

LC 371
2013 Regular Session
10000-007
7/18/12 (LHF/ps)

D R A F T

SUMMARY

Requires Department of Human Services to develop plan for long term care. Specifies requirements for development and implementation of plan.
Sunsets January 2, 2019.
Declares emergency, effective on passage.

A BILL FOR AN ACT

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Relating to long term care; and declaring an emergency.

Whereas older adults and persons with disabilities can live long and healthy lives; and

Whereas many of these Oregonians need assistance to live as independently as possible; and

Whereas Oregon's long term care system has been a national leader in ensuring that seniors and persons with disabilities receive care that honors their independence, choice and dignity in a culturally and linguistically competent manner; and

Whereas most Oregonians take today's array of choices in and the cost effectiveness of long term care for granted, but many of the options are available only to Medicaid-eligible individuals; and

Whereas the aging of our society poses both challenges and opportunities; and

Whereas the escalating costs of long term care services and supports compromise the ability to invest in other services that contribute to the well-being of this population; and

Whereas Health System Transformation is changing the landscape of the

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 health care delivery system, and the long term care system must also change;
2 and

3 Whereas incremental changes will not solve Oregon's impending crisis
4 and comprehensive reform is required; now, therefore,

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1. (1) The Department of Human Services shall develop**
7 **a plan to reform and modernize Oregon's publicly funded long term**
8 **care system. The plan must set forth:**

9 (a) **How to establish home and community-based care as the new**
10 **long term care entitlement;**

11 (b) **How to ensure that nursing facility services can be made avail-**
12 **able for individuals with qualifying needs and in geographic areas**
13 **where no home and community-based care is available;**

14 (c) **Strategies and implementation plans designed to prevent or de-**
15 **lay the entry of individuals into publicly funded long term care;**

16 (d) **Strategies to institutionalize effective care coordination between**
17 **long term care and acute care systems;**

18 (e) **How to modernize Oregon Project Independence;**

19 (f) **Strategies to address the diverse needs of individuals who are**
20 **not adequately served in the existing long term care system;**

21 (g) **Strategies to ensure long term care services are delivered in a**
22 **culturally and linguistically appropriate manner; and**

23 (h) **Strategies to ensure individuals currently served in publicly**
24 **funded long term care are exempted or transitioned to the new system**
25 **without the loss of benefits.**

26 (2) **The department shall explore the use of Medicaid demonstration**
27 **projects to provide the greatest flexibility under federal requirements**
28 **to administer long term care for seniors and individuals with physical**
29 **disabilities.**

30 (3) **In developing the plan, the department shall consider making**
31 **services available to individuals who are not eligible for Medicaid or**

1 for Medicaid-funded long term care by charging costs on a sliding
2 scale, or applying other needs-based criteria, to make long term care
3 affordable.

4 **SECTION 2. (1) To assist in developing the plan described in section**
5 **1 of this 2013 Act, the Department of Human Services shall convene a**
6 **planning committee that includes representatives of all key**
7 **stakeholders, including but not limited to the Long Term Care Om-**
8 **budsman and representatives of:**

9 (a) Nursing facilities and community-based care facilities;

10 (b) The Service Employees International Union and home care
11 workers;

12 (c) In-home care agencies and home health agencies;

13 (d) The department's statutory advisory councils, committees and
14 commissions;

15 (e) Area Agencies on Aging; and

16 (f) The State Independent Living Council established by Executive
17 Order 94-12 and Centers for Independent Living.

18 (2) The department shall present a preliminary plan in public
19 hearings conducted in regions throughout this state during December
20 2013 and January 2014.

21 (3) After considering input received in the public hearings, the de-
22 partment shall finalize the plan described in section 1 of this 2013 Act
23 and shall submit a written report to the Legislative Assembly during
24 the 2014 regular session of the Legislative Assembly. The report must
25 include a description of any federal approval that is required to secure
26 federal matching funds for the expenses of implementing the plan.

27 (4) Except as provided in subsection (5) of this section:

28 (a) No later than May 30, 2014, the department shall submit an ap-
29 plication for any federal approval required to secure federal matching
30 funds.

31 (b) The department shall implement the plan no later than 120 days

1 after the department receives federal approval of the terms and con-
2 ditions of a demonstration project or other federal approval necessary
3 to secure federal matching funds for the plan or, if no federal approval
4 is required, no later than 120 days after the department submits the
5 report to the Legislative Assembly under subsection (3) of this section.

6 (5) If any legislative action is necessary to implement the plan, the
7 department shall submit the legislative concept to the Legislative
8 Counsel no later than June 15, 2014. The department may implement
9 any provisions of the plan that do not require legislative action in
10 accordance with subsection (4) of this section.

11 SECTION 3. Sections 1 and 2 of this 2013 Act are repealed January
12 2, 2019.

13 SECTION 4. This 2013 Act being necessary for the immediate pres-
14 ervation of the public peace, health and safety, an emergency is de-
15 clared to exist, and this 2013 Act takes effect on its passage.

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