



Oregon's Voice for Long Term Care & Senior Housing

February 7, 2024

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

RE: Support for SB 1521 (-2), Clarifying Acuity-Based Staffing Tool Requirements

Chair Gelser Blouin, Vice Chair Robinson, and Members of the Committee,

Oregon Health Care Association (OHCA) represents licensed of long term care providers including skilled nursing, assisted living, residential care, memory care, and in-home care agencies. Our mission is to promote high quality care and services for older adults and people with disabilities.

SB 1521 includes language that makes clarifications and revisions to the acuity-based staffing tool (ABST) requirements for community-based care facilities, which were established under SB 714 (2021). The goal of SB 714 is to ensure that facilities use and update an ABST of their choice—whether it is the state's tool or a proprietary tool—and staff at levels that are reflective of overall resident acuity.

As these requirements were implemented by the Department, it became apparent that technical adjustments to the law were needed to align intent with practice. It needed to be clarified when the Department is *required* to put a condition on a facility's license for an ABST violation and when the Department should have flexibility and discretion to apply other corrective action measures. Providers have also struggled over the last year of implementation with changing proposed rules that cause confusion about what standards need to be met.

SB 1521, with the -2 amendment, addresses these concerns by consolidating duplicative language in the law and clarifies the intent of SB 714 to place a condition on a facility for *substantive* issues related to a facility's use of an acuity-based staffing tool and the insufficiency of staffing levels to meet the residents' scheduled and unscheduled needs, 24/7. It also requires the Department consider both impact on facilities and resident needs before changing rules around minimum requirements and design of an acuity-based staffing tool.

The passage of SB 1521 (-2) is critically important to OHCA members, and we appreciate all stakeholder's collective work on this language.

Sincerely,

Libby Batlan
Senior Vice President of Government Relations
Oregon Health Care Association