

HOUSE COMMITTEE ON

HUMAN RESOURCES AND EDUCATION

January 20, 1995 Hearing Room
8:00 a.m.

Tapes 8-11

MEMBERS PRESENT:

Rep. Dennis Luke, Chair
Rep. Frank Shields, Chair
Rep. Bill Fisher
Rep. Mike Lehman
Rep. John Meek
Rep. Patti Milne
Rep. Barbara Ross
Rep. Lynn Snodgrass
Rep. Charles Starr
Rep. Terry Thompson
Rep. Sharon Wylie

STAFF PRESENT:

Jan McComb, Administrator
Tom Mann, Administrator
Shelley Jones, Assistant

MEASURES HEARD: Long Term Nursing Home Care-overview
HB 2172 Public Hearing and Work Session

These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings,
please refer to the tapes.

TAPE 8, SIDE A

005 CHAIR LUKE: Opens the meeting at 8:03 a.m.

INFORMATIONAL MEETING- LONG TERM NURSING HOME CARE

010 SUSAN DIETSCHKE, ASSISTANT ADMINISTRATOR, SENIOR & DISABLED SERVICES
DIVISION: Submits and reviews written testimony. (EXHIBIT A)
-Statute includes a requirement that services should be administered at the

local level.

040 -Title 19, Social Security Act.
-The Division must pursue care that is of the highest quality.
070 -The Division is committed to four major activities.
100 -Oregon Project Independence is funded through the Governor's budget.

104 SHIELDS: Questions Oregon Project Independence, could any money be
saved in any of the other senior and disabled programs if there was more
emphasis on Oregon Project Independence.

115 DIETSCHKE: Oregon Project Independence is similar to the Medicaid long
term care programs, but eligibility requirements are different, and some
people not eligible under the Medicaid program receive services under
Oregon Project Independence.

150 -Reviews information provided on charts included in written testimony.
211 -Fastest growing population in Oregon, and largest number of people per
capital west of the Mississippi; the in migration of Oregon is higher than
the in migration of Arizona.
225 -SSI, cash assistance program, general assistance funds.

236 HB 2172 PUBLIC HEARING

260 Witnesses: Jim Schepke, State Librarian
Anne Billeter, President, Oregon Library Association
Marna Tallman, Director, Central Oregon-North Information Network
Jacobs, Director, Corvallis-Benton County Public Library

Deborah

268 Staff submits and reviews Staff Measure Summary, Fiscal Impact Analysis,
and copy of bill
passed last session. (EXHIBIT C)

300 JIM SCHEPPKE, STATE LIBRARIAN: Submits and reviews written testimony in
favor of HB 2172. (EXHIBIT B)
-Program will sunset June 30, 1995 unless HB 2172 is passed.
-Cost effective program, federally funded program.
-Carries support of Oregon Library Association and Governor Kitzhaber.

350 ANN BILLETER, DIRECTOR, SOUTHERN OREGON LIBRARIES INFORMATION
COOPERATIVE (SOLIC), PRESIDENT, OREGON LIBRARY ASSOCIATION: Submits and
reviews written testimony in favor of HB 2172. (EXHIBIT D)

370 MARN TALLMAN, DIRECTOR, CENTRAL OREGON-NORTH INFORMATION NETWORK
(CONIN): Submits and reviews written testimony in favor of HB 2172.
(EXHIBIT D)

383 DEBORAH JACOBS, DIRECTOR, CORVALLIS-BENTON COUNTY PUBLIC LIBRARY:

Submits and reviews written testimony in favor of HB 2172. (EXHIBIT D)

415 THOMPSON: Thanks speakers for their work done on state wide library
issues and the positive affect on the Newport and coastal area.

424 HB 2172 WORK SESSION

426 MOTION: REP. MEEK: Moves HB 2172 be sent to the Floor with a DO PASS
recommendation.

435 VOTE: In a roll call vote, all members are present and vote AYE.

442 CHAIR LUKE: The motion CARRIES.

455 CHAIR LUKE: REP. ROSS will lead discussion on the FLOOR.

475 INFORMATIONAL MEETING CONTINUED- LONG TERM NURSING HOME CARE

480 MEREDITH COTE, STATE LONG TERM CARE OMBUDSMAN: Submits and reviews
written testimony. (EXHIBIT E)

TAPE 9, SIDE A

050 -Role of long term care ombudsman through out the state.

-Federal Older Americans Act.

-Oregon long term care ombudsman program.

080 -Challenge is to call the public's attention to long term care problems
and issues.

115 -Volunteer ombudsman selection, screening and training.

130 -Certified of ombudsman.

165 -Standards for training, standards for reporting, participation in the
program.

180 -Partnership with other agencies, some good, some strained
relationships.

190 -Relationship with providers and issues which cause some tensions
between agencies.

235 SHIELDS: Question on elder abuse laws passed during the last session,
and how the implementation has occurred.

245 COTE: Referring to HB 2309 which established regulations for
investigating elderly abuse; the ombudsman volunteers are receiving
training to help implement the regulations. Ombudsmen do not have
regulating authority, only reporting authority.

