

# House Bill 2394

Sponsored by Representative PRUSAK, Senator GELSER (Pre-session filed.)

## 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 **as introduced**.

Requires long term care facilities, residential facilities, adult foster homes and facilities with memory care endorsements to have isolation prevention plans to enable residents to communicate with other residents, family members, friends or other external support systems during public emergency. Authorizes Department of Human Services to provide financial assistance to long term care facilities, residential facilities, adult foster homes and facilities with memory care endorsements to enable purchase of necessary equipment and technology.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to preventing the social isolation of individuals in community-based care settings during  
3 public emergencies; creating new provisions; amending ORS 443.886; and declaring an emer-  
4 gency.

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

## ISOLATION PREVENTION PLANS FOR LONG TERM CARE FACILITIES

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10 **SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS 441.015 to**  
11 **441.087.**

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

13 (a) "Disease outbreak" has the meaning given that term in ORS 431A.005.

14 (b) "Epidemic" has the meaning given that term in ORS 431A.005.

15 (c) "Outbreak response plan" means a protocol established by a long term care facility  
16 for isolating infected and at-risk residents at the facility in the event of a disease outbreak.

17 (d) "Public emergency" includes:

18 (A) A state of emergency declared pursuant to ORS 401.165 based on a disease outbreak  
19 or epidemic; and

20 (B) A public health emergency declared pursuant to ORS 433.441.

21 (2) A long term care facility shall have an isolation prevention plan, approved by the  
22 Department of Human Services, that must be provided to any resident or member of the  
23 public upon request. The plan must ensure that:

24 (a) Residents of the facility continue to engage in in-person contact and communication  
25 with other facility residents and with family members, friends and other external support  
26 systems during a public emergency to the extent that such in-person contact is consistent  
27 with the circumstances of the public emergency, orders that have been issued to address the  
28 public emergency and the facility's outbreak response plan.

**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 (b) If in-person contact and communication is physically impossible due to guidelines,  
 2 requirements or other official limitations imposed on in-person contact and communication,  
 3 residents of the facility, including residents who are physically isolated due the facility's  
 4 outbreak response plan, can engage, at least three times each week, in face-to-face, verbal  
 5 or auditory contact and communication with other facility residents and with family mem-  
 6 bers, friends and other external support systems through the use of electronic or virtual  
 7 means or methods, including but not limited to computer technology, the Internet, social  
 8 media, videoconferencing or other technological means or methods.

9 (c) Residents who have disabilities that impede their ability to communicate, including  
 10 but not limited to residents who are blind, deaf or deaf-blind, and residents who have intel-  
 11 lectual or developmental disabilities have access to assistive and supportive technology as  
 12 necessary to facilitate their face-to-face, verbal or auditory contact with other facility resi-  
 13 dents and with family members, friends and other external support systems.

14 (d) The facility employs a sufficient number of qualified staff to train and daily assist  
 15 residents in successfully accessing and using the equipment and technology acquired in ac-  
 16 cordance with subsection (3) of this section.

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

22 (4) The department may provide financial assistance to a long term care facility out of  
 23 funds from the Quality Care Fund, established in ORS 443.001, to enable the facility to pur-  
 24 chase equipment and technology described in subsection (3) of this section.

25  
 26 **ISOLATION PREVENTION PLANS**  
 27 **FOR RESIDENTIAL FACILITIES**  
 28

29 **SECTION 3.** Section 4 of this 2021 Act is added to and made a part of ORS 443.400 to  
 30 **443.455.**

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

32 (a) "Disease outbreak" has the meaning given that term in ORS 431A.005.

33 (b) "Epidemic" has the meaning given that term in ORS 431A.005.

34 (c) "Outbreak response plan" means a protocol established by a residential facility for  
 35 isolating infected and at-risk residents at the facility in the event of a disease outbreak.

36 (d) "Public emergency" includes:

37 (A) A state of emergency declared pursuant to ORS 401.165 based on a disease outbreak  
 38 or epidemic; and

39 (B) A public health emergency declared pursuant to ORS 433.441.

