

# Welcome to Community Based Care News Hour September 24th, 2020

Please remember to put your phone on mute  
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# Agenda

- Compliance Tips:
- Compliance Trend Report

- Hot Topics:

Rule advisory committees

Involuntary Move out rules



# Covid Updates

- Executive Orders

Initiate testing within 72 hours

- Masks/Face shields

Required for all staff

- Please work with Local Health Department

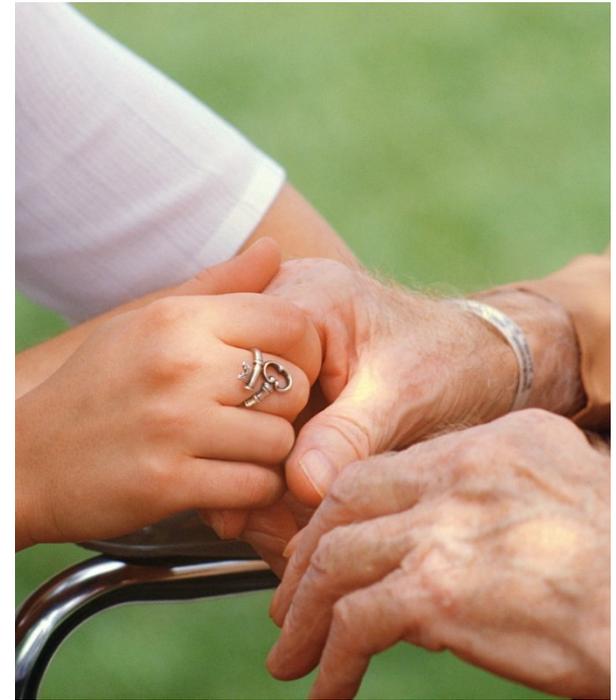
- Indoor visits

# Involuntary Move out rules

- Lynn Beaton
- Jan Karlen

# Temporary Move-Out Rules

## Changes to OAR 411-054-0080 Move-Out Rules



# Current Rule

- Went into effect on August 14, 2020
- Temporary, in place for 6 months
- Rule Advisory Committee (RAC) has been formed
- [Completing Move-Out Notices](#) -  
Instructions

# Disclosure Information

- OAR 411-054-0080 (1) references disclosure information which includes
  - Uniform Disclosure Statement
  - Residency Agreement
  - Consumer Summary Statement
- These documents need to clearly state what types of health, nursing, behavior and care services the facility **is unable** to provide.
- Ensure consistency

# Documentation

- Ensure that resident evaluations, service plans and other **documentation is up to date and accurately reflect the need** for a different level of care or why the resident is being asked to move.

# 30 Day Move-Out

- Criteria has not changed
  - The resident's needs exceed the ADLs the facility can provide
  - Behavior that substantially interferes with the rights or health or safety of the resident or others
  - Complex or unstable medical or nursing condition
  - Unable to accomplish fire evacuation

# 30 Day Move-Out Cont.

- Criteria has not changed cont.
  - Behavior that poses a danger to self or others
  - Illegal drug use or criminal acts that poses a danger to self or others
  - Non-payment

# 30 Day Move-Out – What Has Changed

- Must now consult with ODHS (SOQ)
  - Facility sends move-out notice (0567) to ODHS via [SOQ.Transfers@dhsoha.state.or.us](mailto:SOQ.Transfers@dhsoha.state.or.us) or fax at 503-378-8966
  - ODHS has two (2) business days to review the information.
  - If ODHS believes the criteria has not been met, the facility cannot issue the notice.

# 30 Day Move-Out

- If Criteria has been met:
  - Move-Out Notice given to resident, their legal representative
  - Must email or fax move-out to ODHS
  - If resident lacks capacity, and no legal representative, copy of the Notice must be sent to the Long-Term Care Ombudsman's Office (LTCO)

# Less Than 30 – Day Notice

## OAR 411-054-0080 (10) (a)

- Resident leaves facility for significant medical or psychiatric event, at time resident is ready to return,
  - Facility staff re-evaluate and determine the facility cannot meet the resident's needs based on
    - Disclosure information (OAR 411-054-0026)
    - Evaluation showing the significant and ongoing change of condition is related to the medical or psychiatric event.

# Less Than 30 Day Move-Out Notice cont.

- Notice must include specific reasons why the facility cannot meet the resident's needs based on the evaluation.
- If an administrative hearing is requested, facility must hold the resident's room or unit and may charge room and board pending resolution of the hearing.

# Less than 30 Day Move-Out

- If health and safety of the resident or others is in jeopardy – undue delay increases harm
  - Resident has right to request a hearing.
  - If resident has moved out of facility and request a hearing, cannot be charged room and board pending outcome of hearing.

