



Oregon

Tina Kotek, Governor

Department of Human Services



April 4, 2024

Fred Steele
State Long-Term Care Ombudsman
Director, Office of the Long-Term Care Ombudsman

Dear Mr. Steele,

Thank you for sharing your report on the Mount Hood Senior Living regulatory response with the Oregon Department of Human Services (ODHS).

We take our responsibility to protect the safety of residents living in a licensed long-term care setting extremely seriously. Any loss of life or suffering caused by licensing violations and abuse weigh heavily on us. We know there are no words about the regulatory process that will ease the pain experienced by residents, their families and friends when these tragedies occur. But we are committed to reviewing our actions and looking at any area where ODHS processes can improve.

As you know, we value the Oregon Long-Term Care Ombudsman's advocacy role. We share a deep commitment to ensuring people in Oregon have a choice of quality long-term care options that are safe and respectful of individuals' dignity, independence and choice.

In the spirit of our common goals, we respectfully do not agree with many of the report's statements or its representation of the agency's options in pursuing regulatory action at Mount Hood Senior Living. ODHS makes regulatory decisions based on the evidence it can document and substantiate at the time it conducts its investigations and its authority to act based on its review of statute.

Among the regulatory actions that ODHS took at Mount Hood Senior Living was issuing an Order of Immediate Suspension for the facility in January. That Order initiated a legal process that also gives the licensee the right to due process including an administrative

hearing. As you know, given this is a pending legal matter, ODHS is not able to address in detail many of the points made in your report at this time.

In the Order of Immediate Suspension issued in January, ODHS lists compliance issues at the facility which necessitated urgent action to protect residents because of the potential for immediate and serious harm. These findings were the result of investigations underway by two units within the ODHS Office of Aging and People with Disabilities – Adult Protective Services (APS) and Safety, Oversight and Quality (SOQ).

We weighed many regulatory options before determining an Order of Immediate Suspension was essential and that other regulatory tools would be inadequate in protecting residents at immediate risk.

An Order of Immediate Suspension is not a tool that is used frequently. It is deployed only in emergency situations and only after ODHS has weighed that decision very carefully, including the potential for that action to be disruptive to residents. In some cases, it is possible to keep the facility open with a license condition and an outside contractor or trustee on site; however, it was determined that those options were not feasible.

Once ODHS determined an Order of Immediate Suspension was essential, we moved swiftly to assist residents and their families. ODHS deployed an onsite team to assist residents at the time the Order of Immediate Suspension was issued. It also established an off-site team who worked to identify alternative placement options for residents and resources to assist with residents' moves. The team reached out to more than 180 facilities to identify potential placements to meet residents' needs. In some cases, a placement was temporary until a longer-term alternative could be found to meet a resident's needs and preferences.

When facilities have compliance issues that pose a serious risk to residents, ODHS imposes a restriction on admissions to keep residents safe. No facility that received a Mount Hood Senior Living resident had restrictions on admissions due to a safety compliance issue.

Finally, the fast effort to assist residents with moves would not have been possible without the help and coordination of many including medical transport companies, the staff at facilities who agreed to accept new residents on short notice, and ODHS staff who worked tirelessly to support the health and safety of residents at Mount Hood Senior Living.

The difficulty of this regulatory response is indicative of how Oregon's long-term care system has increased in size and complexity in recent years. Workforce shortages, which are commonplace among long-term care providers, have exacerbated the challenges.

ODHS recently expanded the new leadership team of its Office of Aging and People with Disabilities to include a Deputy Director who is focused solely on regulatory and safety issues to better equip our system to meet the state's needs. This Deputy Director is evaluating changes that the SOQ and APS units need to make to meet the demands of ensuring safety and providing regulatory oversight for more than 2,000 long-term care settings statewide. Recent improvements include support from the Oregon Legislature to add nine additional positions to the SOQ team who are dedicated to ensuring facilities have adequate staffing to meet residents' needs.

Our offer to meet and discuss this report with you still stands. We also look forward to continued discussions with you to advance our mutual goal of ensuring the safety of the people we serve.

Sincerely,

Nakeshia Knight-Coyle
Director, Office of Aging and People with Disabilities
Oregon Department of Human Services

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Director, Oregon Department of Human Services