

HOUSE AMENDMENTS TO HOUSE BILL 2394

By COMMITTEE ON HUMAN SERVICES

April 16

1 On page 1 of the printed bill, delete lines 12 through 28 and delete pages 2 through 5.

2 On page 6, delete lines 1 through 26 and insert:

3 **“SECTION 2. (1) As used in this section:**

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

5 **“(b) ‘Epidemic’ has the meaning given that term in ORS 431A.005.**

6 **“(c) ‘Outbreak response plan’ means a protocol established by a long term care facility**
7 **for isolating infected and at-risk residents at the facility in the event of a disease outbreak.**

8 **“(d) ‘Public emergency’ includes:**

9 **“(A) A state of emergency declared pursuant to ORS 401.165 based on a disease outbreak**
10 **or epidemic; and**

11 **“(B) A public health emergency declared pursuant to ORS 433.441.**

12 **“(2) A long term care facility shall have an isolation prevention plan, as part of the**
13 **facility’s emergency response plan, that must be provided to any resident or member of the**
14 **public upon request. The plan must ensure, to the greatest extent practicable, that:**

15 **“(a) Residents of the facility continue to engage in in-person contact and communication**
16 **with other facility residents and with family members, friends and other external support**
17 **systems during a public emergency, if a resident desires the contact and communication, to**
18 **the extent that the in-person contact and communication is consistent with the circum-**
19 **stances of the public emergency, orders that have been issued to address the public emer-**
20 **gency and the facility’s outbreak response plan.**

21 **“(b) If in-person contact and communication is physically impossible due to guidelines,**
22 **requirements or other official limitations imposed on in-person contact and communication,**
23 **residents of the facility, including residents who are physically isolated due to the facility’s**
24 **outbreak response plan, can engage, as a resident reasonably desires, in face-to-face, verbal**
25 **or auditory contact and communication with other facility residents and with family mem-**
26 **bers, friends and other external support systems through the use of electronic or virtual**
27 **means or methods, including but not limited to computer technology, the Internet, social**
28 **media, videoconferencing or other technological means or methods.**

29 **“(c) Residents who experience cognitive impairments that limit their ability to express**
30 **their desires for virtual contact or communication with family members, friends or external**
31 **support systems have the opportunity for such contact or communication, including by re-**
32 **quiring staff to reach out to individuals listed on a resident’s care plan to inform the indi-**
33 **viduals that contact or communication is available.**

34 **“(d) Residents who have disabilities that impede their ability to communicate, including**
35 **but not limited to residents who are blind, deaf or deaf-blind or have cognitive limitations,**

1 including Alzheimer’s disease or other form of dementia, have access to assistive and sup-
2 portive technology as necessary to facilitate their face-to-face, verbal or auditory contact
3 with other facility residents and with family members, friends and other external support
4 systems.

5 “(e) The facility staff assists residents, if necessary, in successfully accessing and using
6 the equipment and technology acquired in accordance with subsection (4) of this section.

7 “(3) Notwithstanding subsection (2)(c) of this section, a resident may not be required to
8 engage in virtual contact or communication.

9 “(4) A long term care facility must acquire and maintain computers, videoconferencing
10 equipment, distance-based communications technology, assistive and supportive technology
11 and devices and other technological equipment as may be necessary to ensure that in the
12 event of a public emergency, the facility can comply with the requirements of subsection (2)
13 of this section.

14 “(5) The Department of Human Services may provide financial assistance to a long term
15 care facility out of funds from the Quality Care Fund, established in ORS 443.001, to enable
16 the facility to purchase equipment and technology described in subsection (4) of this section.

17
18 **“ISOLATION PREVENTION PLANS**
19 **FOR RESIDENTIAL FACILITIES**
20

21 **“SECTION 3.** Section 4 of this 2021 Act is added to and made a part of ORS 443.400 to
22 **443.455.**

23 **“SECTION 4.** (1) As used in this section:

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

25 **“(b) ‘Epidemic’** has the meaning given that term in ORS 431A.005.

26 **“(c) ‘Outbreak response plan’** means a protocol established by a residential facility for
27 isolating infected and at-risk residents at the facility in the event of a disease outbreak.

