

**HB 2661 Rule Advisory Committee**  
**Jan. 18, 2018 Minutes**

**Attendance:** Petronella Donovan, Bob Hoover, Bobbi Yambasu, Jennifer Cook-Buman, Liz Fischer, Jodi De Herrera, Kelly Myrick-Duckett, Allison McKenzie, Max Brown, Mike McCormick, Jamie Callahan, Kim Hector, Cassie Bruske, Beth Jackson, George Adams, Jonathan Eames, Patrick Shannon, Gwen Dayton, John Kaiser, Fred Steele, Frank Miles

Introductions were made. Minutes were reviewed and approved. No corrections made.

Kim gave an update on the status of the Disclosure work group and the Application work group.

Allison gave an overview of APS rules regarding mandatory reporting as they pertain to the LTC referral agencies. A question was asked regarding how to report. Allison stated the APS toll free line can be used. It's 1-855-503-SAFE and it isn't available on the evenings on the weekends, although one can leave a message.

Allison review changes to the APS rules. There were no objections to the rule changes.

Max reviewed latest rule changes.

Definitions –

(3)- Discussed the addition of “gift cards”. OHCA objects to adding “gift cards”. Discuss adding “... from the facility” regarding where the compensation is coming from.

(12)- Referral agent – no objections. Delete comment bubble.

Registration Required-

(3)- No objections to the use of the word.

(6)- Max will update ORS reference.

(1)- Add the word “a”. New sentence will read, “A referral agent”.

## Registration-

(3)- Robust discussion regarding background check requirements and processes and time frames. Kelly and Frank from the background check unit gave a quick overview of the “Long-Term Care Registry” and how it would benefit the referral agencies.

Mike explained that a policy option package was submitted to the legislature to get background checks processed faster.

Discussed adding language about the timeliness of someone submitting an application for registration if they’ve received the \$1000 compensation. Possibly within 30 days. Max to add language in the “Registration Required” section to review at the next RAC.

## Client Records- 411–058–0050

Robust discussion regarding DHS’ authority to add “client records” info into the rule. Patrick objects to DHS adding the section.

George reiterated his concern regarding the need for the consumer to receive a copy of the audio recording pertaining to the consumer receiving the disclosure statement.

(1)- Discussed and agreed to expand the 20 day period to 30 days.

(2)- Discussed changing “3 years”. It was decided not to change it.

## Background Check Requirements

(1) (c)- No objections to changes.

## Disclosure Statement- 411–0 58–0030

Robust discussion regarding needing a signature on the disclosure form. Mike proposed three options – staying silent; requiring referral agency to document in their records when they gave disclosure document to the consumer; or, get written acknowledgement of receipt of disclosure.

Fred suggested Mike contact DOJ regarding the electronic signature approval process. DHS will come back next month with more information.

George brought up concerns regarding privacy pertain to client records potentially being hacked. Had a robust discussion regarding this issue. RAC members shared their practices and procedures for keeping quiet record safe.

### Special Provisions

Had a robust discussion regarding this section. Determined OAR uses same language as House Bill 2661 so this is a non-issue.

### Comments-

George recommended when this rule goes into effect all DHS Aging and People with Disability offices will have a list of registered referral agencies. Mike confirmed info would be sent out. Mike also stated that someone from DHS is assigned to develop a communication plan regarding these new requirements and rules for the referral agencies. George expressed concern that folks in Southern Oregon aren't getting information and feeling left out of the loop. Other RAC members identified several trainings and meetings that have been held in that area.