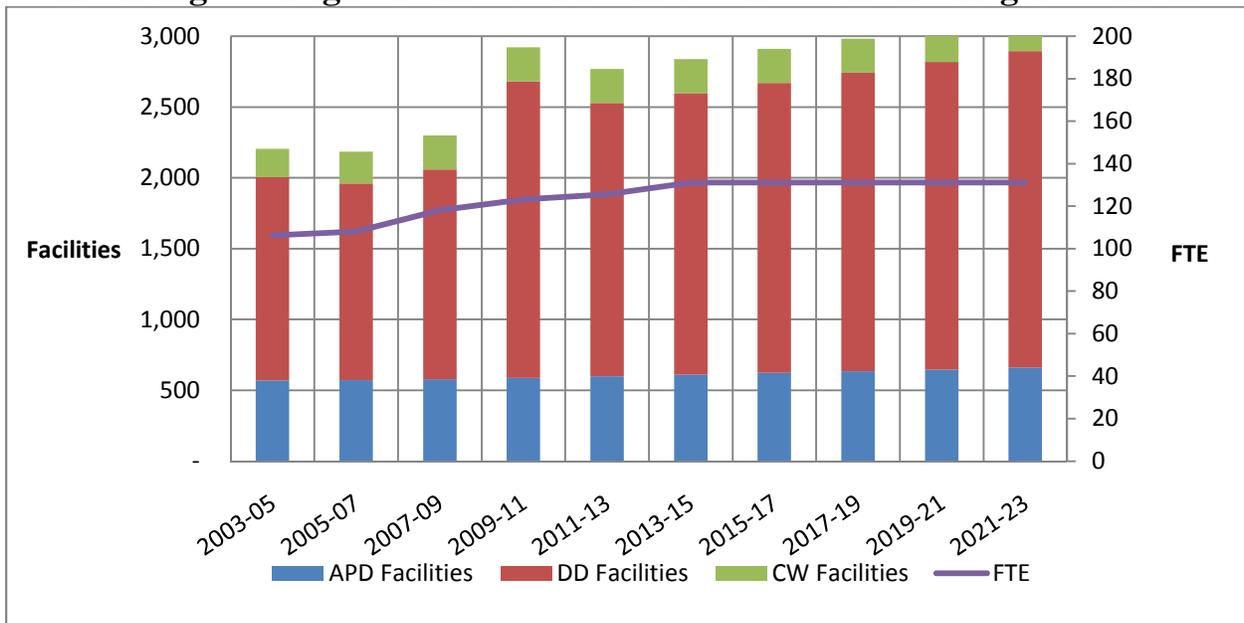


Department of Human Services: Office of Licensing and Regulatory Oversight

Primary Outcome Area: Safety
 Secondary Outcome Area: Healthy People
 Program Contact: Donna Keddy, 503-580-1193

Licensing Oversight: Number of Facilities and Staff that Regulate Them



Note: The number of facilities requiring licensure by DHS has grown significantly while the FTE for staff responsible for oversight of these facilities has not kept pace.

Executive Summary

The mission of the Office of Licensing and Regulatory Oversight (OLRO) is to provide for the safety of children, the aging and physically disabled, and people with developmental disabilities served by the Department of Human Services and others through the consistent, efficient and effective oversight of those who provide services to clients across the continuum of care. Through diligent oversight, investigation of complaints, potential reports of abuse and corrective action, future instances of unsafe conditions are reduced and quality of care to residents is improved. These services are most effective when they are provided in a quality and prevention model aimed at preventing harm in the first place in order to protect the safety and health of vulnerable Oregonians.

Program Funding Request

	Office of Licensing and Regulatory Oversight					
	GF	OF	FF	TF	Pos	FTE
LAB	9,592,061	227,128	12,989,976	22,809,165	125	125.00
ARB	11,107,593	325,799	15,036,544	26,469,936	132	131.16
Difference	1,515,532	98,671	2,046,568	3,660,771	7	6.16
Percent Change	15.8%	43.4%	15.8%	16.0%	5.6%	0.05

Significant Proposed Program Changes from 2011-13

OLRO Investments/Reductions	Office of Licensing and Regulatory Oversight					
	GF	OF	FF	TF	Pos	FTE
Add DHS licensing staff to adjust to increasing workloads	0.62	0.00	0.62	1.23	7	6.16

(\$ millions)

DHS is proposing an increase of five Client Care surveyor staff to ensure that care and safety of the vulnerable residents in nursing homes, and assisted living facilities. An additional Client Care Surveyor to ensure safety for people with developmental disabilities and one to ensure the safety of children in residential facilities. The client care surveyor is part of a team which survey facilities to certify they are meeting requirements set by federal regulation, state law, and state rule, as well as CMS conditions of participation in the Medicare and Medicaid programs. Surveys are mandate by CMS to be completed on average every 12.9 months with no facility going beyond 15.9 months. Oregon is not meeting our performance targets in this area set by federal regulation and state law.