# Issuing Less Than 30 Move-Out

- Facility sends move-out notice (0568) to ODHS via [SOQ.Transfers@dhsosha.state.or.us](mailto:SOQ.Transfers@dhsosha.state.or.us) or fax at 503-378-8966
- ODHS has two (2) business days to review the information.
- If ODHS determines the Move-Out Notice does meet criteria, it cannot be issued.

# Less than 30 Day Move-Out – OAR 411-054-0080 (10) ODHS Review

- Did the facility take into account:
  - OAR 411-054-0070 (1) – Staffing
  - OAR 411-054-0030 (2) (b) – Ancillary Services
  - OAR 411-054-0045 (1) & (2) – Health Services
- ODHS may contact individuals for additional information

# Less than 30 Day Move-Out

## OAR 411-054-0080 (10) ODHS Review

- If it does not meet the criteria, facility cannot issue the Notice.
- If the criteria has been met, facility can issue the notice to resident and/or legal representative.
- On the same day - email or fax notice to ODHS and LTCO.
- Resident can request an Administrative Review from the Administrator of Safety, Oversight & Quality

# Summary

- Review by ODHS/SOQ is required – up to 2 business days to respond
- Ensure disclosure information is consistent
- Ensure documentation on residents accurately reflect their service needs
- Review policies and procedures on move-out to ensure they are consistent with rule
- Questions – contact your OPA

# Quality Measurement Program

- The Quality Measurement Program is still active.
- Change in format to “Yes” or “No” answers
- Still must report by January 31, 2021 by 11:59 pm

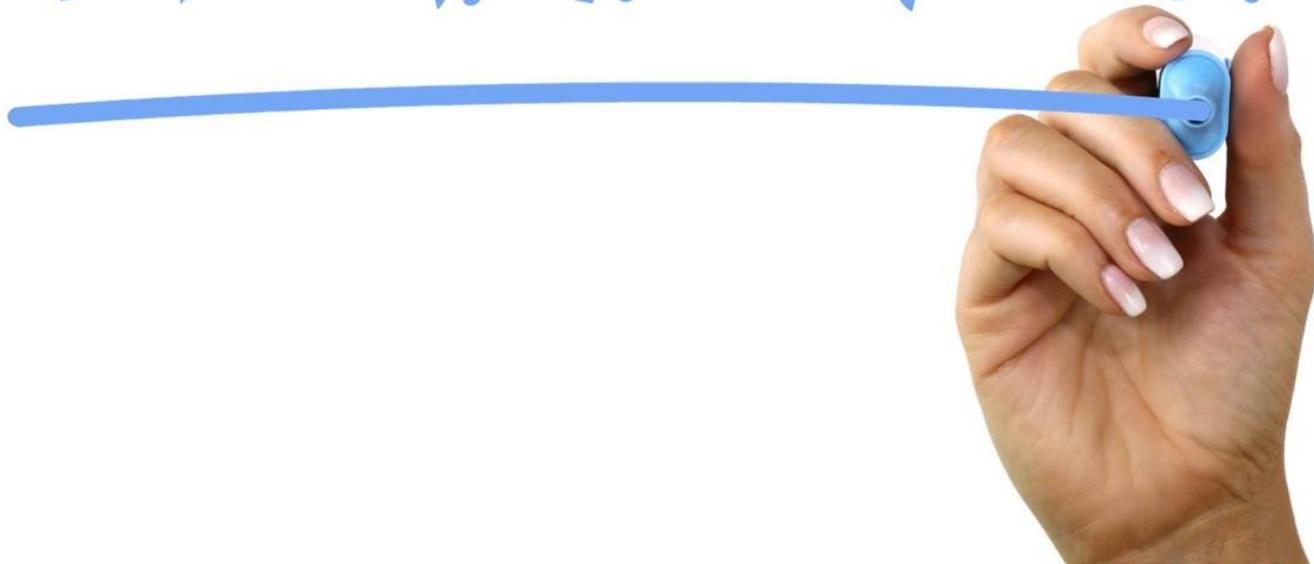
# Quality Measurement Program

- Register for Quality Metrics Application at <https://ltcfacilityportal.oregon.gov/>
- Upcoming webinars
  - October 15, 2020
  - November 17, 2020
- Questions - [QualityMetrics.Acuity@dhsosha.state.or.us](mailto:QualityMetrics.Acuity@dhsosha.state.or.us)

# QMC & LiveWell

- Help for tracking quality improvement tools to track these measures and others
- Free to all Oregon RCFs & ALFs – through ODHS Quality Care Fund
- Website – [www.livewell-Oregon.com](http://www.livewell-Oregon.com)

THANK YOU



Thanks so much!

Next News hour:  
October 22nd 2020

9:00 am

Questions????

[CBCTeam@state.or.us](mailto:CBCTeam@state.or.us)

CBC web site Address::

<http://www.oregon.gov/DHS/PROVIDERS-PARTNERS/LICENSING/CBC/Pages/index.aspx>

