

Broadband

Continued from Page 1A

At the bill's first public hearing Wednesday, Rep. Pam Marsh, D-Southern Jackson County, one of the bill's chief sponsors, said the coronavirus pandemic has shown that broadband access is critical for the emotional, social, economic and physical health of Oregonians.

"Individuals and families who lacked access to broadband over the past almost two years missed out on public appointments, remote work opportunities, online learning, digital grocery deliveries, live-streamed religious services and much more," she said.

Planning for funding

In November, President Joe Biden signed the Infrastructure Investment and Jobs Act, which allocated \$65 billion for broadband expansion nationwide. Oregon will receive at least \$100 million of that, with the potential for more based on need.

An additional \$100 million is anticipated from the American Rescue Plan Act.

Marsh called the investments "once-in-a-generation" and said the state needs to be prepared to utilize the money when it arrives.

The bill is an omnibus package with five key components:

- Updates the membership and authority of the Oregon Broadband Advisory Council and provides oversight and recommendations to implement broadband goals.
- Sets a strategic framework for utilizing state and federal broadband investment.
- Creates criteria for Oregon to work with providers to collect information and develop statewide maps for determining eligibility for funds and to confirm the allocation.
- Establishes the Connecting Oregon Libraries Fund and allocates funds for the purpose of providing matching funds for federal money received by the State Library.
- Requires the Public Utilities Commission to study the feasibility of expanding the Oregon Telephone Assistance Program, which lowers the monthly cost of phone or broadband services for low-income individuals.

Efforts to date

Broadband access has been a topic of concern for lawmakers for some time.

The Oregon Broadband Office was established in 2018 to develop broadband investments, deploy strategies to reach underserved areas and advocate for policies that would expand broadband availability.

In the early months of the pandemic, the state allocated funds to expand broadband access and created the Broadband Fund in special session to support those efforts.

Despite those recent actions, significant gaps in broadband access remain.

An analysis by USA Today and the Statesman Journal in July showed that while broadband is available to residents, fewer have actual high-speed access.

According to a Federal Communications Commission study, in about half of Oregon's counties, broadband access is available to at least 86% of residents. Yet also in about half of the state's counties, according to Microsoft, no more than 49% of households have high-speed access, a USA TODAY analysis shows.

Poorer counties tended to have less access.

Another of the bill's chief sponsors, Rep. Mark Owens, R-Crane, said the need for broadband access in rural communities was becoming more apparent even before the pandemic. Now, Owens said, it's clear broadband is one of the three critical components to ensuring rural communities are viable into the future.

"In order to have any type of sustainable growth in our rural or frontier communities, we have to have good schools, good medical and broadband," he said. "Without broadband, we're not going to have any type of sustained growth."

Broadband is particularly important for augmenting rural economies, he said, allowing communities to become less reliant on agriculture and natural resources.

While the bill does have substantial support, the biggest concern from some is the collection of data for the creation of the broadband access map.

Beth Cooley, assistant vice president of state legislative affairs at CTIA, told lawmakers Wednesday that while the trade association supports the goals of HB 4092, they oppose the bill in its current form.

CTIA is a trade association that represents the wireless communications industry in the United States.

The organization's concern is that the bill's text is not aligned with the drafter's stated intent to keep broadband access data private. Cooley requested an amendment that would specify the maps are only provided upon application of a broadband grant.

"HB 4092 reads as a broad, sweeping data collection mandate on the entire broadband ecosystem, including wireless, outside of the broadband grant process," she said.

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Outbreaks

Continued from Page 1A

Cochran has spent a fair share of the pandemic with her children and at her timeshare on the coast in an effort to stay away from her home of Capital Manor – and safe from COVID-19.

Capital Manor is one of dozens of Oregon facilities that primarily care for older adults that have seen repeated outbreaks of COVID-19 in the past two years. As of Jan. 12, approximately 170 facilities had reported three or more outbreaks.

COVID-19 was first reported at Capital Manor in March 2020, according to state records.

The facility reported its first COVID-19 outbreak – which the state defines as three or more cases, or at least one person dying – about four months later, according to the Oregon Health Authority.

It would be the first of seven outbreaks the community has seen.

With 480 residents, Capital Manor is "far more likely to have several cases than another place with 60 residents," David Lewis, executive director of Capital Manor, said in an email to the Statesman Journal.

Lewis said that between March 2020 and early this January, 9% of Capital Manor residents have contracted COVID-19. He said other neighboring facilities have had higher rates of COVID-19.

"When Capital Manor has 10 times the census of many of the places to which we are being compared, of course, we would have more incidents of three cases," he said.

Lack of urgency stopping spread in facilities

When a care facility reports a case of COVID-19, that triggers a state process called an "executive order." Notices are posted publicly on the facility building and the state's website.

The orders required facilities to stop accepting new residents without written approval from DHS. The orders also required facilities to separate residents with COVID-19 and conduct testing of residents and staff.

