

JOINT INTERIM COMMITTEE ON HUMAN RESOURCES

Sub-Committee on Long Term Care

April 2, 1998 Hearing Room A

8:30 A.M. Tapes 15 - 21

MEMBERS PRESENT:

Rep. Jeff Kruse, Chair

Sen. Susan Castillo

Sen. Bill Fisher

Sen. Lenn Hannon

Rep. Richard Devlin

Rep. Jane Lokan

Rep. Patti Milne

MEMBER EXCUSED:

Sen. Jeannette Hamby

STAFF PRESENT:

Anne Tweedt, Administrator

Sandy Thiele-Cirka, Administrative Support

ISSUES HEARD:

INTRODUCTION

Adoption of Rules

Review of Agenda

Overview of Senior and Disabled Services Division

Roger Auerbach, Administrator

THE LONG TERM CARE CLIENT

The Client's Perspective

Dolres Scifres, Consumer

Beverly Cutrell, Case Manager

Gene Organ, Executive Director

Laurie Sitton, Member

Oregon Disabilities Commission

THE LONG TERM CARE SERVICE DELIVERY Barry Donnenfeld, Director, Mid-Willamette Valley Senior Services Agency

Role of Older Americans Act Programs in the Long Term Care

Service Delivery System

May Lou Ritter, Director, Washington County AAA,

Chair, O4A

Oregon Association of Area Agencies on Aging

Jacqueline Zimmer, Director

O4A

Population Demographics

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Dan Kaplan, Deputy Director

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THE LONG TERM CARE PROVIDER

Overview of Types of Providers

Roger Auerbach

Specific Provider Descriptions

Jim Carlson, Executive Director

Margaret Carley, Counsel

Oregon Health Care Association

Sally Goodwin, Executive Director

Terry Kraemer, Government and Regulatory Affairs

Director, Oregon Alliance of Senior and Health Services

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

Tape/#	Speaker	Comments
Tape 15, A		
005	Chair Kruse	Calls meeting to order 8:45 A.M. Appoints Rep. Jane Lokan to the Subcommittee on Long Term Care. Reviews subcommittee rules (EXHIBIT A).
019	Sen. Hannon	MOTION: Moves to ADOPT the proposed Subcommittee Rules.
021	Chair Kruse	Hearing no objections, declares the motion CARRIED.
023	Chair Kruse	Discusses direction and objectives of the subcommittee.
<u>OVERVIEW OF SENIOR AND DISABLED SERVICES DIVISION</u>		
072	Roger Auerbach	Administrator, Senior and Disabled Services Division (SDSD), begins division's presentation (EXHIBIT B).
105	Sen. Hannon	States concerns regarding department's interactions in the meeting preparation process.
138	Auerbach	Responds to Sen. Hannon's concerns. Requests meeting with committee staff.
184	Sen. Hannon	Comments and acknowledges division's cooperation in this process.
209	Auerbach	Begins overview of department programs and budget.
259	Auerbach	Continues presentation.
309	Auerbach	Reviews the Older Americans Act and continues review of the clients profile.
360	Auerbach	Explains the survival priority levels, page A-2 (EXHIBIT B).
410	Auerbach	Continues client profiles.

THE LONG TERM CARE CLIENT

Client Perspective

472	Beverly Cutrell	Case Manager, Mid-Willamette Valley Senior Services Agency, introduces senior client.
491	Chair Kruse	Asks what services the client is receiving from SDSD.
497	June Gittman	Daughter, primary care provider for parents, responds that the caseworker visits every six months. Comments on services that are provided from other agencies.

Tape 16, A

002	Gittman	Continues testimony.
004	Cutrell	Comments on the issues associated with client care. Continues review of support services provided by SDSD.
011	Chair Kruse	Asks if home care services are similar to respite care services.
014	Cutrell	Responds that qualified respite care is difficult to obtain.
021	Rep. Lokan	Comments on senior centers providing respite care to families in need.
028	Gittman	Remarks that medication and personality issues are barriers that have to be considered when seeking relief care.
034	Sen. Castillo	Comments and acknowledges the willingness of the witness to provide testimony.
047	Sen. Fisher	Comments and remarks on the urgency of family members to receive respite/hospice support and relief.
081	Sen. Castillo	Asks if financial support is available for relief hospice work.
085	Cutrell	Responds that once the position is filled, compensation is available.
090	Chair Kruse	Comments and acknowledges the clients courage in providing testimony to the subcommittee.

