

Enrolled
Senate Bill 703

Sponsored by Senator PATTERSON; Senators GELSER, MANNING JR

CHAPTER

AN ACT

Relating to community-based care providers; creating new provisions; and amending ORS 443.443 and 443.447.

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

SECTION 1. ORS 443.447 is amended to read:

443.447. (1) The Quality Measurement Council is established in the Department of Human Services to prescribe how the department shall implement the Residential Care Quality Measurement Program established under ORS 443.446.

(2) The council consists of [*eight*] **nine** members, appointed by the Governor, as follows:

- (a) One individual representing the Oregon Patient Safety Commission;
- (b) One individual representing residential care facilities;
- (c) One consumer representative from an Alzheimer's advocacy organization;
- (d) One licensed health care practitioner with experience in geriatrics;
- (e) Two individuals associated with an academic institution who have expertise in research using data and analytics and in community-based care and quality reporting;
- (f) The Long Term Care Ombudsman or a designee of the Long Term Care Ombudsman; [*and*]
- (g) One individual representing the department; **and**

(h) One direct care worker or a representative of a direct care worker who works in a residential care facility.

(3)(a) On and after January 1, 2022, the council may update by rule the quality metrics to be reported by residential care facilities under ORS 443.446.

(b) In developing quality metrics the council shall consider whether the data that must be reported reflect and promote quality care and whether reporting the data is unnecessarily burdensome on residential care facilities.

SECTION 2. ORS 443.443 is amended to read:

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

- (a) A summary explanation of the services provided by the facility;
- (b) A summary explanation of the types of care that the facility does not provide;
- (c) A statement that if the facility is not capable of meeting the resident's needs for care and services, the facility may require the resident to pursue other options, including by moving to another facility or care setting;

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

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

(f) A statement of whether the facility will arrange for or otherwise coordinate hospice care for a resident upon request.

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

(a) Be in writing;

(b) Be written in plain English;

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

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

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

(3) A residential care facility must update and submit to the Department of Human Services the information described in this section at any time there is a change in management or ownership of the facility. The department shall make the information available to the public on the department's facility search website.

SECTION 3. (1) The Department of Human Services shall conduct a study of licensed residential care facilities, which includes licensed assisted living facilities and residential care facilities with memory care endorsements, to evaluate:

(a) The total cost to provide care to residents by categories prescribed by the department such as by geographic region, age of the facility or the mix of patients within a facility;

(b) The sufficiency of the reimbursement paid to facilities to meet the total cost of care for medical assistance recipients in the facilities, for each type and category of facility; and

(c) The average compensation paid to direct care workers by the facilities in each geographic area designated by ORS 653.025 (1), (2) and (3).

(2) The department may contract with a third party vendor to conduct the study.

(3) The department or a third party vendor may not make overly burdensome requests to facilities for information needed to conduct the study.

(4) The department shall publicly report the aggregate, deidentified data from the study.

(5) No later than January 1, 2023, the department shall report to the Legislative Assembly, in the manner provided in ORS 192.245, on the results of the study.

SECTION 4. Section 3 of this 2021 Act is repealed on January 2, 2023.

SECTION 5. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Human Services, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$150,000, which may be expended for carrying out the provisions of this 2021 Act.

SECTION 6. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 3 (6), chapter _____, Oregon Laws 2021 (Enrolled Senate Bill 5529), for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses from federal funds, excluding federal funds described in section 2, chapter _____, Oregon Laws 2021 (Enrolled Senate Bill 5529), collected or received by the Department of Human Services, is increased by \$150,000 for the purpose of carrying out the provisions of this 2021 Act.

Passed by Senate June 23, 2021

.....
Lori L. Brocker, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House June 25, 2021

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2021

Approved:

.....M,....., 2021

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2021

.....
Shemia Fagan, Secretary of State