

TEMPORARY FILING
INCLUDING STATEMENT OF NEED & JUSTIFICATION
For internal agency use only.

<u>Department of Human Services, Aging and People with Disabilities (APD)</u>	<u>411-052, 054, 086</u>	
Agency and Division Name	Administrative Rules Chapter Number	
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FILING CAPTION

Requires facilities distribute Long-Term Care Ombudsman information to residents at admission to implement HB 2524 (2019).

Agency Approved Date: [12-19-2019]

Effective Date: [01-01-2020] through [06-28-2020]

RULEMAKING ACTION

List each rule number separately (000-000-0000). Attach clean text for each rule at the end of the filing

ADOPT:

AMEND: 411-051-0110; 411-054-0030; 411-086-0040

SUSPEND:

RULE SUMMARY:

Include a summary for each rule included in this filing.

411-051-0110: Requires adult foster homes to distribute information from the Long-Term Care Ombudsman to residents at time of admission

411-054-0030: Requires residential care and assisted living facilities to distribute information from the Long-Term Care Ombudsman to residents at time of admission

411-086-0040: Requires nursing facilities to distribute information from the Long-Term Care Ombudsman to residents at time of admission

STATEMENT OF NEED AND JUSTIFICATION

Need for the Rule(s):

The Department needs to immediately amend rule to be in compliance with HB 2524 (2019).

Justification of Temporary Filing:

Failure to act promptly and immediately amend OAR chapter 411, divisions 051, 054 and 086 will result in serious prejudice to the public interest, the Department, and residents of adult foster homes and residential care, assisted living, and nursing facilities. These rules need to be adopted promptly so that all these facility types will provide information from the Office of Long Term Care Ombudsman (LTCO) to residents at the time of admission.

OAR chapter 411, divisions 051, 054 and 086 need to be amended promptly so that, at admission, residents will receive information approved by the LTCO concerning the services provided by that office. This required information will also include contact information, so residents will know how to contact the LTCO, if needed. (Implements HB 2524 (2019))

Documents Relied Upon, and where they are available:

<https://olis.oregonlegislature.gov/liz/2019R1/Measures/Overview/HB2524>
https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2019orlaw0117.pdf

Signature

Date

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

**CHAPTER 411
DIVISION 54**

RESIDENTIAL CARE AND ASSISTED LIVING FACILITIES

411-054-0030 Resident Services

(Temporary effective 01/01/2020 to 06/28/2020)

(1) The residential care or assisted living facility must provide a minimum scope of services as follows:

(a) Three daily nutritious, palatable meals with snacks available seven days a week, in accordance with the recommended dietary allowances found in the United States Department of Agriculture (USDA) guidelines, including seasonal fresh fruit and fresh vegetables;

(A) Modified special diets that are appropriate to residents' needs and choices. The facility must encourage residents' involvement in developing menus.

(B) Menus must be prepared at least one week in advance, and must be made available to all residents. Meal substitutions must be of similar nutritional value if a resident refuses a food that is served. Residents must be informed in advance of menu changes.

(C) Food must be prepared and served in accordance with OAR 333-150-0000 (Food Sanitation Rules).

(b) Personal and other laundry services;

(c) A daily program of social and recreational activities that are based upon individual and group interests, physical, mental, and psychosocial needs, and creates opportunities for active participation in the community at large;

(d) Equipment, supplies and space to meet individual and group activity needs;

(e) Services to assist the resident in performing all activities of daily living, on a 24-hour basis, including:

(A) Assistance with mobility, including one-person transfers;

(B) Assistance with bathing and washing hair;

(C) Assistance with personal hygiene (e.g., shaving and caring for the mouth);

(D) Assistance with dressing and undressing;

(E) Assistance with grooming (e.g., nail care and brushing/combing hair);

(F) Assistance with eating (e.g., supervision of eating, cueing, or the use of special utensils);

(G) Assistance with toileting and bowel and bladder management;

(H) Intermittent cuing, redirecting and environmental cues for cognitively impaired residents; and

(I) Intermittent intervention, supervision and staff support for residents who exhibit behavioral symptoms.

(f) Medication administration; and

(g) Household services essential for the health and comfort of the resident that are based upon the resident's needs and preferences (e.g., floor cleaning, dusting, bed making, etc.)

(2) The facility must provide or arrange for the following:

(a) Transportation for medical and social purposes; and

(b) Ancillary services for medically related care (e.g., physician, pharmacist, therapy, podiatry, barber or beauty services, social or recreational opportunities, hospice, and home health) and other services necessary to support the resident.

(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.

Stat. Auth.: ORS 410.070 & 443.450

Stats. Implemented: ORS 443.400 to 443.455 & 443.991