Program Description

The Office of Licensing and Regulatory Oversight (ORLO) is responsible for the licensing, certification, regulatory and corrective action functions for Individuals with Developmental Disabilities (DD), Aging and People with Disabilities (APD) and Child Welfare (CW) providers. This includes adult foster homes for individuals with developmental disabilities, for the aged and physically disabled, child foster homes, 24-hour residential programs, assisted living facilities, residential care facilities, nursing homes, supported living programs, proctor care for agencies for children, brokerages, provider organizations, employment and alternatives to employment programs, and residential care facilities for children with behavioral, emotional and mental health conditions. This Office also provides policy direction to the Adult Foster Home certification regulation for APD. The target populations represent a diversity of linguistic and cultural backgrounds of individuals who reside in regulated care settings.

		Critical Categories of Oversight												
Program Area		Physical Environment: -Fire and Life Safety -Clean and Home Like	Staffing - Safe - Trained	Residents Rights Upheld Dignity, Respect, Free from abuse	Protection from Financial Exploitation	Adequate food, clothing, and shelter	Medical 24 hour emergent, acute and chronic care	Plan of Care Exist Individual, Specialized as well as self directed	Quality of Life Independent Choice, Home like settings, Socialization, and Family connections	Adequate Education	Vocational Skill development	Policies & Procedures Exist and are followed	Admission, transfer or discharge - Appropriate -Timely	Activities of Daily Living Assistance (Timely and Available) -Toileting -Eating -Ambulation -Hygiene
	Program Area	People with Developmental Disability	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Nursing Facilities		✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓
Assisted Living and Residential Care Facilities		✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓
Children's Care		✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓
Adult Foster Care		✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓



Performed

ORLO's licensing and oversight responsibilities vary by program area. The Office's role is described below:

- **139 Licensed Nursing Facilities** – Licensure is achieved and maintained, in part, through annual on-site review by teams of trained Client Care Monitoring Surveyors using a rigorous oversight, monitoring and corrective action process that is prescribed by the Centers for Medicare and Medicaid Services and Oregon statute and rule. On-site visits are conducted to ensure the safety and well-being of the approximate 5,000 most medically compromised and vulnerable elderly residents served in these facilities. Currently 42 FTE (majority federally funded) are employed to survey all Nursing Facilities on the federally mandated survey schedule. Surveyors are also charged with the investigation of allegations of rule violation, including abuse and neglect.
- **460 Assisted Living Facilities and Residential Care Facilities** – Licensure is achieved through on-site surveys conducted every two years. These facilities provide 24-hour care and services to elderly and disabled residents. This is the fastest growing level of care within the continuum for seniors and is anticipated to continue to expand within the service delivery system in the years to come. There is currently a capacity for over 23,000 Oregonians who may reside at this level of care, representing the largest population of Oregon's elderly citizens. The purpose of on-site visits is to ensure the safety and well-being of the vulnerable population served in these facilities. There are 15 surveyors that conduct on-site surveys in an industry that continues to increase in capacity each year while the number of FTE allocated for surveyors remains stagnate. There are seven FTE responsible for providing technical assistance to providers, consumers and local office staff. They also apply civil money penalties, sanctions and interventions to facilities that fail to provide adequate care and supervision. Industry growth exceeds our ability to provide adequate staff resource to do risk mitigation for the residents in these care settings.
- **240 Private Child Caring Agency facilities and programs** with a capacity to serve approximately 10,000 children – Licensure is achieved through regulatory reviews every two years. This includes on-site surveying, monitoring and corrective action. Children's Care Licensing Programs are statutorily mandated to oversee a variety of facility and program types, some of which are funded through Federal and State funding streams and others which are private. This includes the Oregon Youth Authority, the Oregon Health Authority and county juvenile departments. Currently this work is done by two Licensing Coordinators who monitor 240 facilities across the state. Due to the lack of Federal oversight of licensed children's programs and budget short-falls, there is insufficient resource in the Children's Licensing Unit. The two Coordinators conduct on-site reviews, provide technical assistance, investigate complaints, and coordinate sanctions as a result of abuse investigations. Given the current low staffing, the minimally required levels of service are all that can be met by this program. This licensing unit is only able to respond to wrong-doing that has already occurred and is unable to mitigate risk to children through proactive efforts with provider agencies.
- **1,929 homes and facilities** serving approximately 6,500 children and adults with developmental disabilities – Licensure is achieved through reviews. This includes on-site licensing/certification visits, monitoring and corrective action. The Developmental Disabilities Licensing Unit is responsible for the oversight of a variety of facility and program types. The regulatory activity occurs every year for Adult Foster Homes; every two years for 24-Hour Residential Programs and Child Foster Homes; and every five years for Supported Living Programs, Employment and Alternatives to Employment programs, Proctor Care agencies for children, Supported Living

