

Senate Bill 857

Sponsored by Senator MORRISETTE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that investigator may not determine that complaint against adult foster home is substantiated in certain circumstances.

A BILL FOR AN ACT

1
2 Relating to adult foster homes; amending ORS 443.767.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 443.767 is amended to read:

5 443.767. (1) When the Department of Human Services receives a complaint that alleges that a
6 resident of a licensed adult foster home has been injured, abused or neglected, and that the resi-
7 dent's health or safety is in imminent danger, or that the resident has died or been hospitalized, the
8 investigation shall begin immediately after the complaint is received. If the investigator determines
9 that the complaint is substantiated, the department shall take appropriate corrective action imme-
10 diately.

11 (2)(a) When the department receives a complaint that alleges the existence of any circumstance
12 that could result in injury, abuse or neglect of a resident of a licensed adult foster home, and that
13 the circumstance could place the resident's health or safety in imminent danger, the department
14 shall investigate the complaint promptly.

15 (b) If the investigator determines that the complaint is substantiated, the department shall take
16 appropriate corrective action promptly.

17 (c) **Notwithstanding paragraph (b) of this subsection, an investigator may not determine**
18 **that a complaint is substantiated if the facility that employed an individual responsible for**
19 **intentional acts against a resident or a resident's property has, within a reasonable time**
20 **after having been informed of the employee's conduct, taken appropriate disciplinary or**
21 **corrective action concerning the employee's conduct, including but not limited to, reassign-**
22 **ment, suspension or termination. An investigator may determine that a complaint is sub-**
23 **stantiated if a facility described in this paragraph fails to take appropriate disciplinary or**
24 **corrective action within a reasonable period of time after being informed of the employee's**
25 **conduct.**

26 (3) After public hearing, the department shall by rule set standards for the procedure, content
27 and time limits for the initiation and completion of investigations of complaints. The time limits shall
28 be as short as possible and shall vary in accordance with the severity of the circumstances alleged
29 in the complaint. In no event shall the investigation exceed a duration of 60 days, unless there is
30 an ongoing concurrent criminal investigation, in which case the department may take a reasonable
31 amount of additional time in which to complete the investigation.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 (4) The department shall take no longer than 60 days from the completion of the investigation
2 report to take appropriate corrective action in the case of any complaint that the investigator de-
3 termines to be substantiated.

4 (5)(a) The department shall mail a copy of the investigation report within seven days of the
5 completion of the report to:

6 (A) The complainant, unless the complainant requests anonymity;

7 (B) The resident, and any person designated by the resident to receive information concerning
8 the resident;

9 (C) The facility; and

10 (D) The Long Term Care Ombudsman.

11 (b) The copy of the report shall be accompanied by a notice that informs the recipient of the
12 right to submit additional evidence.

13 (6) The complaint and the investigation report shall be available to the public at the local de-
14 partment office or the type B area agency on aging, if appropriate. When the department or type
15 B area agency on aging concludes the investigation of a complaint, the department or type B area
16 agency on aging shall clearly designate the outcome of the complaint investigation and make the
17 designation available to the public together with the complaint and the investigation report.

18 (7) A copy of the report shall be forwarded to the department whether or not the investigation
19 report concludes that the complaint is substantiated.

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