



## Oregon State Senate

### Amendment Request SB 714 (Updated 04/01/21)

Gut and stuff amendment. This measure applies as a mandate to Memory Care ONLY, but please be certain the Department is not prohibited from adopting these (or other) requirements by rule for other settings.

- Require that the acuity based staffing tool that DHS was required to adopt under HB 3359 (2017) is operational and accessible to providers as an online tool no later than January 1, 2022
- Require that all memory care facilities must adopt an acuity based staffing tool of their choosing or the DHS tool no later than February 1, 2022
- Clarify that the acuity based staffing tool must be designed to recommend the staff levels, intensity and qualifications needed to meet the 24 hour scheduled and unscheduled needs of the residents
- Require the Department to adopt by rule the minimum requirements for an acuity based staffing tool and the frequency with which the facility must reassess its staffing patterns with the acuity tool
- Beginning February 1, 2022 DHS shall assess the staffing levels of the facility, at a minimum, each time it conducts a survey, license approval or renewal, or an investigation into a complaint regarding abuse of a resident, injury to a resident, a complaint related to resident safety or a complaint regarding staffing levels.
  - This assessment will include:
    - Whether the facility is using an approved staffing acuity tool
    - Whether the facility is recalculating its staffing patterns through the staffing acuity tool with the frequency identified by rule
    - Whether the facility is consistently staffing to the levels, qualifications and intensity indicated by the acuity tool
    - Whether the facility is consistently meeting the 24 hour scheduled and unscheduled needs of all residents
  - If DHS finds the facility is not using an approved acuity tool, it will:
    - Require the Facility to implement the Department's Acuity tool
    - Assess whether the facility is consistently meeting the 24 hour scheduled and unscheduled needs of all residents

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- If the facility is not using an acuity tool and it is not meeting the 24 hour scheduled and unscheduled needs of all residents, the Department shall:
  - Place **a condition on the facility's license, as outlined in ORS 441.736 (1)(b) A, B, C or F** until the facility implements an acuity based staffing tool and meets the minimum staffing levels identified by the Department necessary to meet the scheduled and unscheduled needs of all residents; and
  - Place the facility on the Enhanced Oversight Program; and
  - Impose fines, penalties and conditions required by statute or that the Department deems necessary to compel compliance
- If DHS finds the facility is using an acuity tool, but is not consistently staffing to the ratios and qualifications indicated by the acuity tool or is not recalculating the facility's staffing patterns through the tool with the frequency required by the Department by rule, the Department shall:
  - Assess whether the facility is meeting the scheduled and unscheduled needs of all residents
  - Place **a condition on the facility's license, as outlined in ORS 441.736 (1)(b) A, B, C or F** until the facility implements an acuity based staffing tool and demonstrates its ability to meet the scheduled and unscheduled needs of all residents;
  - Continuously monitor the facility for compliance with those ratios for a minimum of 6 months
- Regardless of whether the facility is using an acuity tool, if the Department finds the facility is not meeting the 24 hour scheduled and unscheduled needs of all of the residents, the Department shall place **a condition on the facility's license, as outlined in ORS 441.736 (1)(b) A, B, C or F** until the facility meets staffing requirements identified by the Department in a corrective action plan.