300 -The Office of the Long Term Care Ombudsman presents what they believe
are the facts in a situation and they document the information, presenting
that to the agency that has regulatory authority.

310 LUKE: Question on referring to nursing facility and overly aggressive
ombudsman or complaints regarding the ombudsman volunteers.

315 COTE: There is a process for investigating incidents or complaints.
Ombudsman receive on- going training and written protocol of interaction and
communications.

355 -Issues of staffing is the overriding concern and the major complaint
is lack of sufficient staff.

-The quality and training of staff for foster care providers and resident
managers.

390 -In assisted living arrangements, contracted services are negotiated and

the residents needs are not being met as the services required increases,
or they are being asked to leave.

415 -Explains the difference in nursing homes which provide intermediate or
acute care,

adult foster care homes, residential care homes, residential care
facilities, and assisted living facilities.

TAPE 8, SIDE B

040 WYLIE: Is there a trend to have mixed services provided with a care
unit and an assisted living arrangement in the same complex?

078 FISHER: Comments on nursing and residential home or assisted living
facilities in the same center and the combination center in one building or

one facility not really taking off in the Oregon market.

100 COTE: Reviews audit findings, 10 to 15% of foster care homes need
intervention or closing and 15 to 25% need significant intervention and
monitoring.

120 -The need for specialized training for providers working with Alzheimer
residents

135 -Financial stability of homes, insolvent providers, license revocation
issues.

150 -Abusers in the system, central registry.

162 -Physical and chemical restraint used on residents in nursing and foster
care providers.

180 LUKE: Questions chemical restraint, and isn't chemical use overseen by
doctors.

186 COTE: States that chemical use is not well monitored, and many doctors
are not active participants with their long term patients and do not see

their patients once they are in the facility.

200 FISHER: Comments on chemical use in nursing homes.

215 LUKE: Request that SUSAN DIETSCHKE, ASSISTANT ADMINISTRATOR, SENIOR AND
DISABLED SERVICES DIVISION comment and explain the process when complaints
on abuse or neglect are received.

225 DIETSCHKE: Explains the process in handling complaints by the department
and/or received by ombudsman.
-Civil penalty and effectiveness

285 LUKE: Comments on cooperative investigation practices done by OR. OSHA,
and whether the positive OR. OSHA program could be used as a model for
SDSD, rather than what seems to be a more negative investigation and survey
process.

300 DIETSCHKE: Responds that the department is working with federal
guidelines, program review and audits to assist in developing positive
investigation and survey processes. Currently, around
5% nursing homes are in a state/federal funded program to develop quality
assurance in nursing homes, where the department monitors and a positive
review and recommendation process is in place.

330 -Emergency Board authorized additional staff funding to assist in
monitoring
350 -Quality assurance in foster homes.

380 FISHER: Comments on problems within system and the need to provide
technical assistance to
providers.

415 ROSS: Comments on negative publicity recently regarding certain adult
foster care providers, and the necessity to provide adequate training for
providers.

435 Committee thanks Dietsche.

450 JAMES CARLSON, DIRECTOR OF GOVERNMENT AFFAIRS for the OREGON HEALTH
CARE ASSOCIATION: Submits and reviews written testimony. (EXHIBIT F)

TAPE 9, SIDE B

045 SALLY GOODWIN, DIRECTOR of the OREGON ASSOCIATION OF HOMES FOR THE
AGING: Submits and reviews written testimony and introduces John Hogan.
(EXHIBIT F)

065 JOHN HOGAN, ADMINISTRATOR of the BENEDICTINE NURSING CENTER IN MT.
ANGEL, OR: Reviews the changes in long term care facilities and providers
in the last decade and the problems in providing care to patients.
100 -Behavioral problem patients and the increase cost to the providers.
110 -Nursing shortage and skilled trained staffing problems.
135 -Care problems, funding problems, true cost of operations.
158 -Cooperation among providers and Vision 2000, which is a long range plan

for nursing homes.
-Models of where nursing home providers will be in the future.

190 LUKE: Questions the staff training and quality of staff for demands to
provide higher quality care.

185 HOGAN: The expertise level and training is increasing and will add
additional operating cost to providers and facilities.

229 MARY RADTKE KLEIN, DIRECTOR OF RESIDENTIAL CARE & ASSISTED LIVING
FACILITIES SERVICES for the OREGON HEALTH CARE ASSOCIATION: Provided
information on the different types of facilities and models developed.

250 -Residential care model.
-Assisted living facilities model changes in 1989.
274 -Regulatory flexibility and consultative monitoring.
295 -State medicaid reimbursement for cost of care issues.
305 -Residential care facilities reimbursement systems that are inadequate,
the issue will be brought up during this session.

321 ROSS: Question on what it would take to bring residential care
facilities standards up.

330 RADTKE KLEIN: Reimbursement systems issues need attention and training
of providers.

385 HOGAN: Summarizes the testimony by participants and comments on
insurance for long term care services and sub acute care.
-76% of residents are submitted by an acute care hospital.
-Medicare covers 5%, private pay 32% and Medicaid covers 60% of the cost of

long term care cost in the State of Oregon.