Program, Brokerages, and Provider Organizations. Adult foster homes and residential facilities for children with Developmental Disabilities are licensed and certified by nine client care surveyors within this office.

- **1,900 homes for Aging and Physically Disabled** – These are licensed through the APD Program in DHS with technical assistance, corrective action and licensure policy development occurring in the Office of Licensing and Certification.

ORLO is closely connected to the Office of Adult Abuse Prevention and Investigation (OAAPI). OAAPI conducts investigations and provides protective services in response to reported abuse and neglect of seniors and people with disabilities, and children receiving residential treatment services. When OAAPI conducts an investigation and finds health or safety issues – whether the OAAPI investigation into abuse or neglect is substantiated or not – ORLO is brought in to determine whether a licensing violation has occurred.

Program Justification and Link to 10-Year Outcome

The performance of this Office is directly related to the safety of vulnerable Oregonians who find themselves in need of care in a supervised 24-hour living environment. These Oregonians are often unable to protect themselves and they deserve to be free from abuse and neglect by service providers and free from facilities that engage in practices that are detrimental to their safety and health. Through the timely, thorough and effective oversight of care facilities and homes for children, the elderly and the disabled, we provide some assurance that conditions exist within these facilities and homes that provide the highest likelihood of safety and quality care. The licensing and certification regulations that are in place are intended to educate providers of required safe practices, prevent unsafe conditions from being perpetuated and mitigate risk to vulnerable children and adults in care through regular oversight to insure that the regulations are being upheld.

Program Performance

The Department currently measures the timeliness of facility surveys conducted by each individual licensing program within the Office. The Office also utilizes several methods of oversight including:

- Initial Licenses
- Renewal/Site Visits
- Corrective Actions
- Civil Money Penalties
- Suspension/Sanction/Revocation
- Investigate Complaints

Enabling Legislation/Program Authorization

Licensure of Nursing Facilities in Oregon is mandated via ORS 441.015 (et seq) “Licensing and Supervision of Facilities and Organizations” and Medicaid Certification via Social Security Act, Title XIX, Sec 1819(g) - “Survey and Certification Process,” “State and Federal Responsibility” Medicare Certification via Social Security Act, Title XIX, Sec 1919(g).

Licensure of Assisted Living Facilities and Residential Facilities is mandated via ORS 443.455 “Residential Facilities and Homes” And Memory Care Endorsement within these facilities is mandated via ORS 443.886 “Alzheimer’s Disease” “Special endorsement required; standards; fees; rules.”

Licensure of Children’s Care Agency facilities is mandated via ORS 418.205 through 418.327 and ORS 418.990 through 418.998. Licensure and Certification of Facilities and Homes for children and adults with

developmental disabilities is mandated via ORS 443.830 and 443.835. Licensure of Adult Foster Homes for Persons with Developmental Disabilities is mandated via 443.705-443.710. Licensure of Proctor Care Residential Services for Individuals with Developmental Disabilities is mandated via ORS 430.021 (4) and 430.610-430.670. Licensure of 24-hour Residential Services for Children and Adults with Developmental Disabilities is mandated via ORS 443.400-443.455.

Licensure of Employment and Alternatives to Employment for Individuals with Developmental Disabilities is mandated via ORS 430.610, 430.630-430.670.

Licensure of Supported Living Services for Individuals with Developmental Disabilities is mandated via ORS 430.610, 430.630 and 430.670. Licensure of Support Services for Adults with Developmental Disabilities is mandated via ORS 417.340-417.355, 427.005, 427.007 and 430.610-430.695.

Licensure of Developmental Disabilities Agency Service Rule is mandated via ORS 443.400-443.455.

Funding Streams

This program and its accompanying positions are funded with a mix of State Funding, General Fund and Federal Funding from the following Federal Grants: Title XIX Medicaid at the Program Rate, Title XIX Medicaid at the Administrative Rate, and Title IV-E.