

Requested by Senator GELSER

**PROPOSED AMENDMENTS TO
SENATE BILL 714**

1 On page 1 of the printed bill, line 2, after the semicolon delete the rest
2 of the line and insert “creating new provisions; amending ORS 443.886; and
3 prescribing an effective date.”.

4 Delete lines 4 through 31 and delete pages 2 and 3 and insert:

5 **“SECTION 1. As used in this section and ORS 443.886 and section 2**
6 **of this 2021 Act:**

7 **“(1) ‘Acuity-based staffing tool’ means the acuity-based staffing tool**
8 **described in ORS 443.432 or an acuity-based staffing tool adopted by a**
9 **facility that meets requirements established by the Department of**
10 **Human Services by rule.**

11 **“(2) ‘Endorsed memory care community’ means a special care unit**
12 **in a designated, separated area for residents with Alzheimer’s disease**
13 **or other forms of dementia that is locked or secured to prevent or**
14 **limit access by a resident outside the designated or separated area.**

15 **“(3) ‘Facility’ means a residential care facility as defined in ORS**
16 **443.400.**

17 **“SECTION 2. (1) The Department of Human Services shall adopt**
18 **rules:**

19 **“(a) Establishing minimum requirements for an acuity-based staff-**
20 **ing tool adopted by a facility and the frequency with which a facility**
21 **must reassess the facility’s staffing patterns with the acuity-based**

1 **staffing tool.**

2 **“(b) Establishing requirements for the design of an acuity-based**
3 **staffing tool adopted by a facility to ensure that the tool recommends**
4 **staffing levels, intensity and qualifications necessary to meet the**
5 **scheduled and unscheduled needs of all residents 24 hours a day, seven**
6 **days a week.**

7 **“(c) For carrying out subsection (4) of this section.**

8 **“(2) The department shall assess the staffing levels of a facility, at**
9 **a minimum, each time the department conducts a survey, license ap-**
10 **proval or renewal or an investigation into a complaint regarding:**

11 **“(a) Abuse of a resident;**

12 **“(b) Injury to a resident;**

13 **“(c) Resident safety; or**

14 **“(d) Staffing levels.**

15 **“(3) The assessment under subsection (2) of this section must in-**
16 **clude a determination of whether the facility is:**

17 **“(a) Using an acuity-based staffing tool that meets the require-**
18 **ments of rules adopted under subsection (1) of this section;**

19 **“(b) Recalculating the facility’s staffing patterns using the acuity-**
20 **based staffing tool with the frequency required by rules adopted under**
21 **subsection (1) of this section;**

22 **“(c) Consistently staffing to the levels, intensity and qualifications**
23 **indicated by the acuity-based staffing tool; and**

24 **“(d) Consistently meeting the scheduled and unscheduled needs of**
25 **all residents 24 hours a day, seven days a week.**

26 **“(4) If the department finds, during an assessment under subsection**
27 **(2) of this section, that a facility is:**

28 **“(a) Not using an acuity-based staffing tool, the department shall**
29 **require the facility to adopt the acuity-based staffing tool developed**
30 **by the department.**

1 **“(b) Not meeting the scheduled and unscheduled needs of all resi-**
2 **dents 24 hours a day, seven days a week, the department shall:**

3 **“(A) Place a condition on the facility’s license as provided in ORS**
4 **441.736 (1)(b)(A), (B), (C) or (F) until the facility implements an**
5 **acuity-based staffing tool and meets the minimum staffing levels**
6 **identified by the department as necessary to meet the scheduled and**
7 **unscheduled needs of all residents 24 hours a day, seven days a week;**
8 **and**

9 **“(B) Impose fines, penalties or conditions required by law or that**
10 **the department deems necessary to compel compliance.**

11 **“(c) Using an acuity-based staffing tool but is not consistently**
12 **staffing to the levels, intensity and qualifications indicated by the tool**
13 **or is not recalculating the facility’s staffing patterns with the tool at**
14 **the frequency required by rule, the department shall:**

15 **“(A) Assess whether the facility is meeting the scheduled and un-**
16 **scheduled needs of all residents 24 hours a day, seven days a week;**