425 -Integration of long term and phased care systems in relationship to
implementation of the Oregon
Health Plan.

472 -Rate restructuring issues implemented as an outcome of the 1993
legislative session causing a \$46 million dollar cut, effecting the quality

of staff and providers throughout the entire industry.

TAPE 10, SIDE A

043 -Federal law requirements for reimbursement system and the two associations recently filed lawsuit against the State of Oregon due to medicaid rate restructuring issues.

069 -Example of impacts on care centers staff, due to the rate restructuring that went into effect.
-Medicaid losses of care centers.

081 DENNIS RUSSELL, OREGON ASSOCIATION OF HOMES FOR THE AGING: Comments on the impact that the Medicaid rate restructuring issues had at Heart of the Valley where he was the former administrator.

125 -Losses and cut in direct care staff at Heart of the Valley.

150 -Resignation due to cuts and issues at the facility.

179 -Advocate for changes in the system and change needed in medicaid rate restructuring.

201 LEHMAN: Comments on funding for children versus senior funding and the dilemma.

220 RUSSELL: Recognizes the problem, that everyone is trying to get a piece of the pie, but with proposals for increase cost to adult care providers through proposed licensing fee increases or provider tax; the funds raised should be spent on services for adult care providers or agencies.

250 CARLSON: Comments that the state has significantly changed our nursing facility reimbursement system eleven times in the past eight years. Introducing the Medicaid Quality Care Act, which is a fair and open process

to review any legislation prior to changes. Presents copy of LC draft and will be asking for support of this legislation.

300 GROVER SIMMONS, INDEPENDENT ADULT CARE PROVIDERS ASSOCIATION: Reviews his written testimony submitted as (EXHIBIT G).

320 -Reviews loss of esteem and prestige in the industry due to poor public image which resulted from press coverage of four tragic cases in Washington County.

371 -Packwood waiver of federal law to allow nursing care in adult care foster homes.

383 -66% of residents in foster care are strictly private pay

475 -Continues reviewing written testimony submitted, see exhibit.

TAPE 11, SIDE A

050 -Continues reviewing written testimony submitted, see exhibit.

065 LEHMAN: Question on page 2, the issue of the multiple home owner who leased back the home care facilities to her resident managers and the problems with Senior and Disabled Services Division SDSD.

115 SIMMONS: Reviews some of the proposals being considered for legislative action this session.

-Education and training, testing, criminal background checks for a license.

-Opposes bonding requirements proposed by SDSD.

-Proposes a provisional license for 6 month period.

173 -Uniform rules established for the whole state.

215 -Fees and fines, and bill introduced which will not allow fee increases without review.

245 -Expanding role of long term care ombudsman program.

290 -Report of complaints of the ombudsman program and need for a major overhaul.

325 -Reference to 1989 HB 2620, and proposed changes to the ombudsman program.

400 -Problems with re-licensing.

450 -Summarizes testimony.

TAPE 10, SIDE B

040 THOMPSON: Asked about the recent cases that were sensationalized in the media.

045 SIMMONS: Reported generally on the cases.

076 FISHER: Comments with historical perspective from 1993 session and suggestions that were presented to make changes in adult care foster homes during the last session.

100 DELL ISHAM, OREGON CARE PROVIDERS ASSOCIATION: Submits and reviews written testimony. (EXHIBIT H)

150 -Training for caregivers and common standard established.

-Criminal records check prior to employment.

185 -It is time to reform adult foster care.

213 SHIELDS: Asked what was the philosophical difference between the organization Mr. Isham represents, OREGON CARE PROVIDERS ASSOCIATION and the program Mr. Simmons represents, INDEPENDENT ADULT CARE PROVIDERS ASSOCIATION.

225 ISHAM: Not appropriate for me to speak for another organization, just the Oregon Care Providers Association.

235 FISHER: States that both are just two associations with different

members, representing different
aspects in the industry.

273 CHUCK SHEKETOFF, MULNOMAH LEGAL AID SERVICE: Request an opportunity to
speak on nursing home reform and long term care issues, a perspective on
the ombudsman office and enforcement proposals at some future date.

300 LUKE: Adjourns meeting at 11:25 p.m.

Submitted by:

Reviewed by:

Shelley M. Jones
Committee Assistant

Jan Mc Comb
Committee Administrator

EXHIBIT LOG:

A- Testimony from Susan Dietsche- Dietsche- 9 pages
B- Testimony from Jim Scheppke- Scheppke- 2 pages
C- HB 2172 Staff Measure Summary/Fiscal- Staff- 5 pages
D- Testimony from Billeter, Tallman, Jacobs- Billeter- 2 pages
E- Testimony from Meredith Cole- Cole- 14 pages
F- Testimony from James Carlson- Carlson- 26 pages
G- Testimony from Grover Simmons- Simmons- 14 pages
H- Testimony from Dell Isham- Isham- 2 pages