

**DEPARTMENT OF HUMAN SERVICES
AGING AND PEOPLE WITH DISABILITIES
OREGON ADMINISTRATIVE RULES**

**CHAPTER 411
DIVISION 62**

**LONG-TERM CARE CAPITAL IMPROVEMENT AND EMERGENCY
PREPAREDNESS PROGRAM**

411-062-0000 Purpose

(Temporary effective 09/07/2021 through 03/05/2022)

The purpose of this rule is to establish requirements and criteria for the application, approval, distribution, and oversight of the Long-Term Care Capital Improvement and Emergency Preparedness Program (LTCCIEP). This Program provides financial assistance to long term-care providers that are preparing for, responding to, or recovering from a public health emergency.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070

411-062-0010 Definitions

(Temporary effective 09/07/2021 through 03/05/2022)

(1) “Air Quality and HVAC Improvement” means systems, system improvements, or equipment that reduce air pollutants, prevent or control the spread of infectious disease, and regulate temperature in indoor spaces including air conditioning.

(2) “Emergency Power Sources” mean for the purposes of this rule, a backup power source, which need not be installed or integrated into a facility’s infrastructure, that the provider may use during a power outage for the purpose of operating critical systems and appliances including refrigeration and portable heating and cooling devices necessary to preserve medications, supplies, or other equipment critical to a resident’s

care or immediate safety on a temporary basis. Licensed facilities are subject to all applicable state and federal licensing standards, i.e., Centers for Medicare and Medicaid.

(3) “Long-Term Care Facility” means:

(a) An Assisted Living Facility licensed under rules contained in Oregon Administrative Rule chapter 411, division 054; or

(b) A Residential Care Facility licensed under rules contained in Oregon Administrative Rule chapter 411, division 054; or

(c) A Nursing Facility licensed by the Department pursuant to Oregon Administrative Rule chapter 411, divisions 085 to 089.

(4) “Infectious Disease Prevention Strategies” means infection control devices or equipment, including technological upgrades that support infection prevention and control.

(5) “Room configurations” means development of negative pressure isolation rooms that prevent the spread of viruses. This may include site-level construction or remodel of resident rooms to reduce per room bed capacity and reduce the spread of infectious diseases.

(6) “Technology and Telehealth” means electronic or virtual means or methods, including but not limited to computer technology, web or internet access, social media, videoconferencing or other technological means or methods to improve resident social isolation and allow for the provision of virtual health care.

(7) “Project” means an effort to promote emergency preparedness, air quality, heating, ventilation, air conditioning, infectious disease prevention, and technology to support virtual visitation for which a grant is sought pursuant to these rules.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070

411-062-0020 Long-Term Care Capital Improvement and Emergency Preparedness Program

(Temporary effective 09/07/2021 through 03/05/2022)

(1) The Oregon Department of Human Services establishes the Long-Term Care Capital Improvement and Emergency Preparedness Program (LTCCIEP).

(2) The purpose of the LTCCIEP program is to provide grants to eligible long-term care facilities to improve emergency preparedness, air quality, heating, ventilation, air conditioning, infectious disease prevention strategies, and technology to support virtual visitation.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070

411-062-0030 Application and Prior Authorization

(Temporary effective 09/07/2021 through 03/05/2022)

(1) Interested Long-Term Care Facilities must submit a prior authorization request for a grant on a form mandated by the Oregon Department of Human Services (ODHS).

(2) The Department will reimburse facilities only when a prior authorization request was approved, in writing, by the Department.

(3) The Department will consider each prior authorization request in the order of submission. A facility may submit only one request in each phase, as these phases are described in OAR 411-062-0050. Each prior authorization request may include more than one project.

(4) The Department will consider prior authorization requests for any project initiated on or after July 1, 2021. Initiated means any substantive planning or initiation activities to start a project.

