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Public notice

Notice of intent – OHA proposes to amend the Medicaid State Plan to modify staffing requirements for nursing facility residents eligible for the bariatric rate.

Date: June 14, 2023

Contact: Jesse Anderson, State Plan Manager

Comments due: 5 p.m. Friday, June 30, 2023

The Oregon Health Authority (OHA) intends to submit a State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services to modify the staffing requirements described in Oregon Administrative Rule (OAR) [411-070-0087](#)(2). Specifically:

- Nursing facilities must currently provide an additional Certified Nursing Assistant (CNA) above the licensing staffing standards in [OAR 411-086-0100](#)(5) for every five individuals eligible for the bariatric rate.
- The SPA would require nursing facilities to provide an additional CNA for the third through fifth individuals eligible for the bariatric rate. Another CNA would then be required for every additional five individuals receiving the bariatric rate.

This change will align with Oregon Department of Human Services, Office of Aging and People with Disabilities (APD) plans to amend bariatric rate criteria in [OAR 411-070](#).

OHA and APD will collect feedback for the proposed changes through the Tribal Notification Process and the Medicaid Long-Term Care and Quality Reimbursement Advisory Council.

Background:

Nationwide staffing shortages affect Oregon's nursing facilities. This change will allow nursing facilities some flexibility around staffing to serve individuals who meet the bariatric criteria.

Nursing facilities must have sufficient staff to ensure the safety of residents who meet the bariatric criteria. To ensure safety of residents following this change in staffing requirements, APD's Safety, Oversight and Quality Unit conducts annual surveys in nursing facilities. The unit also reviews staffing records, interviews residents and makes observations to nursing facilities provide ensure care and services according to required standards.

How to comment:

OHA welcomes public review and input. Please send written comments by 5 p.m. Friday, June 30, 2023, to jesse.anderson@oha.oregon.gov.