

#### **410.550 Medicaid Long Term Care Quality and Reimbursement**

**Advisory Council; membership; duties.** (1) The Medicaid Long Term Care Quality and Reimbursement Advisory Council is created, to consist of 12 members. Appointed members shall be residents of the State of Oregon and representative of the geographic locations of all long term care facilities and community-based care facilities in this state. The members shall include:

(a) The Long Term Care Ombudsman, who shall serve as a standing member of the council;

(b) A representative of the Governor's Commission on Senior Services, to be appointed by the commission;

(c) A representative of the Oregon Disabilities Commission, to be appointed by the commission;

(d) A representative of the Oregon Association of Area Agencies on Aging and Disabilities, to be appointed by the Governor;

(e) A representative of a senior or disabilities advocacy organization or an individual who advocates on behalf of seniors or persons with disabilities, to be appointed by the Governor;

(f) A nursing home administrator licensed under ORS 678.710 to 678.840 who has practiced continuously in Oregon in long term care for three years immediately preceding appointment, to be appointed by the Speaker of the House of Representatives;

(g) Two consumers of long term care facilities or community-based care facilities or family members of such residents, to be appointed by the Speaker of the House of Representatives;

(h) A director of nurses of an Oregon long term care facility who has practiced in this state in long term care for three years preceding appointment, to be appointed by the Speaker of the House of Representatives;

(i) A representative of an assisted living facility or a residential care facility, to be appointed by the President of the Senate;

(j) A representative of an adult foster home, to be appointed by the President of the Senate; and

(k) An in-home care agency provider, to be appointed by the President of the Senate.

(2) The term of office for each member appointed under this section shall be three years or until a successor has been appointed and qualified.

(3) Members of the council shall receive no compensation for their services but unpaid volunteers not otherwise compensated shall be allowed actual and necessary travel expenses incurred in the performance of their duties.

(4) The council shall:

(a) Elect a chairperson from among its members and elect or appoint a secretary, each of whom shall hold office for one year or until successors are elected;

(b) Hold an annual meeting and hold other meetings at such times and places as the Department of Human Services or the chairperson of the council may direct;

(c) Keep a record of its proceedings that is open to inspection at all times; and

(d) Act in an advisory capacity to the department on matters pertaining to quality of long term care facilities and community-based care facilities and reimbursement for long term care services and community-based care services. [1995 c.667 §1; 2001 c.104 §142]

**410.555 Submission of changes to Medicaid reimbursement system to council; advisory recommendation; approval; report; budget review; rules.** (1) The Department of Human Services shall submit to the Medicaid Long Term Care Quality and Reimbursement Advisory Council, for the council's review and recommendation, any proposed change or modification to the Oregon Medicaid reimbursement system for long term care services and community-based care services.

(2) Upon review of any proposed change or modification under subsection (1) of this section, the council shall issue a written advisory recommendation to the department. The recommendation shall state whether the council supports or opposes the proposed change or modification and whether the council believes the proposed change or modification will have an adverse or positive effect on the quality of long term care services and community-based care services provided under the Oregon Medicaid program.

(3) Prior to implementing any change or modification to the reimbursement system for long term care services and community-based care services, the Department of Human Services shall submit the council's written recommendation to the Legislative Assembly or to the Emergency Board if the Legislative Assembly is not in session. Before instituting the proposed change or modification, the department shall obtain the approval of the Legislative Assembly or the Emergency Board if the Legislative Assembly is not in session. A proposed change or modification with an estimated fiscal impact of \$100,000 or less shall be exempt from the provisions of this subsection.

(4) At the beginning of each legislative session, the Medicaid Long Term

Care Quality and Reimbursement Advisory Council shall review the Governor's proposed budget for the Department of Human Services.

(5) The Department of Human Services shall adopt such rules as are reasonably necessary for the enforcement of this section. The department shall submit to the council any proposed rule that directly or indirectly affects payment rates prior to proceeding with the notice requirements provided for in ORS 183.335. The department shall consider the comments of the council that pertain to the proposed rule. [1995 c.667 §2]