40 (2) A residential facility shall have an isolation prevention plan, approved by the Depart-  
 41 ment of Human Services, that must be provided to any resident or member of the public  
 42 upon request. The plan must ensure that:

43 (a) Residents of the facility continue to engage in in-person contact and communication  
 44 with other facility residents and with family members, friends and other external support  
 45 systems during a public emergency to the extent that such in-person contact is consistent

1 with the circumstances of the public emergency, orders that have been issued to address the  
 2 public emergency and the facility’s outbreak response plan.

3 (b) If in-person contact and communication is physically impossible due to guidelines,  
 4 requirements or other official limitations imposed on in-person contact and communication,  
 5 residents of the facility, including residents who are physically isolated due the facility’s  
 6 outbreak response plan, can engage, at least three times each week, in face-to-face, verbal  
 7 or auditory contact and communication with other facility residents and with family mem-  
 8 bers, friends and other external support systems through the use of electronic or virtual  
 9 means or methods, including but not limited to computer technology, the Internet, social  
 10 media, videoconferencing or other technological means or methods.

11 (c) Residents who have disabilities that impede their ability to communicate, including  
 12 but not limited to residents who are blind, deaf or deaf-blind, and residents who have intel-  
 13 lectual or developmental disabilities have access to assistive and supportive technology as  
 14 necessary to facilitate their face-to-face, verbal or auditory contact with other facility resi-  
 15 dents and with family members, friends and other external support systems.

16 (d) The facility employs a sufficient number of qualified staff to train and daily assist  
 17 residents in successfully accessing and using the equipment and technology acquired in ac-  
 18 cordance with subsection (3) of this section.

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

24 (4) The department may provide financial assistance to a residential facility out of funds  
 25 from the Department of Human Services Account, established in ORS 409.060, to enable the  
 26 facility to purchase equipment and technology described in subsection (3) of this section.

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

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 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, approved by the De-  
 43 partment of Human Services, that must be provided to any resident or member of the public  
 44 upon request. The plan must ensure that:

45 (a) Residents of the home continue to engage in in-person contact and communication

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

5 (b) If in-person contact and communication is physically impossible due to guidelines,  
 6 requirements or other official limitations imposed on in-person contact and communication,  
 7 residents of the home, including residents who are physically isolated due the home’s out-  
 8 break response plan, can engage, at least three times each week, in face-to-face, verbal or  
 9 auditory contact and communication with other home residents and with family members,  
 10 friends and other external support systems through the use of electronic or virtual means  
 11 or methods, including but not limited to computer technology, the Internet, social media,  
 12 videoconferencing or other technological means or methods.

13 (c) Residents who have disabilities that impede their ability to communicate, including  
 14 but not limited to residents who are blind, deaf or deaf-blind, and residents who have intel-  
 15 lectual or developmental disabilities have access to assistive and supportive technology as  
 16 necessary to facilitate their face-to-face, verbal or auditory contact with other home resi-  
 17 dents and with family members, friends and other external support systems.

18 (d) The home employs a sufficient number of qualified staff to train and daily assist  
 19 residents in successfully accessing and using the equipment and technology acquired in ac-  
 20 cordance with subsection (3) of this section.

21 (3) An adult foster home must acquire and maintain computers, videoconferencing  
 22 equipment, distance-based communications technology, assistive and supportive technology  
 23 and devices and other technological equipment as may be necessary to ensure that in the  
 24 event of a public emergency, the home can comply with the requirements of subsection (2)  
 25 of this section.

26 (4) The department may provide financial assistance to an adult foster home out of funds  
 27 from the Department of Human Services Account, established in ORS 409.060, to enable the  
 28 home to purchase equipment and technology described in subsection (3) of this section.