103	Chair Kruse	Recess for 10-minute. Reconvenes 10:21 A.M.
111	Eugene Organ	Executive Director, Oregon Disabilities Commission, provides testimony on long term care from the perspective of a disabled person. Explains the two core values in program evaluation: <ul style="list-style-type: none"> • independence • individual choice
164	Organ	Continues review of types of care available to the disabled population. Discusses current salaries and staffing problems.
210	Laurie Sitton	Member of Oregon Disabilities Commission, provides personal testimony.
260	Sitton	Continues explanation of available provider options.
310	Sitton	Continues presentation reviewing how evolved Oregon is compared to the rest of the county.
340	Sitton	Concludes and summarizes testimony.
360	Sen. Fisher	Asks how she handles emergency situations.
367	Sitton	Responds with description of available options and resources. Notes the Demonstration Project.
401	Chair Kruse	Asks about the new apartment complex in Portland.
408	Sitton	Responds the structure was built specifically for disabled individuals. Discusses other supportive living facilities.
443	Chair Kruse	Asks if these types of facilities could be an option in rural communities.
455	Sitton	Responds that she does not have that information.
462	Sen. Fisher	Remarks that clients move to areas where services are available.
481	Sitton	Discusses support services that disabled individuals consider when looking for a place to live.

Tape 15, B

012	Chair Kruse	Notes that the minimum wage increase has a negative impact on what the legislature is able to provide for provider wages.
018	Sitton	Discusses care provider issues and the impact on the client.
036	Organ	Identifies the consortium that has been created involving all the disability advocacy councils and state government.
059	Sitton	Continues discussion reviewing the independent living councils and centers available within the state.
074	Chair Kruse	Asks how involved the commission is with the private sector of a community.
077	Organ	Responds that the independent living centers in a community involve all groups. Notes that the commission is hosting a youth leadership forum in 1999 for high school students. Notes that the American Legion is a partner in this project.
094	Chair Kruse	Comments on the importance of nurturing these types of collaborations.
103	Sen. Fisher	Comments on the attitude adjustment of local communities and professions towards working with the disabled organizations in addressing existing barriers.
137	Organ	Agrees and discusses the impact and importance of community involvement.
156	Rep. Lokan	Asks what types of referral resources are available.
170	Sitton	Explains that most referral services occur at the local levels.
188	Organ	Comments that the commission has a 1-800 phone number to accommodate daily inquiries.
216	Rep. Devlin	Asks if there are community groups that provide education on what services/resources are available.
233	Sitton	Responds affirmatively.
247	Organ	Summarizes and concludes review of community education and awareness efforts.
<u>Long Term Care Service Delivery System</u>		
315	Barry Donnenfeld	Director, Mid-Willamette Valley Senior Services Agency, provides overview of agency services for Marion, Polk and Yamhill Counties (EXHIBIT C).

370	Donnenfeld	Continues presentation emphasizing the complexities of the system, projects and programs.
425	Donnenfeld	Continues overview of options and choices available to the aging client.
475	Donnenfeld	Reviews the information and referral network within the state. Discusses the structure of local partnerships and area agencies on aging.
Tape 16, B		
025	Donnenfeld	Continues explanation of agencies that accept the transfer of the Medicaid program. Notes the importance of advisory councils.
065	Donnenfeld	Continues review of the programs and services operated by the agency.
115	Donnenfeld	Reviews the long term and short term client needs.
149	Chair Kruse	Questions the difference between Type B1 and B2 model on page 2 of (EXHIBIT C) .
161	Sen. Fisher	Comments that the difference is a geographical separation.
165	Donnenfeld	Responds that local government agency decides which programs they will assume responsibility for.
181	Rep. Lokan	Questions how many processes the funding is exposed to before reaching the client.
194	Donnenfeld	Responds that it varies. Notes and discussed the different funding sources.
216	Rep. Lokan	Asks if federal dollars go to the state, than the county, than the client.
219	Donnenfeld	Responds no. Explains that federal dollars are dispersed to state, and then to authorized providers. It is a direct process.
233	Rep. Lokan	Asks if dollars are lost as they transfer from federal to state.
236	Donnenfeld	Responds no.
239	Sen. Fisher	Comments in support of the Governorís Commission on Senior Services.