The orders, however, do not require documentation of how facilities "monitor and document" infection control practices, state auditors found in March 2021.

The head of the state's program for Safety, Oversight and Quality in care homes, Jack Honey, told auditors in late 2020 that the process was not meant to be punitive.

Honey told auditors, according to their notes, that "they don't want to penalize a facility for reporting."

Back in the fall of 2020, a few days before Thanksgiving, Fred Steele, the state's official advocate for long-term care residents, sat at his dining room table writing a letter to Gov. Kate Brown and state agency heads.

In the letter, dated Nov. 24, 2020, Steele implored leaders to take stricter action to contain the virus and stop the spread in care facilities.

Looking back a year later, he said, maybe his letter was "too late."

Steele said he asked for more "urgency" from state leaders, whom he feels by that time had turned their focus toward distributing COVID-19 vaccines. He said he recognizes that shift might have contributed to what felt like a "lack of response."

But Steele said he believes the state could, and should have, done more to slow the spread of the virus. He sent his letter before a massive surge of COVID-19 hit care homes in late 2020, and long before the delta and omicron variants took hold.



Norma Cochran looks through old photographs of her husband, Bob, who lived in the memory care unit at Capital Manor in West Salem. ABIGAIL DOLLINS / STATESMAN JOURNAL

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Fred Steele
State's official advocate for long-term care residents

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Wanting more info to ensure safe environment

Cochran was concerned because, she said, the facility didn't inform her or other residents where the cases were located. She didn't want to know who the person was – she just wanted to know on what floor, or in what part of the complex, they were.

"I wanted to be able to avoid the area," said Cochran, who lives in an area for people who live independently. "And they wouldn't tell us that, because of confidentiality, which to me, is not common sense. And I wondered if they really understood it."

Lewis said the information was not shared "to protect the health information privacy of all residents and staff."

All staff who test positive "are removed from working during their isolation time," Lewis said, and residents are isolated in their living units so "there is no location to avoid."

"If the residents follow the safety protocols in place, they are protected," he said. "We do not want residents to feel safe or avoid certain places while being less safe in others. No one know (s) who might be carrying undiagnosed COVID."

When the pandemic took hold, Cochran's children would study state reports on cases and outbreaks. The state's health department has been publishing outbreak data for the entire Capital Manor campus during the pandemic.

The state doesn't regulate independent senior living communities, but at Capital Manor, some workers are shared between independent living and other areas that do face state regulation.

"Depending on the state requirements at a given time, masks and face shields were required when any worker was in the licensed areas," Lewis said. "Workers are screened for COVID-19, are required to wash hands frequently, and to always wear a mask (unless in an office privately or actively eating or drinking)."

Residents shared common areas during the pandemic when the state allowed it, Lewis said.

Cochran started visiting more often in Portland in April 2020, said her daughter, Claire Martin.

Martin and her brother and sister live together in Portland, and Cochran's visits with them started getting longer that fall. She moved in with them in early November 2020, Martin said.

"My children and I decided it would be safer in an environment that was more controlled," Cochran said.

Cochran stayed until mid-February 2021, but she still visits and stays in Portland often. She also spends time on the coast, where she has a timeshare.

'I don't see an end to it for a while'

Cochran was born in 1933, the same year that Franklin Delano Roosevelt, partially paralyzed by polio, was sworn in as president of the United States.

It wouldn't be until the mid-1950s before a safe and effective polio vaccine

was developed.

"It was a mystery disease," Cochran said. "Polio was really terrible. They closed down the swimming pools – I was a swimmer. And movies. You didn't go anywhere. It was a very frightening thing."

Now that Cochran is fully vaccinated against COVID-19, including a booster shot, she's been back playing mahjong and going to her study club.

Cochran and some neighbors like to have a cocktail in the evenings, and she's a frequent visitor to the community's fiber arts room, where she's been making colorful little stuffed elephants for kids in the Head Start program.

But she said she's still not going to the movies or eating inside at busy restaurants.

"How long is this going to last?" Cochran asked. "I don't see an end to it for a while."

She wishes people would wash their hands, avoid crowds and get vaccinated. Asked in late November whether she was frustrated by the length of the pandemic, she said yes – but was in good spirits.

"I think I have more knowledge about what happens, and it's a little frightening too, certainly," Cochran said, "But I'm in a good stage of life because I don't mind staying in. I've got lots of things I do here. And it really hasn't been a big hardship."

In early January, Cochran had to quarantine for a week because she was exposed to COVID-19. Her daughter brought a rapid test down to Salem, and she tested negative.

Cochran missed taking walks outside, but took a practical approach to being stuck indoors.

"Since I'm stuck at home, I decided to try to get my taxes in order as far as I can at this time," Cochran said. "And I hate doing that. So this is a good time to get that going."

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