



Oregon's Voice for Long Term Care & Senior Housing

February 14, 2024

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

RE: *Concerns with Senate Bill 1591*

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

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

Thank you for the opportunity to share our perspective on SB 1591. Adult Foster Homes serve a valuable role in our long term care system of caring for vulnerable Oregonians. Oregon has a long-established regulatory system, including building, fire, and life safety codes, as well as caregiver training and operational requirements, that are based on the current definitions of an adult foster home serving up to five residents, and a residential care facility serving six or more residents.

Adult foster homes currently have the option to serve more than five residents by obtaining a Residential Care Facility license, which contains the appropriate life, safety, and operational requirements for serving larger numbers of seniors and people with physical disabilities. If Oregon is going to increase the number of seniors and people with physical disabilities that may reside in an adult foster home by 40%, then we should do so thoughtfully to ensure resident safety and quality of life.

SB 1591 opens the door widely to permitting almost all adult foster homes statewide to increase the number of residents they serve without a stakeholder discussion about comprehensive contemplation of necessary additional requirements to ensure that the home is safe and appropriate for more residents.

Adult foster homes typically offer services in a single-family residence, which may also serve as the residence of the adult foster home resident manager. Adult foster home regulations reflect this difference. For example, the adult foster home rules provide that each adult foster home

must comply with the state and local fire and safety regulations for a single-family residence (see *OAR 411-050-0645(1)(b)*). Additionally, an adult foster home is required to have only 150 square feet of common area space. Residential care facilities, by contrast, are buildings entirely dedicated to providing care and services to residents. Residential care facilities must comply with extensive and detailed fire/safety and evacuation requirements consistent with a facility that cares for more residents. (See *OAR 411-054-0090*).

SB 1591 also creates a potential conflict in the law. Residential care facilities, a highly regulated care setting, provides care and services to six or more seniors and adults with disabilities. With the increased number of individuals who may be served in an adult foster home overlapping with the definition of a residential care facility, the question becomes what license is required? When is a community with seven seniors and disabled residents an adult foster home and when is it a residential care facility?

While we understand that adult foster homes may need additional resources to ensure they can continue to be successful and serve vulnerable older Oregonians and people with disabilities, we believe there may be better ways to pursue that goal including supporting investment in reimbursement through service to Medicaid beneficiaries.

Thank you for your consideration of our testimony.

Sincerely,

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