

Requested by Representative PRUSAK

**PROPOSED AMENDMENTS TO
HOUSE BILL 2394**

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

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

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

5 **“(a) ‘Disease outbreak’ has the meaning given that term in ORS**
6 **431A.005.**

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

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

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

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

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

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

19 **“(a) Residents of the facility continue to engage in in-person con-**
20 **tact and communication with other facility residents and with family**
21 **members, friends and other external support systems during a public**

1 emergency, if a resident desires the contact and communication, to
2 the extent that the in-person contact and communication is consistent
3 with the circumstances of the public emergency, orders that have been
4 issued to address the public emergency and the facility's outbreak re-
5 sponse plan.

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

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

23 “(d) Residents who have disabilities that impede their ability to
24 communicate, including but not limited to residents who are blind,
25 deaf or deaf-blind or have cognitive limitations, including Alzheimer's
26 disease or other form of dementia, have access to assistive and sup-
27 portive technology as necessary to facilitate their face-to-face, verbal
28 or auditory contact with other facility residents and with family
29 members, friends and other external support systems.

30 “(e) The facility staff assists residents, if necessary, in successfully

1 accessing and using the equipment and technology acquired in ac-
2 cordance with subsection (4) of this section.

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

5 “(4) A long term care facility must acquire and maintain comput-
6 ers, videoconferencing equipment, distance-based communications
7 technology, assistive and supportive technology and devices and other
8 technological equipment as may be necessary to ensure that in the
9 event of a public emergency, the facility can comply with the re-
10 quirements of subsection (2) of this section.

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

15

16 “ISOLATION PREVENTION PLANS
17 FOR RESIDENTIAL FACILITIES

18

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

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

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

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

25 “(c) ‘Outbreak response plan’ means a protocol established by a
26 residential facility for isolating infected and at-risk residents at the
27 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
30 on a disease outbreak or epidemic; and

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

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

6 **“(a) Residents of the facility continue to engage in in-person con-**
7 **tact and communication with other facility residents and with family**
8 **members, friends and other external support systems during a public**
9 **emergency, if a resident desires the contact and communication, to**
10 **the extent that the in-person contact and communication is consistent**
11 **with the circumstances of the public emergency, orders that have been**
12 **issued to address the public emergency and the facility’s outbreak re-**
13 **sponse plan.**

14 **“(b) If in-person contact and communication is physically impossi-**
15 **ble due to guidelines, requirements or other official limitations im-**
16 **posed on in-person contact and communication, residents of the**
17 **facility, including residents who are physically isolated due the**
18 **facility’s outbreak response plan, can engage, as a resident reasonably**
19 **desires, in face-to-face, verbal or auditory contact and communication**
20 **with other facility residents and with family members, friends and**
21 **other external support systems through the use of electronic or virtual**
22 **means or methods, including but not limited to computer technology,**
23 **the Internet, social media, videoconferencing or other technological**
24 **means or methods.**

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

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

8 “(e) The facility staff assists residents, if necessary, in successfully
9 accessing and using the equipment and technology acquired in ac-
10 cordance with subsection (4) of this section.

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

13 “(4) A residential facility must acquire and maintain computers,
14 videoconferencing equipment, distance-based communications tech-
15 nology, assistive and supportive technology and devices and other
16 technological equipment as may be necessary to ensure that in the
17 event of a public emergency, the facility can comply with the re-
18 quirements of subsection (2) of this section.

19 “(5) The Department of Human Services may provide financial as-
20 sistance to a residential facility out of funds from the Quality Care
21 Fund, established in ORS 443.001, to enable the facility to purchase
22 equipment and technology described in subsection (4) of this section.

23
24 **“ISOLATION PREVENTION PLANS**
25 **FOR ADULT FOSTER HOMES**

26
27 **“SECTION 5.** Section 6 of this 2021 Act is added to and made a part
28 of ORS 443.705 to 443.825.

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

30 “(a) ‘Disease outbreak’ has the meaning given that term in ORS

1 **431A.005.**

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

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

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

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

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

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

14 **“(a) Residents of the adult foster home continue to engage in in-**
15 **person contact and communication with other residents in the home**
16 **and with family members, friends and other external support systems**
17 **during a public emergency, if a resident desires the contact and com-**
18 **munication, to the extent that the in-person contact and communi-**
19 **cation is consistent with the circumstances of the public emergency,**
20 **orders that have been issued to address the public emergency and the**
21 **home’s outbreak response plan.**

22 **“(b) If in-person contact and communication is physically impossi-**
23 **ble due to guidelines, requirements or other official limitations im-**
24 **posed on in-person contact and communication, residents in the home,**
25 **including residents who are physically isolated due the home’s out-**
26 **break response plan, can engage, as a resident reasonably desires, in**
27 **face-to-face, verbal or auditory contact and communication with other**
28 **residents in the home and with family members, friends and other**
29 **external support systems through the use of electronic or virtual**
30 **means or methods, including but not limited to computer technology,**

1 the Internet, social media, videoconferencing or other technological
2 means or methods.