28 **“(d) ‘Public emergency’** includes:

29 **“(A) A state of emergency** declared pursuant to ORS 401.165 based on a disease outbreak
30 or epidemic; and

31 **“(B) A public health emergency** declared pursuant to ORS 433.441.

32 **“(2) A residential facility** shall have an isolation prevention plan, as part of the facility’s
33 emergency response plan, that must be provided to any resident or member of the public
34 upon request. The plan must ensure, to the greatest extent practicable, that:

35 **“(a) Residents of the facility** continue to engage in in-person contact and communication
36 with other facility residents and with family members, friends and other external support
37 systems during a public emergency, if a resident desires the contact and communication, to
38 the extent that the in-person contact and communication is consistent with the circum-
39 stances of the public emergency, orders that have been issued to address the public emer-
40 gency and the facility’s outbreak response plan.

41 **“(b) If in-person contact and communication** is physically impossible due to guidelines,
42 requirements or other official limitations imposed on in-person contact and communication,
43 residents of the facility, including residents who are physically isolated due to the facility’s
44 outbreak response plan, can engage, as a resident reasonably desires, in face-to-face, verbal
45 or auditory contact and communication with other facility residents and with family mem-

1 bers, friends and other external support systems through the use of electronic or virtual
2 means or methods, including but not limited to computer technology, the Internet, social
3 media, videoconferencing or other technological means or methods.

4 “(c) Residents who experience cognitive impairments that limit their ability to express
5 their desires for virtual contact or communication with family members, friends or external
6 support systems have the opportunity for such contact or communication, including by re-
7 quiring staff to reach out to individuals listed on a resident’s care plan to inform the indi-
8 viduals that contact or communication is available.

9 “(d) Residents who have disabilities that impede their ability to communicate, including
10 but not limited to residents who are blind, deaf or deaf-blind or have cognitive limitations,
11 including Alzheimer’s disease or other form of dementia, have access to assistive and sup-
12 portive technology as necessary to facilitate their face-to-face, verbal or auditory contact
13 with other facility residents and with family members, friends and other external support
14 systems.

15 “(e) The facility staff assists residents, if necessary, in successfully accessing and using
16 the equipment and technology acquired in accordance with subsection (4) of this section.

17 “(3) Notwithstanding subsection (2)(c) of this section, a resident may not be required to
18 engage in virtual contact or communication.

19 “(4) A residential facility must acquire and maintain computers, videoconferencing
20 equipment, distance-based communications technology, assistive and supportive technology
21 and devices and other technological equipment as may be necessary to ensure that in the
22 event of a public emergency, the facility can comply with the requirements of subsection (2)
23 of this section.

24 “(5) The Department of Human Services may provide financial assistance to a residential
25 facility out of funds from the Quality Care Fund, established in ORS 443.001, to enable the
26 facility to purchase equipment and technology described in subsection (4) of this section.

27
28 **“ISOLATION PREVENTION PLANS**
29 **FOR ADULT FOSTER HOMES**
30

31 **“SECTION 5.** Section 6 of this 2021 Act is added to and made a part of ORS 443.705 to
32 **443.825.**

33 **“SECTION 6.** (1) As used in this section:

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

35 **“(b) ‘Epidemic’** has the meaning given that term in ORS 431A.005.

36 **“(c) ‘Outbreak response plan’** means a protocol established by an adult foster home for
37 isolating infected and at-risk residents at the home in the event of a disease outbreak.

38 **“(d) ‘Public emergency’** includes:

39 **“(A) A state of emergency** declared pursuant to ORS 401.165 based on a disease outbreak
40 or epidemic; and

41 **“(B) A public health emergency** declared pursuant to ORS 433.441.

42 **“(2) An adult foster home** shall have an isolation prevention plan, as part of the home’s
43 emergency response plan, that must be provided to any resident or member of the public
44 upon request. The plan must ensure, to the greatest extent practicable, that:

45 **“(a) Residents of the adult foster home** continue to engage in in-person contact and

1 communication with other residents in the home and with family members, friends and other
2 external support systems during a public emergency, if a resident desires the contact and
3 communication, to the extent that the in-person contact and communication is consistent
4 with the circumstances of the public emergency, orders that have been issued to address the
5 public emergency and the home's outbreak response plan.

