or fully resolved.		Approved	89%	98%	98%
2. Average initial response time, measured in business days, to LTCO non-referred cases.		Approved	1.17	1.50	1.50
3. Average time, measured in business days, to close LTCO non-referred cases.		Approved	13.46	17	17
4. Percent of NF and ALF/RCF facilities to which a Long-Term Care Certified Ombudsman is assigned.		Approved	47%	70%	70%
5. Long-Term Care Certified Ombudsman hours.		Approved	15,848	29,000	29,000
6. Number of hospitalizations, ER visits, arrests, or psychiatric holds of OPGC clients during the reporting period.		Approved	0.96	1	1
7. Number of referrals diverted away from OPGC by finding less restrictive alternatives.		Approved	64.90%	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	82%	90%	90%
	Helpfulness		89%	90%	90%
	Expertise		87%	90%	90%
	Overall		86%	90%	90%
	Timeliness		92%	90%	90%
	Availability of Information		80%	90%	90%

LFO Recommendation:

Approve the proposed 2021-23 key performance measures and targets as shown.

SubCommittee Action:

Approved the 2021-23 Key Performance Measures.