

Dear Senator Patterson and members of the Senate Committee on Health Care,

I am writing to ask you consider SB1030 with the following information in mind.

I am a registered nurse with over 40 years in practice, the last 26 in public health.

In recent years, experiences with LTC throughout the state revealed a shocking concern; many residential care facilities throughout Oregon refuse to allow an on onsite influenza vaccination clinic for consenting residents when offered by a local vaccination provider at no cost to the facility.

- Outbreaks of vaccine preventable disease including Influenza and COVID regularly occur and result in hospitalization and death of residents in congregate care.
- Elders living in congregate care are the most likely of all to have severe illness, hospitalization and death related to respiratory infections including Influenza, pneumonia and COVID.
- While vaccination remains the single most effective method of reducing severe illness, hospitalization and death, some Memory Care and Assisted Living facility administrators persistently decline the offer of a no-cost to facility onsite annual vaccination clinic for consenting residents.
- Many retail pharmacy chains can provide onsite vaccination at no cost to the facility with only minimal assistance from the facility to collect consent and guide residents to the vaccination area.
- Many residents of memory care and assisted living are unable to access vaccination services outside the facility on their own; specifically, they are unable to make an appointment and drive themselves to a clinic. Their families are often not available to do so either. Residents depend on the facility to provide access to this service, as they do for their other essential needs.
- Division 54 Residential Care and Assisted Living Facilities OAR 411-054-0045 specifically states:

“ON-SITE AND OFF-SITE HEALTH SERVICES. The facility must assist residents in accessing health care services and benefits to which they are entitled from outside providers. When benefits are no longer available, or if the resident is not eligible for benefits, the facility must provide or coordinate the required services, as defined in facility disclosure information, for residents whose health status is stable and predictable.

(a) On-site Health Services. The facility must coordinate on-site health services with outside service providers such as hospice, home health, or other privately paid supplemental health care providers....”

- Facilities that withhold available onsite vaccination services to their residents are in violation of OAR 411-054-0045.

•Withholding necessary medical care is equivalent to resident neglect per Oregon Revised Statutes Chapter 124, ORS 124.050 to 124.095

“Reporting of Elder Abuse

(7) “Neglect” means:

(a) Failure to provide the care, supervision or services necessary to maintain the physical and mental health of an elderly person that may result in physical harm or significant emotional harm to the elderly person...”

It is my hope the state of Oregon can reduce respiratory infection outbreaks, hospitalization and death of residents through implementation of rule requiring Memory Care and Assisted Living facilities to organize a minimum of one annual onsite vaccination clinic for consenting residents using available community vaccination providers.

Certainly, Memory Care and Assisted Living facilities cannot be expected to procure and administer vaccine themselves. Nor should they be penalized if there is no available community vaccination provider. However, these facilities should never be permitted to withhold this essential service when it is available.

Collecting consent is simple. An electronic copy of the consent form and the Vaccine Information Statement can be sent to the legal representative of each resident. Those who return the signed consent would be offered vaccine on the day of clinic.

In my work I have both carried out and facilitated many such vaccination clinics. It is simple to do, requires minimal effort on the part of the LTC staff, and is greatly appreciated by residents and their legal representatives.

Please, let’s not allow some facilities to withhold this potentially lifesaving preventive care from our most vulnerable elders.

My appreciation for your consideration,

Cynthia M. D'Angiolillo