

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means by prior reference
Vote:	6 - 2 - 0
Yeas:	Frederick, Parrish, Thompson, Weidner, Gilliam, Tomei
Nays:	Greenlick, Harker
Exc.:	0
Prepared By:	Beth Herzog, Administrator
Meeting Dates:	2/3, 2/6, 2/8, 2/10

WHAT THE MEASURE DOES: Increases statute of limitations for following crimes from three to six years if victim is 65 years or older: (1) theft I; (2) aggravated theft I; (3) robbery I, II and III; (4) forgery I; (5) fraudulent use of a credit card; and (6) identity theft. Prohibits setting aside conviction for criminal mistreatment I or II when victim is 65 years old or older. Requires health care provider to allow law enforcement agency to inspect elderly patient's medical records without patient's consent if conducting investigation of abuse of elderly person. Protects health care provider from civil or criminal liability for disclosure. Requires financial institution to turn over financial records of elderly person to law enforcement without consent of elderly person or of person's guardian. Allows Department of Human Services (DHS) to make names or witnesses and vulnerable victims available to law enforcement and appropriate licensing agencies. Creates Resident Safety Review Council consisting of six members. Requires DHS to use new or existing materials to develop and implement training program for persons required to investigate abuse of elderly persons. Recreates Oregon Elder Abuse Work Group. Declares emergency; effective upon passage.

ISSUES DISCUSSED:

- Work Group's process for developing legislative concept
- Compliance with Federal Health Insurance Portability and Accountability Act
- Current process for law enforcement obtaining health and financial records
- Reasonable belief verses probable cause

EFFECT OF COMMITTEE AMENDMENT: Removes provisions related to establishing new crime of assault in third degree. Removes authorization for DHS to obtain protected health information and financial records. Authorizes financial institutions to be reimbursed by requesting agency for reasonable costs incurred in course of compliance. Stipulates disclosure and copies of financial records may be obtained when financial records pertain to an account or loan owned or maintained by person who is alleged victim of abuse and other person who is not alleged victim. Deletes requirement for establishing statewide call system. Requires no later than October 1, 2012, DHS to report to Legislature including implementation of call system and integration of 211 system. Changes reporting date for DHS to report back with recommendations that could include legislation from October 1, 2013 to October 1, 2012.

BACKGROUND: Oregon law defines an elderly person as any person 65 years of age or older. Oregon law defines elder abuse as: (a) physical injury caused by other than accident; (b) neglect leading to harm; (c) abandonment; (d) willful infliction of physical pain or injury; (e) unwanted sexual contact or the inability to consent to sexual contact; or (f) financial exploitation. According to the DHS, state and local offices investigate more than 11,000 complaints of elder abuse or neglect each year. This abuse can occur both in care facilities and in the home. The 2011 Oregon Legislature passed House Bill 2325 which created the Elder Abuse Work Group (Work Group) to study and make recommendations on elder abuse issues. House Bill 4084A integrates multiple recommendations from the Work Group.

2/13/2012 4:18:00 PM

This summary has not been adopted or officially endorsed by action of the committee.