

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	6 - 0 - 1
Yeas:	Cowan, Gelser, Gilliam, Kotek, Olson, Tomei
Nays:	0
Exc.:	Maurer
Prepared By:	Andy Smith, Administrator
Meeting Dates:	5/2, 5/4

WHAT THE MEASURE DOES: Defines an “adult” for the purposes of reporting abuse of developmentally disabled person, as an individual 18 years of age or older with a developmental disability. Clarifies that reports of abuse must be made for developmentally disabled adults who are currently receiving services and for developmentally disabled adults who have been previously determined to be eligible for services. Amends the definition of “adult protective services” to specify that the Department of Human Services has the right to seek a protective order in cases of alleged abuse against developmentally disabled adults.

ISSUES DISCUSSED:

- Unique risks and circumstances faced by developmentally disabled adults
- Gaps in reporting structure
- Importance of protective order authority to prevent abuse

EFFECT OF COMMITTEE AMENDMENT: Removes conflict with Senate Bill 83, which modifies terminology for persons with disabilities in Oregon law (e.g., changes “disabled persons” to “persons with a disability”).

BACKGROUND: The types of abuse of suffered by people with developmental disabilities who are 18 years of age or older include a variety of physical, emotional, sexual and financial aspects: verbal mistreatment subjects adults to the use of derogatory names, phrases, profanity, ridicule, harassment, coercion or intimidation and threatening injury or withholding; restrictions on a resident's freedom of movement by seclusion in a locked room under any condition; restriction to an area of the residence or limiting access to ordinarily accessible areas; using physical restraints without a written physician's order; financial exploitation, which may include, but is not limited to, unauthorized rate increases, staff borrowing from or loaning money to residents, witnessing wills in which the caregiver is beneficiary, adding caregiver's name to resident's bank accounts or other personal property without approval of the individual; inappropriately expending a resident's personal funds, theft of a resident's personal funds, using a resident's personal funds for staff's own benefit, commingling resident's funds with caregiver or other resident's funds, or the caregiver becoming guardian or conservator.