



Oregon's Voice for Long Term Care & Senior Housing

February 3, 2021

House Committee on Human Services
Oregon State Capitol
900 Court St. NE.
Salem, OR 97301

Subject: Support for House Bill 2397

Dear Chair Williams, Vice-Chairs Leif and Ruiz, members of the committee,

My name is Phil Bentley, CEO of the Oregon Health Care Association representing long term care providers.

The same version of this bill (HB 4016) passed out of House Health Care and the Joint Committee on Ways and Means unanimously in the 2020 legislative session and was on the Third Reading list when the session ended prematurely.

In 2018, a local ordinance adopted that included a series of taxes, fees, and fines on long term care providers. The most concerning to OHCA members was the \$1,500 fine for an emergency medical services (EMS) call that the city determined should not have been placed by the provider on behalf of a resident. This put caregivers in a terrible position of deciding whether to call EMS to evaluate a resident who had fallen for example or risk a \$1,500 fine. For context, a single \$1,500 fine is more than a provider receives from Medicaid for an entire month of care for a resident assessed at Level 1, or half of what they receive at the highest assessment level 5.

The ordinance also included regulations governing the care and services provided by the long term care communities. The regulations revealed a lack of understanding of the differences in licensed long term care settings and inappropriately applied certain provisions from the state regulatory code. In other instances, the regulations conflicted with state and federal regulations, making the ordinance impossible to comply with. The ordinance was opposed by senior advocates such as the Alzheimer's Association, the local chamber of commerce, the Oregon State Fire Fighters Council and senior care providers. Ultimately, city voters overturned the ordinance in special election in November 2019.

HB 2397 has two major components. One, it would prevent a similar ordinance from being adopted in the future and maintain uniform and consistent regulations for providers statewide. Two, it establishes a pilot program to offer financial support to local EMS districts that want to work collaboratively with long term care providers on better serving the needs of their residents.

The scope of the bill is narrow, and intentionally so. It only precludes regulations concerning care and services that are within the jurisdiction of the Oregon Department of Human Services (ODHS). The bill expressly states that it does not preclude generally applicable regulations on businesses and other entities, and it does not preclude any local public health regulations. It also preserves the “lift assist” ordinances that were adopted by City of Portland and Clackamas County.

The second part of the bill establishes an EMS Innovation Pilot Program that will allocate funds from the Quality Care Fund in ODHS to local EMS providers that want to improve services for long term care residents. The solutions will vary by community and existing resources. The program will be informed by an advisory council with representatives from rural and urban fire districts, senior care providers and other stakeholders.

This program has the potential to improve care for seniors, reduce the stress on caregivers and the volume of EMS calls and emergency room visits, by developing collaborative approaches that can be adopted by other jurisdictions.

Thank you for your consideration of HB 2397.

Sincerely,

Phil Bentley
President and CEO
Oregon Health Care Association