3 “(c) Residents who experience cognitive impairments that limit
4 their ability to express their desires for virtual contact or communi-
5 cation with family members, friends or external support systems have
6 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
8 to inform the individuals that contact or communication is available.

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

16 “(e) The staff of the adult foster home assists residents, if neces-
17 sary, in successfully accessing and using the equipment and technol-
18 ogy acquired in accordance with subsection (4) of this section.

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

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

27 “(5) The Department of Human Services may provide financial as-
28 sistance to an adult foster home out of funds from the Quality Care
29 Fund, established in ORS 443.001, to enable the home to purchase
30 equipment and technology described in subsection (4) of this section.

1 **“ISOLATION PREVENTION PLANS**
2 **FOR FACILITIES WITH**
3 **MEMORY CARE ENDORSEMENTS**

4
5 **“SECTION 7.** ORS 443.886 is amended to read:

6 “443.886. (1) If a facility intends to provide care for residents with
7 Alzheimer’s disease or other forms of dementia by means of an endorsed
8 memory care community, the facility must obtain a memory care endorse-
9 ment on its license or registration.

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

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

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

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

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

24 “(4) The department shall enforce rules adopted under subsection (2) of
25 this section and shall allow a licensee or registrant to retain the memory
26 care endorsement required to care for residents with Alzheimer’s disease or
27 other forms of dementia only as long as the licensee or registrant complies
28 with the rules.

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

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

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

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

7 **“(7) A facility with a memory care endorsement shall have an iso-
8 lation prevention plan, as part of the facility’s emergency response
9 plan, that must be provided to any resident or member of the public
10 upon request. The plan must ensure, to the greatest extent practica-
11 ble, that:**

12 **“(a) Residents of the facility continue to engage in in-person con-
13 tact and communication with other facility residents and with family
14 members, friends and other external support systems during a public
15 emergency, if a resident desires the contact and communication, to
16 the extent that the in-person contact and communication is consistent
17 with the circumstances of the public emergency, orders that have been
18 issued to address the public emergency and the facility’s outbreak re-
19 sponse plan.**

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

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

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

14 “(e) The facility staff assists residents, if necessary, in successfully
15 accessing and using the equipment and technology acquired in ac-
16 cordance with subsection (9) of this section.

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

19 “(9) A facility with a memory care endorsement must acquire and
20 maintain computers, videoconferencing equipment, distance-based
21 communications technology, assistive and supportive technology and
22 devices and other technological equipment as may be necessary to
23 ensure that in the event of a public emergency, the facility can comply
24 with the requirements of subsection (7) of this section.

25 “(10) The Department of Human Services may provide financial as-
26 sistance to a facility with a memory care endorsement out of funds
27 from the Quality Care Fund, established in ORS 443.001, to enable the
28 facility to purchase equipment and technology described in subsection
29 (9) of this section.

30 “[(7)] (11) As used in this section:

1 “(a) ‘Disease outbreak’ has the meaning given that term in ORS
2 431A.005.

3 “[(a)] (b) ‘Endorsed memory care community’ means a special care unit
4 in a designated, separated area for residents with Alzheimer’s disease or
5 other forms of dementia that is locked or secured to prevent or limit access
6 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 fa-
9 cility, assisted living facility or any other like facility required to be licensed
10 by the department.

11 “(e) ‘Public emergency’ includes:

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

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

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

20

21 **“IMPLEMENTATION**

22

23 “**SECTION 8. A long term care facility, a residential facility, an**
24 **adult foster home and a facility with a memory care endorsement shall**
25 **submit an isolation prevention plan to the Department of Human**
26 **Services no later than the earlier of six months after the effective date**
27 **of this 2021 Act or the time when the facility or home updates its**
28 **emergency response plan, regardless of whether the department has**
29 **adopted rules to carry out the provisions of section 2, 4 or 6 of this 2021**
30 **Act or the amendments to ORS 443.886 by section 7 of this 2021 Act.”.**