Role of Older Americans Act Programs in the Long Term Care Service Delivery System

252	Mary Lou Ritter	Chair, Oregon Association of Area Agencies on Aging and Disability (O4A), provides testimony outlining the history of long term care in Oregon. Notes the Older Americans Act Program.
300	Ritter	Continues presentation.
350	Ritter	Reviews legislative history of long term care and the inclusion of the veteran community into senior services.
400	Ritter	Continues presentation.
434 INAUDIBLE		
437	Ritter	Continues presentation. Notes the partnership between Medicaid and the Older Americans Act.
478 INAUDIBLE		
Tape 17, A		
001	Ritter	Continues review of the outcomes of long-term care in Oregon.
052	Rep. Milne	Requests a chart indicating all funding sources.
056	Ritter	Responds affirmatively.
<u>Oregon Association of Area Agencies on Aging</u>		
065	Jacqueline Zimmer	Director, O4AD, reviews summaries included in EXHIBIT C . Presents goals for the 1999 legislative session.
115	Zimmer	Continues presentation.
133	Jim Rydingsword	Legislative Chair, O4AD and Director of Senior Services, Cascade West Council of Governments, presents review of local funding and state/local partnerships.
183	Rydingsword	Continues presentation.
217	Zimmer	Reviews caseloads and quality of care to clients.

252	Chair Kruse	Comments on the concerns regarding client transportation being placed in the Department of Transportation's budget.
261	Zimmer	Continues presentation.
282	Rep. Lokan	Requests a meeting with Ms. Zimmer and Ms. Ritter regarding financing for senior and disabled transportation.
304	Ritter	Responds that the senior transportation financing through ODOT requires legislative direction and regulation. States that survey results will be available in August 1998 which will assist in determining how the money is used and what services are being provided.
335	Chair Kruse	Asks if the agencies would object to these budget items being removed from ODOT's budget.
341	Ritter	Responds that they have no concerns.
358	Rep. Devlin	Comments on wages paid to direct line providers. Request a brief analysis on differences in employment reimbursements.
386	Ritter	Responds that Roger Auerbach could provide that information.
393	Rep. Devlin	Comments on providers in his district.
406	Sen. Fisher	Remarks on the current wages that exist in the long term care industry.
460	Sen. Fisher	Continues discussion.
511	Rep. Lokan	Questions current education requirements.
Tape 18, A		
026	Zimmer	Responds that standards differ between professions. Describes the provider application process.
067	Rep. Lokan	Asks if there is the need to develop a council that would create and enforce standards.
072	Zimmer	Responds that the director is evaluating available options within the provider community that would address this issue.

098	Rep. Milne	Requests a sample profile of a provider application and asks for available data on inadequate care.
112	Ritter	Responds that there is not a disproportionate amount of complaints being generated from the client employee programs. Notes that current employees are generally under-skilled and are looking for short term employment.
149	Rep. Milne	Asks if the clients are requesting better-trained staff.
152	Ritter	Answers affirmatively.
157	Sen. Fisher	Discusses the educational differences between community based care facilities and nursing facilities.
193	Sen. Castillo	Comments that if public dollars are being used to pay the providers there is an element of accountability attached.
199	Chair Kruse	Adjourns for lunch at 12:40 P.M. Reconvenes at 1:26 P.M.

Population Demographics

202	Dan Kaplan	Acting Deputy Administrator, Senior and Disabled Services Division, provides presentation covering population demographics page 9-10, (EXHIBIT B) .
250	Kaplan	Continues overview of population expansion.
262	Sen. Hannon	Asks where the age group, currently in their 50ís, not on Medicaid will be in 2005.

271 INAUDIBLE

Tape 17, B

002	Sen. Hannon	Comments and discusses long term care insurance.
017	Kaplan	Responds that long term care insurance in one of the available options. Notes 8% growth per biennium and reviews preventive strategies.
045	Sen. Hannon	Comments and discusses the need for the state to take a progressive approach.
098	Kaplan	Responds in agreement for preventive measures. Presents tax credits as possible incentives to promote participation.

115	Chair Kruse	Asks why the statistics flatten after the year 2000.
121	Kaplan	Responds that period is in response to the low birthrates during the 1940s. Discusses graph on page 10 (EXHIBIT B).
167	Rep. Devlin	Asks if there is available data on long term care prevention measures.

Description of Client Conditions/Impairments

185	Kaplan	Identifies and discusses available data. Continues presentation on age and gender distribution.
240	Kaplan	Continues review of impairment levels.
285	Rep. Devlin	Questions if behavioral issues (dementia) are increasing at the same levels as the population growth.
296	Kaplan	Responds that providers indicate the time being spent with these types of patients and that the information indicates that the need is remaining the same.

Assessment of Unmet Need

318	Auerbach	<p>Presents the following as unmet needs in the community:</p> <ul style="list-style-type: none"> • provider quality • prevention • employment • transportation • housing
365	Auerbach	Continues presentation.
415	Auerbach	Describes reimbursement, recruitment and compensation for providers within the system.
465	Auerbach	Continues review of recruitment and retention of quality providers.
499	Sen. Hannon	Comments and suggests the division draft a budget including all the issues discussed. Verifies the expense necessary for adequate long term care.

