

HB 2661 Rule Advisory Committee
February 15th, 2018 Minutes

Attendance:

Mike McCormick, Kim Hector, Tim Beinert, Max Brown, Jennifer Cook-Buman, Roberta Yambasu, Kelly Myrick-Duckett, Frank T. Miles, Jodi DeHerrera, Beth Jackson, Jamie Callahan, Liz Fischer, John Kaiser, Elisa Williams, Gwen Dayton, Allison McKenzie, Fred Steele

On Phone: George Adams, Bob Hoover, Kimberly Colkitt-Hallman, Meredith Williamson, Camille and Laurie

Introductions were made. Minutes were reviewed and approved, no corrections were made.

Sub Group updates

Both the application and the disclosure sub groups are scheduled to meet on March 1st at 3406 Cherry Ave; NE; Keizer, OR. (times on attached agenda)

Application form – Mike was able to work with ISB to start the process for an online application. An overview/draft was submitted by Tim for review. Action item: A draft copy will be sent out next week (hard copy). Work will continue on the online application program.

Disclosure form – this is not a mandatory item for the agency to create, we are working on a universal one that meets the statute requirements and that referral agencies can use if they want. They must still submit a disclosure form with their application and it will be reviewed for adherence to the statute/rule. Action item: A draft copy will be sent out next week.

Mike introduced Elisa Williams, the DHS communications officer assigned to the Aging and People with Disabilities division. Elisa will be listening and observing the RACs and will develop a communication plan to get the information out to referral agencies and the public regarding the new law and the registration requirements.

Mike turned over meeting to Kelly Myrick-Duckett, Lead policy analyst for Background Check Unit presentation

Several questions were generated regarding Referral Agencies being admitted to the BCU Long Term Care Registry (LTCR). Determined that it would be possible but if changing roles would require additional background checks.

Another discussion was held regarding the “rush” of applicants in July. The BCU advised that they would be expediting the initial surge of applicants in regards to HB 2661 to prevent any businesses not being able to work.

After a short break, the meeting resumed with the reviewing of revisions to the draft rules:

A robust discussion was started in reference to the definition of received compensation. Gwen expressed concern that the language defining a referral agent with the \$1000 cap on gifts would make it difficult for employees conducting discharges to keep track of who gave them gifts and could put them in violation of the statute.

It was determined by the group that the intent was to focus on payments from facilities in exchange for referrals and that as such that language would remain in place. After several additional conversations it was discussed that language would be maintained that compensation in regards to the financial limit for not registering would remain but that salary earned as part of a health care facility employee's normal job duties would not be included.

411-058-0000 Definitions

(3) New language will read, "...from one or more facilities in a total amount of \$1,000..."

411-058-0070 General Liability Insurance Requirements

A correction was made to the rule identifier, which had mistakenly been marked 411-058-0060 General Liability Insurance Requirements. The title was corrected to 411-058-0070 General Liability Insurance Requirements. No objections

411-058-0080 Background Check Requirements

1. (c) language was changed to electronic communication rather than specific references to email or social media contact. No objections

4. Wording was changed to clarify the position that the mandatory window for reporting an arrest of a potentially disqualifying position was within 14 days of having *actual* (emphasis added) knowledge, specifically that newspaper announcements would not start the clock.

411-058-0100 Civil Penalties:

There was a short discussion involving the penalty should provide a financial deterrent to violating the rules. Mike McCormick suggested a maximum civil penalty of \$5000.00. After a continuation of the discussion, there were no objections to this amount.