(5) A prior authorization request must include information on how the project will mitigate the spread of viruses, avoid emergency evacuations, improve overall emergency preparedness, or increase resident's health, safety, or ability to communicate during a public health emergency. The prior authorization request must demonstrate an unmet need that will be met through the project.

(6) In accordance with the appropriation authorized by the Oregon legislature, the Department will cease prior authorization of all projects, regardless of phase, once \$30 million in prior authorizations have been approved by the Department.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070

411-062-0040 Long Term Care Facility Prioritization

(Temporary effective 09/07/2021 through 03/05/2022)

(1) Priority 1 applicants include a long-term care facility, constructed prior to 1996, with the following Medicaid census percentages:

(a) Nursing Facility Medicaid occupied census level of 50% or higher on June 30, 2021.

(b) Community-Based Care Facility occupied census level of 40% or higher on June 30, 2021.

(2) Priority 2 applicants include all long-term care facilities not meeting the criteria in (1). Priority within the Priority 2 group will be given to applicants who were enrolled as a Medicaid provider on June 30, 2021.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070

411-062-0050 Funding Phases

(Temporary effective 09/07/2021 through 03/05/2022)

(1) The Department will prior authorize projects in four phases.

(2) Phase 1 consists of Priority 1 applicants requesting grants for Projects including improvements to emergency power sources, air quality, and HVAC systems. Applicants for Phase 1 must submit prior authorization requests between September 13, 2021 and February 28, 2022.

(3) Phase 2 consists of Priority 2 applicants requesting grants for Projects including improvements to emergency power sources, air quality and HVAC system. Applicants for Phase 2 must submit prior authorization requests between February 1, 2022 and July 31, 2022.

(4) Phase 3 consists of Priority 1 applicants requesting grants for Projects including infectious disease prevention, room configuration strategies, technology, and telehealth. Applicants for phase 3 must submit prior authorization requests between July 1, 2022 and December 31, 2022.

(5) Phase 4 consists of Priority 2 applicants requesting grants for Projects including infectious disease prevention, room configuration strategies, technology and telehealth. Applicants for phase 4 must submit prior authorization requests between December 1, 2022 and May 31, 2023.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070

411-062-0060 Maximum Reimbursement Amounts

(Temporary effective 09/07/2021 through 03/05/2022)

(1) The maximum reimbursement amount for Phase 1 is \$1,250 per licensed bed per facility, up to a maximum of \$100,000.

(2) The maximum reimbursement amount for Phase 2 is \$1,250 per licensed bed per facility, up to a maximum of \$100,000.

(3) The maximum reimbursement amount for Phase 3 is \$15,000.

(4) The maximum reimbursement amount for Phase 4 is \$15,000.

Stat. Auth.: ORS 410.070
Stats. Implemented: ORS 410.070

411-062-0070 Approval and Payment

(Temporary effective 09/07/2021 through 03/05/2022)

(1) All prior authorization requests must be approved by the Department in writing to be eligible for reimbursement. The Department will notify facilities in writing if their Project is not approved.

(2) Once work on a Project is completed, the facility must submit a request for reimbursement for the actual cost incurred to complete the Project. A request for reimbursement submitted pursuant to this paragraph shall include receipts for incurred costs.

(3) The Department will reimburse actual costs, up to 110% of the prior authorized amount, subject to the maximum reimbursement amount described in OAR 411-062-0060. The Department will issue payment within thirty (30) days of receipt of a request for reimbursement submitted pursuant to this rule.

(4) All requests for reimbursement must be received no later than July 31, 2023.

Stat. Auth.: ORS 410.070
Stats. Implemented: ORS 410.070

411-062-0080 Oversight

(Temporary effective 09/07/2021 through 03/05/2022)

(1) All written prior authorization requests and requests for reimbursement are subject to audit at the discretion of the Department.

(2) The Facility shall be notified in writing of any identified overpayment and of any adjustments to the request for payment.

(3) Payment of any amounts due to the Department must be made within 60 business days of the date of notification to the Facility.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070