



Office of the Long-Term Care Ombudsman

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House Committee on Rules  
Attn: Chair Bowman, Vice Chair Drazan, Vice Chair Pham

RE: Support for HCBS Workforce Standards Board (HB 3838)

Members of the Committee:

I, Fred Steele, am the State Long Term Care Ombudsman and provide this supportive testimony for the concept of Oregon establishing a Workforce Standards Board.

The Long Term Care Ombudsman (LTCO) program's mission is to protect individual rights, enhance quality of life, improve care, and promote dignity of residents living in Oregon's licensed long-term care facilities. Through my role as the Director of this program, LTCO provides a representative voice on behalf of Oregonians living and receiving care in licensed care settings, including nursing homes, assisted living, residential care facilities, memory care communities, and adult foster homes.

In short, HB 3838 is an excellent opportunity for Oregon to make much-needed investments in the caregivers who provide the direct care and services to Oregon's older adults and people with disabilities living in state-licensed care settings.

In the past 16 months, LTCO has investigated two horrific deaths at ODHS-licensed memory care settings. In both instances, these deaths can directly be tied to the lack of state investments in Oregon's caregiving system. As was well covered in the media, and though there were significant failures by the ODHS regulatory system and the owner of the facility, the December 2023 death of a memory care resident at Mt Hood Senior Living (a memory care community in Sandy) was also related to caregivers who were insufficiently trained or supported to provide services to individuals with dementia-specific support needs. In September 2024, another memory care setting death at Aspen Ridge (a memory care community in Bend) was similarly connected to insufficient staffing, insufficiently trained staff, and significant lack of supports from the owner and management company of that facility.

In both instances, it was clear that ownership/management of the facilities could not be trusted to ensure that the caregivers had appropriate workplace standards or expectations established for them to safely care for the very vulnerable individuals in these care settings. And though these are higher profile examples of the failures in our licensed care system, these concerns are unfortunately all too common throughout the industry.

Based on LTCO's investigations of these situations, I have spent the past year emphasizing the need for the state to 1) ensure that the regulatory system functions as a consumer protection program as is intended, 2) create a parallel technical assistance and support system for providers to receive the guidance they need without fear of punishment, & 3) provide investments and stronger supports for

the caregivers in our state-licensed care settings in order to enhance the quality of care and quality of life for the vulnerable adult Oregonians relying on the direct care staff.

The need for this investment in our caregivers is further identified by Oregon's relatively new Quality Measurement program, which was established by the 2017 legislature to measure quality of care in Oregon's Assisted Living and Residential Care Facilities. What this report continues to show over recent years is that sytem-wide only approximately 50% of direct care staff stay in their jobs at a facility over the course of a year. On behalf of the residents LTCO advocates for, the same residents who rely on these direct care staff, this is an abysmally low percentage of staff who will stay in their job over a year. Stable caregiving staff will almost always improve quality of care in a licensed care setting. And properly trained and supported caregivers will typically lead to higher retention rates at facilities that do invest in their caregivers.

This Quality Measurement program's data on caregiver retention rates clearly indicates the need for the state to invest in our direct care workers.

To see the most recent report released in 2024 (reflecting on data collected in the 2023 calendar year), see: [https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/de-526552\\_23.pdf](https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/de-526552_23.pdf)

For LTCO, we generally look for system change that will positively impact the life of any given individual who lives in, and relies on the care provided in, Oregon's care facilities. An investment into Oregon's direct care staff through a Workforce Standards Board as proposed in HB 3838 would, in the view of LTCO, provide a significant improvement in the quality of care and quality of life of every Older Oregonian and indivdual with disability-related support needs.

I would be happy to speak with any legislators further about the impacts on Oregonians living in care settings as you consider how best to address their care needs this session.

Sincerely,

Fred Steele, MPH, JD  
State Long Term Care Ombudsman