



***Oregon's Voice for Long Term Care & Senior Housing***

February 3, 2026

Senate Committee on Human Services  
State Senator Sara Gelsler Blouin, Chair  
State Senator Diane Linthicum, Vice-Chair  
Oregon State Capitol  
900 Court St. NE  
Salem, OR 97301

***Re: Support for SB 1532 (-2 Amendment) – Improving Oregon's Immediate Jeopardy Enforcement Process***

Chair Gelsler Blouin, Vice-Chair Linthicum, and Members of the Committee,

The Oregon Health Care Association (OHCA) represents long term care providers including skilled nursing facilities, assisted living, residential care, and memory care-endorsed facilities, as well as in-home care agencies. Our mission is to promote high quality care for older adults and people with disabilities. Each day more than 75,000 Oregonians rely on these services.

OHCA supports SB 1532, specifically Section 1, which addresses improvements to Oregon's immediate jeopardy enforcement process in long term care settings.

Current law mandates that the Oregon Department of Human Services (ODHS) impose a license condition whenever there is a finding of "immediate jeopardy" —even before the finding is substantiated or even if the facility has already corrected the issue. Additionally, current law lacks a clearly established framework outlining factors that ODHS must consider and document to determine if a violation meets the scope and severity of "immediate jeopardy," and there is no requirement that facilities have an opportunity to share their perspective or provide information in response to a complaint before ODHS imposes a condition.

Section 1 of SB 1532 with the -2 amendment improves clarity, fairness, and consistency by:

- Establishing a definition "preliminary finding" of immediate jeopardy and ensuring facilities have the opportunity for their voice to be heard in the initial part of an investigation.

- Placing into statute clear criteria for imposing a license condition for an immediate jeopardy finding, based on the longstanding CMS framework and criteria used for nursing facilities; and
- As part of that framework inserting in statute the concept of past noncompliance, which ensures that if facilities through their quality improvement processes proactively identify and correct issues and are back in substantial compliance by the time to Dept investigates the complaint, that ODHS is not required to issue a license condition in those instances.

These changes would support more accurate, efficient, and appropriate use of license conditions as a regulatory enforcement tool. There are two issues with the -2 amendment that OHCA wants to flag in an effort to ensure there is shared clarity on.

First, ODHS is *not required* to conduct the “initial investigation” in a manner that is on-site or in-person. OHCA understands an on-site requirement would require a significant new investment of resources and capacity. Instead, the intent of the language is that an initial investigation is part and parcel of the overall investigation and must, at a minimum, provide an opportunity for the facility to provide initial information or evidence.

The second issue is that on Page 4 of the -2 amendment in which the statute lists the four criteria that must be demonstrated for a license condition to be imposed, it is vital that the noncompliance in Subsection 8(b) and (c) stems from the *same* noncompliance that ODHS would have identified in Subsection 8(a). The goal is that the four factors are tied to one another and build on one another. The -2 amendment does not fully capture this concept, and we believe it is necessary to address in a future amendment for the most meaningful impact.

Thank you for the opportunity to share OHCA’s perspective. Please support SB 1532.

Sincerely,

A handwritten signature in black ink, appearing to read "Libby Batlan", written over a horizontal line.

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