

RAC 411-086, 411-054, and 411-051 HB 2524 Long-Term Care Ombudsman Material Notification

RAC 411-050, 411-054, and 411-051 –Distributing LTCO Information		
March 6th, 2020	RAC	Safety, Oversight & Quality Unit 3406 Cherry Ave NE Salem, OR 97303
Type of meeting	Email RAC	
Note taker	Eleni Gialoyrakes	
Attendees	Email Responses: Fred Steele, Gwen Davis, Lia Knauss, John Phillips, Christian Hale, Mary Scott	
<p>Comments –</p> <ul style="list-style-type: none"> • Fred Steele <ul style="list-style-type: none"> ○ For additional consistency with the bill language, please replace “material supplied” with “information developed.” ○ Agreed with Gwen Davis’ recommendations in comment response, please see below. • Gwen Davis <ul style="list-style-type: none"> ○ Two suggested changes: Upon admission of a resident, the facility shall provide the resident with material supplied by the Long-Term Care Ombudsman describing the availability and services of the ombudsman. The facility shall document [and maintain a record of] that the facility provided this information as required. ○ Reasons for the suggested changes are: <ol style="list-style-type: none"> 1. The language re availability/services is this is the actual language in HB 2524 and avoids a requirement that facilities provide whatever information the Ombudsman may provide, beyond what the bill may prescribe. 2. The bill actually does not require facilities to document and maintain a record of the resident’s receipt of the 		

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information. Further, there is no requirement the information actually be “received” but rather that the facility provided it. I know, splitting hairs but it would not be a violation of the rule if a facility provided the information even if a resident does not recall receiving it. For compliance purposes it makes sense to document that the information was provided but adding a “maintain a record” is both duplicative, or may imply a new standard beyond documentation.

- *Agency response: We agreed with the recommendations above and have incorporated them into the final language.*

- Lia Knauss
 - The word “printed” has been removed from this new rule version. The current 1-1-20 OAR’s have the word “printed” included and it should be included in this new version as well. Without that verbiage providers could argue they don’t have to hand them any materials and could just “review” the LTCO poster on the postings board.
 - Since the LTCO printed material is a flyer, and can only be accessed on the LTCO website, (it is not on provider tools) that website address should be included in the OAR’s (as other websites are for other items) so providers have this resource of where to find and print this required document. <https://www.oltco.org/ltco/resources-for-providers>

- *Agency response: The term “printed” is not being used because the information provided by the LTCO will likely be submitted electronically. The AFH team will add the LTCO flyer to the APD/AFH Provider Information website as suggested.*

- John Phillips
 - I took some time to review HB2524 and quite honestly I do not understand the need to reinvent the wheel or expend the time and resources recreating a form(s) that already exist (please see attached photos). Providers could simply

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hand these to the resident or representative.

- Christian Hale
 - Your changes look very reasonable, thank you.
- Mary Scott
 - Thank you we already hand out a sheet of agencies to get a hold of if you have concerns, including the Ombudsman's office, but we do not document we gave them that, it is just part of our move in packet. We will start to document this and have them sign that they received it.
- *Agency response: The Department has considered all written comments and elected to make several of the suggested changes, as included in the final rules and provided below. Though the Department did not elect to make all suggested changes, we appreciate the comments and concerns of our stakeholders and value their feedback.*

411-086-0040

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(1) Admission Conditions:

(a) The facility shall not accept or retain residents whose care needs cannot be met by the facility;

(b) No person shall be admitted to the facility except on the order of a physician;

(c) Admission medical information shall include a statement concerning the diagnosis and general condition of the resident, a medical history and physical, or a medical summary. Other pertinent medical information, orders for medication, diet, and treatments shall also be provided;

(d) No resident shall be admitted to a bed in any location other than those locations shown in the most recent floor plan filed with the Division and under which the license was

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	<p>issued;</p> <p>(e) No facility shall admit an individual who is mentally ill or mentally retarded unless the Division or local representative thereof has determined that such placement is appropriate.</p> <p>(f) Upon admission of a resident, the facility shall provide the resident with printed material supplied by the Long-Term Care Ombudsman. This material describes the ombudsman program and gives contact information. The facility shall document and maintain a copy of the resident's receipt of this information.</p> <p>(f) Upon admission of a resident, the facility shall provide the resident or the resident's representative with information developed by the Long-Term Care Ombudsman describing the availability and services of the ombudsman. The facility shall document that the facility provided this information to the resident or their representative as required.</p>
411-054-0030 CBC	<p>(3) Upon admission of a resident, the facility shall provide the resident with printed material supplied by the Long-Term Care Ombudsman. This material describes the ombudsman program and gives contact information. The facility shall document and maintain a copy of the resident's receipt of this information.</p> <p>(3) Upon admission of a resident, the facility shall provide the resident or the resident's representative with information developed by the Long-Term Care Ombudsman describing the availability and services of the ombudsman. The facility shall document that the facility provided this information to the resident or their representative as required.</p>

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<p>411-051-0110</p> <p>AFH</p>	<p>(2) BEFORE ADMISSION.</p> <p>(a) The licensee or administrator must obtain and document general information regarding a resident before the resident's admission. The information must include the names, addresses, and telephone numbers of the resident's relatives, significant persons, case managers, and medical or mental health providers. The information must also include the date of admission and, if available, the resident's medical insurance information, birth date, prior living facility, and mortuary.</p> <p>(b) Before admission, the licensee or administrator must obtain and place in the resident's record:</p> <p>(A) Prescribing practitioner's written or verbal orders for medications, treatments, therapies, and special diets, as applicable. Any verbal orders must be followed by written orders within seven calendar days of the resident's admission. Attempts to obtain written orders must be documented in the resident's record.</p> <p>(B) Prescribing practitioner or pharmacist review of the resident's preferences for over-the-counter medications and home remedies.</p> <p>(C) Any medical information available, including the resident's history of accidents, illnesses, impairments, or mental status that may be pertinent to the resident's care.</p> <p>(c) The licensee or administrator must ask for copies of the resident's Advance Directive,</p>
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	<p>Physician's Order for Life Sustaining Treatment (POLST), and proof of court-appointed guardianship or conservatorship, if applicable. Copies of these documents must be placed in a prominent place in the resident's record and sent with the resident if the resident is transferred for medical care.</p> <p>(d) The licensee or administrator must review the home's current Residency Agreement with the resident and the resident's representative, as appropriate. These reviews must be documented by having the resident, or the resident's representative, sign and date a copy of the Residency Agreement. A copy of the signed and dated Residency Agreement must be maintained in the resident's record.</p> <p>(e) Upon admission of a resident, the facility shall provide the resident with printed material supplied by the Long-Term Care Ombudsman. This material describes the ombudsman program and gives contact information. The facility shall document and maintain a copy of the resident's receipt of this information.</p> <p>(e) Upon admission of a resident, the licensee or administrator shall provide the resident or the resident's representative with information developed by the Long-Term Care Ombudsman describing the availability and services of the ombudsman. The facility shall document that the facility provided this information to the resident or their representative as required.</p>
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