29  
 30 **ISOLATION PREVENTION PLANS**  
 31 **FOR FACILITIES WITH**  
 32 **MEMORY CARE ENDORSEMENTS**  
 33

34 **SECTION 7.** ORS 443.886 is amended to read:

35 443.886. (1) If a facility intends to provide care for residents with Alzheimer’s disease or other  
 36 forms of dementia by means of an endorsed memory care community, the facility must obtain a  
 37 memory care endorsement on its license or registration.

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

43 (a) Care planning, including physical design, staffing, staff training, safety, egress control, indi-  
 44 vidual care planning, admission policy, family involvement, therapeutic activities and social services;

45 (b) Continuity of basic care requirements; and

1 (c) Marketing and advertising of the availability of and services from endorsed memory care  
2 communities.

3 (3) The department shall adopt a fee schedule for memory care endorsement, taking into account  
4 the type of facility and the number of residents.

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

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

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

13 (a) Advertise the facility as providing an Alzheimer's care unit or memory care community; or

14 (b) Market the facility as providing an Alzheimer's care unit or memory care community.

15 **(7) A facility with a memory care endorsement shall have an isolation prevention plan,**  
16 **approved by the department, that must be provided to any resident or member of the public**  
17 **upon request. The plan must ensure that:**

18 **(a) Residents of the facility continue to engage in in-person contact and communication**  
19 **with other facility residents and with family members, friends and other external support**  
20 **systems during a public emergency to the extent that such in-person contact is consistent**  
21 **with the circumstances of the public emergency, orders that have been issued to address the**  
22 **public emergency and the facility's outbreak response plan.**

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

31 **(c) Residents who have disabilities that impede their ability to communicate, including**  
32 **but not limited to residents who are blind, deaf or deaf-blind, and residents who have intel-**  
33 **lectual or developmental disabilities have access to assistive and supportive technology as**  
34 **necessary to facilitate their face-to-face, verbal or auditory contact with other facility resi-**  
35 **dents and with family members, friends and other external support systems.**

36 **(d) The facility employs a sufficient number of qualified staff to train and daily assist**  
37 **residents in successfully accessing and using the equipment and technology acquired in ac-**  
38 **cordance with subsection (8) of this section.**

39 **(8) A facility must acquire and maintain computers, videoconferencing equipment,**  
40 **distance-based communications technology, assistive and supportive technology and devices**  
41 **and other technological equipment as may be necessary to ensure that in the event of a**  
42 **public emergency, the facility can comply with the requirements of subsection (7) of this**  
43 **section.**

44 **(9) The department may provide financial assistance to a facility out of funds from the**  
45 **Department of Human Services Account, established in ORS 409.060, to enable the facility to**

1 **purchase equipment and technology described in subsection (8) of this section.**

2 [(7)] (10) As used in this section:

3 (a) **“Disease outbreak” has the meaning given that term in ORS 431A.005.**

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

7 (c) **“Epidemic” has the meaning given that term in ORS 431A.005.**

8 [(b)] (d) **“Facility”** means a long term care facility, residential care facility, assisted living fa-  
9 cility or any other like facility required to be licensed by the department.

10 (e) **“Public emergency” includes:**

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

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

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

18  
19 **IMPLEMENTATION**

20  
21 **SECTION 8. A long term care facility, a residential facility, an adult foster home and a**  
22 **facility with a memory care endorsement shall submit an isolation prevention plan to the**  
23 **Department of Human Services no later than 30 days after the effective date of this 2021 Act**  
24 **regardless of whether the department has adopted rules to carry out the provisions of sec-**  
25 **tion 2, 4 or 6 of this 2021 Act or the amendments to ORS 443.886 by section 7 of this 2021**  
26 **Act.**

27  
28 **CAPTIONS**

29  
30 **SECTION 9. The unit captions used in this 2021 Act are provided only for the convenience**  
31 **of the reader and do not become part of the statutory law of this state or express any leg-**  
32 **islative intent in the enactment of this 2021 Act.**

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34 **EMERGENCY CLAUSE**

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36 **SECTION 10. This 2021 Act being necessary for the immediate preservation of the public**  
37 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**  
38 **on its passage.**

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