

Department of Human Services 2009-11 Policy Option Package

Division Name: Seniors and People with Disabilities

Policy Option Package Initiative: Seniors and people with disabilities live safely and independently in their communities.

Policy Option Package Title: Expedited Trustee Fund for Troubled Facilities

Policy Option Package Number: 143

Summary Statement:

This POP enhances the tool used to protect residents in health care facilities by imposing a trustee or temporary manager of a facility when residents are at risk and in order to prevent immediate evacuation of residents. The POP increases the amount available for payment of trustees and the method of collecting fees from facilities, which will increase revenue into the trustee account. Statute allows for a trustee to be requested and appointed when the health and welfare of residents in a health care facility are in jeopardy, but court appointment of a trustee can take several days to weeks, during which time residents may be in danger. This POP requires no new FTE.

1. WHAT WOULD THIS POLICY OPTION PACKAGE (POP) DO AND HOW WILL IT BE IMPLEMENTED?

Currently statute allows for a trustee to be requested and appointed when the health and welfare of residents in a health care facility are in jeopardy now or in the immediate future based on specific circumstances. Court appointment of a trustee can take several days to weeks, resulting in a period of time when residents may be in danger.

Current statute sets a maximum of \$300,000 that may be collected and kept in an account available to cover the operating costs of a facility in trusteeship when one is appointed. This amount has not been updated for 20 years and is insufficient to cover the anticipated costs of trustee expenses in a typical nursing home. This amount is even more inadequate when the possibility of several trusteeships happens in one year, as happened in 2007.

Current statute sets the fee collection methodology for the trustee fund as limited to the annual licensing fee of a facility (which is minimal) over 6 years. This does not allow for adequate replenishment of the fund when the trustee account is depleted by operating facilities that are in financial difficulties and the possibility of recovering trustee funds from the facility is unlikely, as has happened recently.

2. WHY DOES DHS PROPOSE THIS POP?

This provides the Department an additional tool to protect residents in health care facilities.

3. HOW DOES THIS FURTHER THE AGENCY'S MISSION OR GOALS?

This serves the DHS mission of keeping people safe.

4. IS THIS POP TIED TO A DHS PERFORMANCE MEASURE? IF YES, IDENTIFY THE PERFORMANCE MEASURE. IF NO, HOW WILL DHS MEASURE THE SUCCESS OF THIS POP?

KPM #2: Seniors living outside of institutions – The percentage of Oregon’s seniors who are living outside of institutions.

5. DOES THIS POP REQUIRE A CHANGE(S) TO AN EXISTING STATUTE OR REQUIRE A NEW STATUTE? IF YES, IDENTIFY THE STATUTE AND THE LEGISLATIVE CONCEPT.

Revises or repeals ORS 441.277 to 441.323

6. WHAT ALTERNATIVES WERE CONSIDERED AND WHAT WERE THE REASONS FOR REJECTING THEM?

Leaving statute unchanged is inadequate to insure safety.

7. WHAT WOULD BE THE ADVERSE EFFECTS OF NOT FUNDING THIS POP?

There is the possibility of inadequate funds to pay trustee in a facility crisis.

8. WHAT OTHER AGENCIES (STATE, TRIBAL AND/OR LOCAL GOVERNMENT) WOULD BE AFFECTED BY THIS POP? HOW WOULD THEY BE AFFECTED?

Agency:

DOJ-General Counsel

Individuals who have served as Trustees in the past

Person you talked to about concept:

Jeff Wahl

Phone:

503-947-4540

9. WHAT ASSUMPTIONS AFFECT THE PRICING OF THIS POP?

Implementation Date: July 1, 2009

End Date (if applicable): None

a. Will there be new responsibilities for DHS? Specify which division(s) and describe their new responsibilities.

- | | |
|--|---|
| <input type="checkbox"/> Administrative Services | <input type="checkbox"/> Addictions and Mental Health |
| <input type="checkbox"/> Children, Adults and Families | <input type="checkbox"/> Public Health |
| <input type="checkbox"/> Division of Medical Assistance Programs | <input type="checkbox"/> Seniors and People With Disabilities |

None.

b. Will there be new administrative impacts? Specify which office(s) and describe how it will be affected.

- | | |
|--|--|
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Payment Recovery |
| <input type="checkbox"/> Information Security (privacy) | <input type="checkbox"/> Investigations and Training |
| <input type="checkbox"/> Document Management (imaging) | <input type="checkbox"/> Facilities |
| <input type="checkbox"/> Audit and Consulting | <input type="checkbox"/> Contracts |
| <input type="checkbox"/> Information Services (IT) | <input type="checkbox"/> Budget |
| <input type="checkbox"/> Financial Services (Accounting) | <input type="checkbox"/> Other (Specify) |

None – Financial Services would not be impacted by increasing the amount in an existing account.

c. Will there be changes to client caseloads or services provided to population groups? Specify how many in each relevant program.

No.

- d. Will it take new staff to implement and maintain? For each classification, list the number of positions and the number of months the positions will work in each biennium. Specify if the positions are permanent, limited duration or temporary. Attach position descriptions.**

No.

- e. What are the start-up costs, such as new or significant modifications to computer systems, new materials, outreach and training?**

None.

- f. What are the ongoing costs?**

No new costs for administration of trustee program.

- g. What are the potential savings?**

None.

- h. Based on these answers, is there a fiscal impact?**

Yes—increased revenue into trustee account.

- i. What are the sources of funding and the funding split for each one? Include grant names and fund type, such as “Medicaid, General and Federal Funds.”**

Other Funds - Fees collected from LTC facilities place in dedicated NF Trust Fund.

- j. Contact Name:** Mary Gear 945-5833