

Protecting Oregon's Seniors: HB 2205 -5 Amendments

Rep. Val Hoyle

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Background

- Participated in Adult Protective Services Team under leadership of Erinn Kelley-Siel
- 2011 Created the Oregon Elder Abuse Work Group charged with defining elder abuse and rethinking the process for prevention, investigation, and appropriate reporting of elder abuse (House Bill 2325)
- Diverse group of stakeholders met throughout interim
- February 2012 introduced HB 4084 – received broad and bi-partisan support and signed by Governor Kitzhaber.

HB 4084 (2012)

- **Increased Time To Prosecute Crimes Against Seniors**

Extended the statute of limitations from 3 to 6 years for crimes of forgery, robbery, theft and identification theft committed against people 65 and older. Often these complex investigations can take years...the additional years will ensure prosecution of these cases and hold perpetrators accountable.

- **Eliminated Expungement for Convictions of Elder Abuse**

Similar to crimes of child abuse, convictions for criminal mistreatment of a senior victim should not easily be expunged. This will keep those convicted from returning to care giving roles to our most vulnerable.

- **Provided Vital Tools for Law Enforcement During Abuse Investigations**

Allows law enforcement conducting an investigation into potential abuse of an elderly person to review medical records and discuss potential abuse with victim's doctor. Also allows access to review financial records with a subpoena.

- **Created Resident Safety Review Council** charged with returning to the 2013 Legislature with recommendations for classifying actual incidents of abuse separately from adverse events, in order to make sure abusers are punished.

Patient Safety Review Council

- Feb. 25th House Human Services Committee heard from Bethany Walmsley who chaired Patient Safety Review Council – conducted extensive work by council members
- Council identified 4 priority areas:
 1. **Develop an Abuse Definition Algorithm** – The algorithm should clearly categorize abuse determinations, create objectivity, and include the determination of adverse events.
 2. **Improve Investigation and Reporting Technology** – Improvements should include a computerized investigation process, creation of an investigation database incorporating analytic tools and processes, and the development of an online tool for reporting events that enables users to determine if an event is reportable.
 3. **Definitions** – Consideration for aligning definitions across populations and care settings, and developing appropriate categories for substantiated abuse, are of the highest priority. In addition, a deeper analysis of all state abuse definitions at both the statutory and administrative rule level is advisable. The council made great strides in factoring in some best-practice ideas to improve Oregon’s definitions using the information found within other state abuse statutes. The time necessary to also thoroughly review administrative rules as well was not possible.
 4. **Long-Term Care Worker Registry** – A registry would allow providers access to information for hiring decisions to avoid potentially hiring someone that has a history of unsafe practice.

Today – HB 2205

- Goals of -5 Amedment:
 - Continue the work of the Patient Safety Review Council
 - Work collaboratively with diverse stakeholders to positively impact the abuse investigation process in the state of Oregon

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- **Page 1 – 5:** Removes the sunset provision on providing access to medical and financial health records
 - Strengthen financial records component:
 - p. 20-21: Includes language to require ‘certified’ copy of financial documents per subpoena

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- **Page 7:** Reflects agreed upon language by Criminal Defense Association (OCDLA) and District Attorney Association (ODAA), which clarify the underlying report requirements that initiate prosecution under the extended statute of limitation period.

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- **Page 11 – 13:** Brings the Elder Abuse Mandatory Reporter statute in line with our child abuse reporting requirements.
- **Adds Reporters:**
 - Members of the Legislature
 - Dentists
 - Optometrists
 - Chiropractors
 - Attorneys
 - Includes attorney-client confidentiality provision from child abuse reporter statute.
 - Allows for the hour of mandatory Oregon State Bar CLE training on child abuse to include elder abuse.
 - *Page 20: delays implementation till January 1, 2015 to allow for new definition work to be adopted and training materials to be updated.

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- **Page 14 - 17:** Extends Elder Abuse Work Group to 2015 with a narrowed objective:
 - Revise definition of elder abuse, specifically:
 - Align definitions of abuse of vulnerable persons across populations, agencies, service providers and law enforcement
 - Define abuse of vulnerable persons for purposes of investigation and for purposes of making determinations that abuse of vulnerable persons has or has not occurred
 - Define abuse of vulnerable persons for purposes of abuse data reporting systems.
- Expands current Elder Abuse Work Group membership to include representative from SEIU, Attorney General, Oregon Patient Safety Commission, OTLA and OCDLA

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- **Page 17:** Provides permissive language for District Attorneys' to partner with current team members in the administration of their Multidisciplinary team responsibilities.