6 “(b) If in-person contact and communication is physically impossible due to guidelines,
7 requirements or other official limitations imposed on in-person contact and communication,
8 residents in the home, including residents who are physically isolated due to the home's
9 outbreak response plan, can engage, as a resident reasonably desires, in face-to-face, verbal
10 or auditory contact and communication with other residents in the home and with family
11 members, friends and other external support systems through the use of electronic or virtual
12 means or methods, including but not limited to computer technology, the Internet, social
13 media, videoconferencing or other technological means or methods.

14 “(c) Residents who experience cognitive impairments that limit their ability to express
15 their desires for virtual contact or communication with family members, friends or external
16 support systems have the opportunity for such contact or communication, including by re-
17 quiring staff to reach out to individuals listed on a resident's care plan to inform the indi-
18 viduals that contact or communication is available.

19 “(d) Residents who have disabilities that impede their ability to communicate, including
20 but not limited to residents who are blind, deaf or deaf-blind or have cognitive limitations,
21 including Alzheimer's disease or other form of dementia, have access to assistive and sup-
22 portive technology as necessary to facilitate their face-to-face, verbal or auditory contact
23 with other residents in the home and with family members, friends and other external sup-
24 port systems.

25 “(e) The staff of the adult foster home assists residents, if necessary, in successfully
26 accessing and using the equipment and technology acquired in accordance with subsection
27 (4) of this section.

28 “(3) Notwithstanding subsection (2)(c) of this section, a resident may not be required to
29 engage in virtual contact or communication.

30 “(4) An adult foster home must acquire and maintain computers, videoconferencing
31 equipment, distance-based communications technology, assistive and supportive technology
32 and devices and other technological equipment as may be necessary to ensure that in the
33 event of a public emergency, the home can comply with the requirements of subsection (2)
34 of this section.

35 “(5) The Department of Human Services may provide financial assistance to an adult
36 foster home out of funds from the Quality Care Fund, established in ORS 443.001, to enable
37 the home to purchase equipment and technology described in subsection (4) of this section.

38
39 **“ISOLATION PREVENTION PLANS**
40 **FOR FACILITIES WITH**
41 **MEMORY CARE ENDORSEMENTS**
42

43 **“SECTION 7.** ORS 443.886 is amended to read:

44 “443.886. (1) If a facility intends to provide care for residents with Alzheimer's disease or other
45 forms of dementia by means of an endorsed memory care community, the facility must obtain a

1 memory care endorsement on its license or registration.

2 “(2) The Department of Human Services, with the input from representatives of advocate groups
3 and the long term care industry, shall adopt by rule standards that ensure that the special needs
4 of any resident with Alzheimer’s disease or other form of dementia who is cared for in an endorsed
5 memory care community are met and that quality care is provided. The standards must include but
6 are not limited to provisions for:

7 “(a) Care planning, including physical design, staffing, staff training, safety, egress control, in-
8 dividual care planning, admission policy, family involvement, therapeutic activities and social ser-
9 vices;

10 “(b) Continuity of basic care requirements; and

11 “(c) Marketing and advertising of the availability of and services from endorsed memory care
12 communities.

13 “(3) The department shall adopt a fee schedule for memory care endorsement, taking into ac-
14 count the type of facility and the number of residents.

15 “(4) The department shall enforce rules adopted under subsection (2) of this section and shall
16 allow a licensee or registrant to retain the memory care endorsement required to care for residents
17 with Alzheimer’s disease or other forms of dementia only as long as the licensee or registrant com-
18 plies with the rules.

19 “(5) The memory care endorsement may be suspended or revoked in the same manner as the li-
20 cense or registration is suspended or revoked.

21 “(6) Unless a facility has obtained the memory care endorsement required by subsection (1) of
22 this section, the facility may not:

23 “(a) Advertise the facility as providing an Alzheimer’s care unit or memory care community; or

24 “(b) Market the facility as providing an Alzheimer’s care unit or memory care community.