17 **“(B) Place a condition on the facility’s license as provided in ORS**
18 **441.736 (1)(b)(A), (B), (C) or (F) until the facility implements an**
19 **acuity-based staffing tool and demonstrates the facility’s ability to**
20 **meet the scheduled and unscheduled needs of all residents 24 hours a**
21 **day, seven days a week; and**

22 **“(C) Continuously monitor the facility, for at least six months, for**
23 **compliance with the staffing levels, intensity and qualifications indi-**
24 **cated by the acuity-based staffing tool.**

25 **“(d) Not meeting the scheduled and unscheduled needs of all resi-**
26 **dents 24 hours a day, seven days a week, the department shall estab-**
27 **lish staffing standards in a corrective action plan and place a condition**
28 **on the facility’s license as provided in ORS 441.736 (1)(b)(A), (B), (C)**
29 **or (F) until the facility complies with the corrective action plan.**

30 **“SECTION 3. (1) The Department of Human Services shall ensure**

1 **that a pilot of the acuity-based staffing tool described in ORS 443.432**
2 **is completed and that the tool is operational and accessible to resi-**
3 **dential care providers as an online tool no later than January 1, 2022.**

4 **“(2) A facility with a memory care endorsement under ORS 443.886**
5 **shall adopt an acuity-based staffing tool, as defined in section 1 of this**
6 **2021 Act, no later than February 1, 2022.**

7 **“(3) The department’s assessment of staffing levels under section 2**
8 **(2) of this 2021 Act shall begin no later than February 1, 2022.**

9 **“(4) The department shall solicit feedback from participants in the**
10 **pilot of the acuity-based staffing tool and by October 1, 2021, and De-**
11 **cember 15, 2021, report, in the manner provided in ORS 192.245, to the**
12 **interim committees of the Legislative Assembly related to human**
13 **services regarding the progress of the pilot and implementation of the**
14 **acuity-based staffing tool.**

15 **“SECTION 4. ORS 443.886 is amended to read:**

16 **“443.886. (1) If a facility intends to provide care for residents with**
17 **Alzheimer’s disease or other forms of dementia by means of an endorsed**
18 **memory care community, the facility must obtain a memory care endorse-**
19 **ment on its license or registration.**

20 **“(2) The Department of Human Services, with the input from represen-**
21 **tatives of advocate groups and the long term care industry, shall adopt by**
22 **rule standards that ensure that the special needs of any resident with**
23 **Alzheimer’s disease or other form of dementia who is cared for in an en-**
24 **dorsed memory care community are met and that quality care is provided.**
25 **The standards must include but are not limited to provisions for:**

26 **“(a) Care planning, including physical design, staffing, staff training,**
27 **safety, egress control, individual care planning, admission policy, family in-**
28 **volvement, therapeutic activities and social services;**

29 **“(b) Continuity of basic care requirements; and**

30 **“(c) Marketing and advertising of the availability of and services from**

1 endorsed memory care communities.

2 “(3) The department shall adopt a fee schedule for memory care endorse-
3 ment, taking into account the type of facility and the number of residents.

4 “(4) The department shall enforce rules adopted under subsection (2) of
5 this section **and section 2 of this 2021 Act** and shall allow a licensee or
6 registrant to retain the memory care endorsement required to care for resi-
7 dents with Alzheimer’s disease or other forms of dementia only as long as
8 the licensee or registrant complies with the rules.

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

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

13 “(a) Advertise the facility as providing an Alzheimer’s care unit or mem-
14 ory care community; or

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

17 “[*(7) As used in this section:*]

18 “[*(a) ‘Endorsed memory care community’ means a special care unit in a*
19 *designated, separated area for residents with Alzheimer’s disease or other*
20 *forms of dementia that is locked or secured to prevent or limit access by a*
21 *resident outside the designated or separated area.]*

22 “[*(b) ‘Facility’ means a long term care facility, residential care facility,*
23 *assisted living facility or any other like facility required to be licensed by the*
24 *department.]*

25 “[*(c) ‘Registry’ means a facility will provide the department with informa-*
26 *tion relating to the endorsed memory care community, including the number*
27 *of residents in the community, the stage of dementia for each resident, a de-*
28 *scription of how services are provided and the length of time the community*
29 *has been operating.]*

30 **“SECTION 5. This 2021 Act takes effect on the 91st day after the**

1 **date on which the 2021 regular session of the Eighty-first Legislative**
2 **Assembly adjourns sine die.”**

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