005	Sen. Hannon	Continues discussion on the costs of long term care.
029	Rep. Devlin	Asks what the current Medicaid reimbursement rates are and what have they been in the past.
048	Chair Kruse	Comments that the budget will be addressed at the May 7 th meeting.
053	Auerbach	Responds that the Medicaid reimbursement rate is a complicated formula. Notes that Oregon is on a 40/60 share, 40% state General Fund, and 60% federal funds. Continues presentation.

078 INAUDIBLE

081	Auerbach	Continues overview of unmet needs. Discusses the Oregon Project Independence program. Notes the importance of a central program that provides services before a situation becomes a crisis for the individual.
135	Auerbach	Continues review of unmet needs.
194	Rep. Kruse	Asks if there is data available indicating lifestyles and frailty of senior citizens.
210	Auerbach	Responds that he believes that information is available, however he does not have immediate access. Notes the division is promoting individual independence.
224	Rep. Kruse	States he would like to see these issues discussed around the state.

Impact of Oregon Health Plan on SDSD Clients

231	Auerbach	Remarks on the successes of senior housing. Continues review of the Oregon Health Plan, and comments on provider satisfaction.
285	Auerbach	Continues review of client improvements.
334	Chair Kruse	Announces that the "other issues" portion of the agenda will be rescheduled for May 7 th .

THE LONG TERM CARE PROVIDERS

Overview of Types of Providers

362	Kruse	Reviews the major types of providers.
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503	Kaplan	<p>reviews the major types of providers.</p> <ul style="list-style-type: none"> • adult foster homes • nursing facilities • residential care facilities • assisted living facilities • all beds
415	Kaplan	Continues review of bed population.
465	Kaplan	Continues presentation.
483	Rep. Kruse	Asks if there is data available on Medicare's portion of bed days.
487	Kaplan	Responds that Medicare applies to nursing facilities only.
503	Sen. Fisher	Questions the paying percentage of beds being occupied.
Tape 19, A		
008	Kaplan	Responds that SDSA pays 63% of the bed days in Oregon and they occupy 47% of licensed beds.
011	Sen. Fisher	Remarks that the private patient would pay for 25% of the patient days.
015	Kaplan	Responds that empty beds are an expense to everyone in the industry, and everyone pays for increased costs.
027	Rep. Milne	Requests clarification regarding the decrease in adult foster beds and nursing homes, and the increase in residential care.
032	Kaplan	Responds and outlines that assisted living facilities are the fastest growing portion in Oregon.
081	Sen. Castillo	Questions if nursing home patients require an increased level of service.
095	Kaplan	Responds that during the past 15 years alternative providers have emerged and Medicare's reimbursement regulations changed creating incentives to shorten hospital stays and utilize nursing facilities for rehabilitation purposes.
137	Sen. Fisher	Explains and discusses how nursing facilities and patient care demands have

		changed.
187	Kaplan	Responds in agreement.
<u>Specific Provider Descriptions</u>		
203	Jim Carlson	Executive Director, Oregon Health Care Association, provides overview of community based organizations and State partnerships (EXHIBIT D) . Notes that Medicaid/Medicare are the primary funding source, private payers are second, and 3-4% of the clients are currently covered by long term care insurance.
260	Carlson	Continues review of client's medical and behavioral needs.
315	Carlson	Reviews assisted living environments.
376	Chair Kruse	Asks why an assisted living provider would choose not to participate in Medicaid.
385	Carlson	Responds that there is a disparity in all settings between what is charged and what Medicaid will reimburse. Explains that providers will choose to fill-up their occupancy with private paying clients. Continues review of program funding.
415	Carlson	Continues summary of assisted living arrangements. Notes limitations on accessibility.
465	Carlson	Continues review of residential care facilities.
515	Carlson	Continues clarification of residential care facilities.
Tape 20, A		
002	Carlson	Continues explanation of services and programs offered by residential care facilities.
015	Margaret Murphy Carley	Deputy Director and General Counsel, Oregon Health Care Association, states that other states do not utilize the same definition of assisted and residential living facilities.
026	Carlson	Remarks that because of this difference it is difficult to obtain adequate data to develop valid comparisons. Continues review of residential care facilities.
075	Carlson	Discusses barriers in the long term care providers environment.