25 “(7) **A facility with a memory care endorsement shall have an isolation prevention plan,**
26 **as part of the facility’s emergency response plan, that must be provided to any resident or**
27 **member of the public upon request. The plan must ensure, to the greatest extent practicable,**
28 **that:**

29 “(a) **Residents of the facility continue to engage in in-person contact and communication**
30 **with other facility residents and with family members, friends and other external support**
31 **systems during a public emergency, if a resident desires the contact and communication, to**
32 **the extent that the in-person contact and communication is consistent with the circum-**
33 **stances of the public emergency, orders that have been issued to address the public emer-**
34 **gency and the facility’s outbreak response plan.**

35 “(b) **If in-person contact and communication is physically impossible due to guidelines,**
36 **requirements or other official limitations imposed on in-person contact and communication,**
37 **residents of the facility, including residents who are physically isolated due to the facility’s**
38 **outbreak response plan, can engage, as a resident reasonably desires, in face-to-face, verbal**
39 **or auditory contact and communication with other facility residents and with family mem-**
40 **bers, friends and other external support systems through the use of electronic or virtual**
41 **means or methods, including but not limited to computer technology, the Internet, social**
42 **media, videoconferencing or other technological means or methods.**

43 “(c) **Residents who experience cognitive impairments that limit their ability to express**
44 **their desires for virtual contact or communication with family members, friends or external**
45 **support systems have the opportunity for such contact or communication, including by re-**

1 **quiring staff to reach out to individuals listed on a resident’s care plan to inform the indi-**
2 **viduals that contact or communication is available.**

3 **“(d) Residents who have disabilities that impede their ability to communicate, including**
4 **but not limited to residents who are blind, deaf or deaf-blind or have cognitive limitations,**
5 **including Alzheimer’s disease or other form of dementia, have access to assistive and sup-**
6 **portive technology as necessary to facilitate their face-to-face, verbal or auditory contact**
7 **with other facility residents and with family members, friends and other external support**
8 **systems.**

9 **“(e) The facility staff assists residents, if necessary, in successfully accessing and using**
10 **the equipment and technology acquired in accordance with subsection (9) of this section.**

11 **“(8) Notwithstanding subsection (7)(c) of this section, a resident may not be required to**
12 **engage in virtual contact or communication.**

13 **“(9) A facility with a memory care endorsement must acquire and maintain computers,**
14 **videoconferencing equipment, distance-based communications technology, assistive and sup-**
15 **portive technology and devices and other technological equipment as may be necessary to**
16 **ensure that in the event of a public emergency, the facility can comply with the require-**
17 **ments of subsection (7) of this section.**

18 **“(10) The Department of Human Services may provide financial assistance to a facility**
19 **with a memory care endorsement out of funds from the Quality Care Fund, established in**
20 **ORS 443.001, to enable the facility to purchase equipment and technology described in sub-**
21 **section (9) of this section.**

22 **“[(7)] (11) As used in this section:**

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

24 **“[(a)] (b) ‘Endorsed memory care community’ means a special care unit in a designated, sepa-**
25 **rated area for residents with Alzheimer’s disease or other forms of dementia that is locked or se-**
26 **cured to prevent or limit access by a resident outside the designated or separated area.**

27 **“(c) ‘Epidemic’ has the meaning given that term in ORS 431A.005.**

28 **“[(b)] (d) ‘Facility’ means a long term care facility, residential care facility, assisted living fa-**
29 **ility or any other like facility required to be licensed by the department.**

30 **“(e) ‘Public emergency’ includes:**

31 **“(A) A state of emergency declared pursuant to ORS 401.165 based on a disease outbreak**
32 **or epidemic; and**

33 **“(B) A public health emergency declared pursuant to ORS 433.441.**

34 **“[(c) ‘Registry’ means a facility will provide the department with information relating to the en-**
35 **dorsed memory care community, including the number of residents in the community, the stage of**
36 **dementia for each resident, a description of how services are provided and the length of time the com-**
37 **munity has been operating.]**

38
39 **“IMPLEMENTATION**

40
41 **“SECTION 8. A long term care facility, a residential facility, an adult foster home and a**
42 **facility with a memory care endorsement shall submit an isolation prevention plan to the**
43 **Department of Human Services no later than the earlier of six months after the effective**
44 **date of this 2021 Act or the time when the facility or home updates its emergency response**
45 **plan, regardless of whether the department has adopted rules to carry out the provisions of**

1 **section 2, 4 or 6 of this 2021 Act or the amendments to ORS 443.886 by section 7 of this 2021**
2 **Act.”**
3 _____