

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	4 - 0 - 1
Yeas:	Monnes Anderson, Telfer, Verger, Morrisette
Nays:	0
Exc.:	Kruse
Prepared By:	Jennifer Kellar, Administrator
Meeting Dates:	1/28, 2/4

WHAT THE MEASURE DOES: Prohibits Department of Human Services and Area Agencies on Aging from disclosing resident confidential or protected information in abuse and neglect reports. Requires all Department and Agency offices to redact any demographic language in documents available to the public that may disclose a resident's identity or other protected information.

Client demographic language to be redacted includes any physical or mental health diagnosis; conditions; gender; financial information pertaining to payment for care; and dates, such as a birth date, date of admission, discharge or death.

ISSUES DISCUSSED:

- Expands protection for adult foster home residents by clarifying specific information that must not be accessible to the public
- Consideration of adding an amendment to address "substantiated" versus "unsubstantiated" complaints
- "Substantiated", "unsubstantiated" and "unable to determine" complaints currently posted on Department website

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Current law (ORS 443.767(6)) for adult foster homes allows substantiated reports of abuse and neglect to be made available by the Department of Human Services (DHS) through public records requests, which can be made by any individual. Statute does not explicitly prohibit disclosure of personal or confidential information of the resident involved, which is protected by state and federal law. Senate Bill 162 aligns the adult foster home statute with other state and federal laws protecting personal and confidential information.

ORS 443.740, 443.765 and 443.767 requires DHS to maintain files on all adult foster homes and to make specific information available to the public at local DHS or Area Agency on Aging offices throughout the state. This information includes, but is not limited to, the licensed provider's name and location of the home, a summary of the last inspection, and copies of all complaint investigations involving the home, including the findings of the report and actions taken by the Department.