

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

Oregon Department of Human Services (ODHS) Aging and People with Disabilities (APD)		411
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**FILING CAPTION**

APD: Updating 411-064 to define criteria for Senior Emergency Medical Services pilot projects

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Agency Approved Date: [ 06/18/2024 ]

Effective Date: [ 06/18/2024 ] through [ 12/14/2024 ]

**RULEMAKING ACTION**

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

**ADOPT:**

411-064-0013, 411-064-0015

**AMEND:**

411-064-0005, 411-064-0010, 411-064-0030

**RULE SUMMARY:**

*Include a summary for each rule included in this filing.*

The Oregon Department of Human Services (ODHS), Aging and People with Disabilities Program (APD) is immediately adopting and amending rules in OAR chapter 411, division 064 that relate to the Quality Care Fund for Long Term Care Facilities. The changes are summarized below.

**Adopt:** OAR 411-064-0013

**Rule Title:** Department Identified Projects

**Rule Change Summary:** Defines proposal criteria and outlines project solicitation announcement process for Department identified projects.

**Adopt:** OAR 411-064-0015

**Rule Title:** Senior Emergency Medical Services Pilot Projects

**Rule Change Summary:** Identifies funding criteria and establishes process for funding Senior Emergency Medical Services pilot projects.

**Amend:** OAR 411-064-0005

**Rule Title:** Definitions

**Rule Change Summary:** Updates definition for “Aging and People with Disabilities.”

**Amend:** OAR 411-064-0010

**Rule Title:** Fund Management

**Rule Change Summary:** Updates language to reflect proper reference to fund management and oversight.

**Amend:** OAR 411-064-0030

**Rule Title:** Fund Accounting and Oversight

**Rule Change Summary:** Changes one word to simplify language.

#### STATEMENT OF NEED AND JUSTIFICATION

Need for the Rule(s):

The purpose of these rules is to establish requirements for the administration and oversight of monies appropriated to the Oregon Department of Human Services (“Department”) from the Quality Care Fund (“Fund”) established under ORS 443.001.

Justification of Temporary Filing:

Failure to act promptly and immediately amend OAR chapter 411, division 064 will negatively impact the Senior Emergency Medical Services Advisory Council, and facility residents’ safety. HB 2397 (2021 Regular Session) requires Senior Emergency Medical Services pilot projects to be

developed to design models for addressing emergency response in long-term care facilities. These rules need to be adopted promptly so these emergency response projects can be developed and implemented as soon as possible.

Documents Relied Upon, and where they are available:

HB 2397 Enrolled (2021 Regular Session)

<https://olis.oregonlegislature.gov/liz/2021R1/Measures/Overview/HB2397>

/s/ Nakeshia Knight-Coyle, Director, Aging and People with Disabilities

06/18/2024

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Signature

Date

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

**CHAPTER 411  
DIVISION 64**

**QUALITY CARE FUND FOR LONG-TERM CARE FACILITIES**

**411-064-0005 Definitions**

*(Temporary effective 06/18/2024 through 12/14/2024)*

For the purpose of these rules, the following definitions apply:

(1) “Aging and People with Disabilities (“APD”)” means the program the Office of Aging and People with Disabilities, within the Oregon Department of Human Services.

(2) “Department” means the Oregon Department of Human Services (ODHS).

(3) “Facility” means:

(a) A long term care facility as defined in ORS 442.015 and licensed under Oregon Administrative Rule chapter 411, divisions 85 to 89.

(b) A residential care facility as defined in ORS 443.400, including but not limited to an assisted living facility, and licensed under Oregon Administrative Rule chapter 411, division 54.

(c) An adult foster home as defined in ORS 443.705 and licensed under Oregon Administrative Rule chapter 411, divisions 49 to 52.

(4) “Quality Care Fund (“Fund”)” means the fund established under ORS 443.001 and implemented according to these rules.

(5) “Senior emergency medical services” means services provided by an emergency medical service provider, as defined by ORS 682.025, to residents of:

(a) A long term care facility as defined in ORS 442.015 and licensed under Oregon Administrative Rule chapter 411, divisions 85 to 89.

(b) A residential care facility as defined in ORS 443.400, including but not limited to an assisted living facility, and licensed under Oregon Administrative Rule chapter 411, division 54.

Stat. Auth.: ORS 410.070, 441.025, 441.615, 441.637, 443.001, 443.400-443.455, 443.705-443.785, 443.886, 682.025

Stats. Implemented: ORS 410.070, 441.025, 441.055, 441.615, 441.637, 443.001, 443.400-443.455, 443.705-443.785, 443.886, 682.025

### **411-064-0010 Fund Management**

*(Temporary effective 06/18/2024 through 12/14/2024)*

The Department shall be responsible for Fund management and oversight.

(1) The Department shall award funds through a formal solicitation process.