125	Carlson	Continues review of maintaining adequate Medicaid funding levels. Notes that case loads are increasing in the lower-income category.
175	Carlson	Continues review of access to facilities and integration of acute and long term delivery systems.
221	Murphy Carley	Provides examples of how the Oregon Health Plan effects the long term care client: <ul style="list-style-type: none"> • certain conditions are not covered while in a facility • house calls for dental care • health plans are required to pay for medically necessary services, the facility is required to provide services to the highest practical level of care
257	Carlson	Continues presentation outlining the demographics of the aging population.
307	Carlson	Continues summary of long term care and begins review of concerns for the long term care community: <ul style="list-style-type: none"> • providers have difficulty recruiting, hiring and retaining qualified employees
350	Carlson	Continues review covering: <ul style="list-style-type: none"> • maintaining adequate Medicaid funding levels • maintain access and options to the Medicaid population • caseload growth needs to be addressed by long term strategies • more consumer choice and control in the private sector • Oregon should build on the federal Kennedy/Kassebaum reforms
375	Sally Goodwin	Executive Director, Oregon Alliance of Senior and Health Services, provides on the Alliance.
425	Goodwin	Continues overview.
472	Terry Kraemer	Government and Regulatory Affairs Director, Oregon Alliance of Senior and Health Services, reviews prospective reimbursement system.
515	Kraemer	Discusses current funding level and staffing issues within the industry.
Tape 19, B		
020	Kraemer	Continues presentation.

024	Goodwin	Discusses the low occupancy rate in nursing facilities. Comments on the Vision 2000 project. Outlines the transformation of St. Catherine's, Coos Bay, from a nursing facility to a residential care specialized facility.
065	Goodwin	Continues clarification of the Vision 2000 objectives.
085	Sen. Fisher	Asks if residents of a residential care specialty facility are as medically demanding as a patients in nursing facilities.
090	Goodwin	Responds that the population is the same.
120	Sen. Fisher	Questions if those types of facilities are eligible for state and/or federal funds.
123	Goodwin	Responds that the waiver allows for Medicaid funds to be used.
<u>Adult Foster Homes</u>		
141	June Sulffridge	Member Adult Care Providers of Oregon, provides presentation on adult foster care providers (EXHIBIT E). Describes adult foster homes, the activities, and the environments. Notes concerns and the relationship of adult foster care providers with SDSA.
192	Sulffridge	Continues description of adult foster care homes.
245	Sulffridge	Continues presentation from the provider's perspective.
295	Sulffridge	Continues review of activities of the state providers association (ACPO).
350	Sulffridge	Discusses the complaint process.
390	Sulffridge	Discusses the involvement of Ombudsman office.
440	Sulffridge	Continues overview of provider and patient rights.
490	Sulffridge	Discusses concerns regarding the lack of compliance with state and county rules.
Tape 20, B		
004	Sulffridge	Continues presentation reviewing reimbursement issues.

055	Sulffridge	Discusses the relationship between providers and SDSD.
111	Sen. Fisher	Invites any or all providers to notify him regarding misconduct or complaints regarding an Ombudsman or any other state official.
168	Sulffridge	Comments and acknowledges Sen. Fisher's offer.
179	Rep. Milne	Expresses support of adult foster care providers.
<u>Client Employed Providers</u>		
205	Char Adams	Clackamas County Social Services and Client Employed Provider Program, reviews in-home care services. Discusses three categories of providers: <ul style="list-style-type: none"> • family (spouse, relative, neighbor) • paid volunteers • caregivers that are trying to develop a profession
255	Adams	Reviews current wages and benefits. Emphasizes the importance of education and training.
320	Sen. Fisher	Discusses and acknowledges the importance of the previous testimony.
370	Adams	Responds and discusses the advantages of keeping the aging clients in their homes.
400	Sen. Fisher	Comments in support of home health services.
420	Adams	Discusses the recent caregiver forum in the Tri-County Metro area. Offers the suggestion that training may be an incentive for providers.
463	Sen. Fisher	Describes and discusses alternative options.
490	Adams	Concludes that staff of home health services are supportive of this program.
Tape 21, A		
002	Chair Kruse	Closing comments and adjourns the meeting at 4:32 P.M.

Sandy Thiele-Cirka, Anne E. Tweedt,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ Subcommittee Rules, Staff, 2pp

B ñ Senior and Disabled Services Division, Overview, Roger Auerbach, 29pp

C ñ Long Term Care Service Delivery System, Overview, Barry Donnenfeld, 33pp

D ñ Long Term Care Provider, Overview, Jim Carlson, 23pp

E ñ Adult Foster Care Home Provider, Written testimony, June Sulfridge, 13pp