



Senate Human Services
Testimony in Opposition to SB 811
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AARP is the nation's largest nonprofit, nonpartisan organization dedicated to empowering Americans 50+ to choose how they live as they age. AARP Oregon advocates on issues important to our more than 500,000 Oregon members with a focus on health security, financial resilience and livable communities.

While we know that most Oregonians want to remain in community and age in place, that is not possible for some of our most vulnerable older Oregonians and they must rely on long term supports and services, including residing in long term care facilities.

The role of the state is to make sure we not only honor independence, choice, dignity, autonomy and privacy of Oregonians living in long term care facilities, we need to fully support systems that provide critical safeguards and protections.

Like this committee, while we recognize the critical portions of much of SB 811 and urge their adoption, we testify in opposition to Section 4, subsection 8(a) (page 5 lines 16-23). That section would allow the Department of Human Services to change the renew an Adult Foster Home license from annually to two years if the department determines “the home has been in **substantial compliance** with various ORS provisions [ORS 443.002 and 443.705 to 443.825] and the rules of the licensing agency for three consecutive years” (emphasis added).

On March 12, APD issued a press release and a copy of its consultant’s Safety, Oversight, and Quality Unit February 2025 Rapid Response Report. In that report, on pages 40-41, it states that there is no one legal standard to define what “substantial compliance” means within APD.

“The use of the phrase ‘substantial compliance’ in the sample [Letters of Agreement] template indicates that the [Community Based Care Unit] may lack clear internal procedures for determining substantial compliance *and may also lack a clear understanding of the legal importance and implications of that phrase*” (emphasis added).

As noted, there is current separate statutory language defining “substantial compliance” to mean “a level of compliance with state law and with rules of the department such that any

identified deficiencies pose a risk of no more than negligible harm to the health or safety of residents of a residential care facility or a long term care facility" (ORS 441.736(1)(c)).

The term "no more than negligible harm" does not have one, straight forward application. Indeed, the department is grappling with inconsistent application of that term. While we appreciate that APD has testified to an amendment that would require annual inspections even if the licensing renewal is every-other-year, right now this does not fully address our concerns about putting into Oregon law the term "substantial compliance" into more Oregon law. If a facility is in full compliance, that is a standard that is easy to apply and clear to anyone making such determination. It doesn't leave any room for confusion and differing applications.