(2) The Department shall publicly announce, at least one time per 12-month period, funding opportunities using multiple standard communication channels, including but not limited to publicly posting on the Department website and the state's procurement system. Each announcement will include:

(a) Instructions for submitting proposals.

(b) Pertinent dates regarding the process and funding decisions.

(c) Application requirements.

(d) Evaluation criteria focused on benefiting residents and advancing quality care, as described in section (2) of OAR 411-064-0000.

(3) The Department shall not review any funding proposals that are submitted outside of an announced solicitation cycle. Applicants will be instructed to resubmit their proposal during the next applicable funding cycle.

(4) Application requirements and submission instructions will be announced at least sixty (60) calendar days before any submission due date.

(5) Proposals will be evaluated by APD staff or persons with relevant expertise designated by APD.

Stat. Auth.: ORS 441.025, 441.615, 441.630, 441.637, 443.001, 443.400-443.455, 443.705-443.785, 443.886, 682.025

Stats. Implemented: ORS 441.025, 441.055, 441.615, 441.630, 441.637, 443.001, 443.400-443.455, 443.705-443.785, 443.886, 682.025

### **411-064-0013 Department Identified Projects**

*(Temporary effective 06/18/2024 through 12/14/2024)*

(1) The Department may at its discretion identify key priority areas based on review of the regulatory environment in long term care settings. The Department may request proposals focused on identified priority areas that improve resident quality of care and safety or enhance the dignity, independence, individuality, personal choice and autonomy of residents. Proposed projects must meet the criteria of paragraph (2)(a) of OAR 411-064-0000.

(2) The Department will issue a solicitation for projects addressing the identified priority area(s). The Department shall publicly announce funding opportunities using multiple standard communication channels, including but not limited to publicly posting on the Department website and the state's procurement system. Each announcement will include:

(a) Instructions for submitting proposals.

(b) Pertinent dates regarding the process and funding decisions.

(c) Application requirements.

(d) Evaluation criteria focused on benefiting residents and advancing quality care, as described in section (2) of OAR 411-064-0000.

Stat. Auth.: ORS 410.070, 441.025, 441.615, 441.637, 442.015, 443.001, 443.400-443.455, 443.705-443.785, 443.886

Stats. Implemented: ORS 410.070, 441.025, 441.055, 441.615, 441.630, 443.001, 443.400-443.455, 443.705-443.785, 443.886, 682.025

**411-064–0015 Senior Emergency Medical Services Pilot Projects**  
*(Temporary effective 06/18/2024 through 12/14/2024)*

(1) The Department shall provide funding and monitor local public sector pilot projects that:

(a) Provide innovative strategies for addressing the emergency medical services needs of this state’s increasing number of aging residents who receive care and services in residential and long term care facilities.

(b) Encourage the efficient and appropriate use of senior emergency medical services.

(c) Reduce the overall costs of senior emergency medical services while promoting quality emergency medical services.

(d) Encourage unique community-based responses to challenges faced by local communities in meeting their residents’ needs for senior emergency medical services.

(2) Specific criteria for pilot projects will be outlined in the funding solicitation. The Senior Emergency Medical Services Advisory Council (Council) shall advise and make recommendations to the Department concerning minimum standards and data reporting requirements for the pilot projects funded.

(3) The Department, with advice and recommendations from the Council, will negotiate with the successful applicants concerning required timelines, measurables and reporting requirements to be developed upon execution of the Grant Agreement.

Stat. Auth.: ORS 410.070, 441.025, 441.615, 441.637, 442.015, 443.001, 443.400-443.455, 443.886, 682.025

Stats. Implemented: ORS 410.070, 441.025, 441.055, 441.615, 443.001, 443.400-443.455, 443.886, 682.015, 682.025

**411-064-0030 Fund Accounting and Oversight**  
*(Temporary effective 06/18/2024 through 12/14/2024)*

(1) Entities that receive funding are required to account for and report use of Fund monies using the method and forms specified by the Department.

(2) Records related to funded projects, project evaluation, and Fund spending must be retained by Fund recipients for a period of six years following the last payment for an approved project.

(3) All payments authorized or issued under the Fund are subject to audit at the discretion of the Department.

(4) The Department may seek financial or legal action against persons or entities which have misused Fund monies or provided false information during the solicitation process, implementation, or reporting phase of projects financed by the Fund. Legal actions may include but are not limited to withholding of payments or further disbursements, initiating a civil action, and exercising civil remedies available to recover Fund payments, and referring the matter for criminal prosecution.

Stat. Auth.: ORS 441.025, 441.615, 441.637, 443.001, 443.400-443.455, 443.705-443.785, 443.886, 682.025

Stats. Implemented: ORS 441.025, 441.055, 441.615, 441.637, 443.001, 443.400-443.455, 443.705-443.785, 443.886, 682.025