

**B-Engrossed**  
**Senate Bill 626**

Ordered by the Senate July 5  
Including Senate Amendments dated April 19 and July 5

Sponsored by Senator MONNES ANDERSON; Senators DINGFELDER, KRUSE, ROBLAN, Representatives GELSER, GORSEK

**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.

Expands duties of Long Term Care Ombudsman to address needs of residents of care facilities who have mental illness or developmental disabilities. Expands scope of ombudsman duties to include adult foster homes.

Renames Long Term Care Advisory Committee as Residential Facilities Advisory Committee and increases committee membership.

**Becomes operative July 1, 2014.**

**A BILL FOR AN ACT**

1  
2 Relating to ombudsman to serve vulnerable adults in residential care; creating new provisions;  
3 amending ORS 410.550, 441.100, 441.103, 441.109, 441.113, 441.117, 441.121, 441.124, 441.127,  
4 441.131, 441.133, 441.137, 441.142, 441.146, 441.153, 443.455 and 443.825; and repealing ORS  
5 441.147.

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

7 **SECTION 1.** ORS 441.100 is amended to read:

8 **441.100. As used in ORS 441.100 to 441.153:**

9 *[(1) "Administrative action" means any action or decision made by an owner, employee or agent*  
10 *of a long term care facility or by a public agency that affects the services to residents.]*

11 *[(2) "Committee" means the Long Term Care Advisory Committee.]*

12 *[(3)]* **(1) "Designee" means an individual appointed by the Long Term Care Ombudsman to serve**  
13 **as a representative in order to carry out the purpose of ORS 441.100 to 441.153.**

14 *[(4) "Long term care facility" means any licensed skilled nursing facility intermediate care facility,*  
15 *as defined in rules adopted under ORS 442.015, adult foster homes with residents over 60 years of age*  
16 *and residential care facility as defined in ORS 443.400.]*

17 **(2) "Residential facility" includes a:**

18 **(a) Long term care facility;**

19 **(b) Residential facility as defined in ORS 443.400, excluding a:**

20 **(A) Facility housing persons committed under ORS 161.327; and**

21 **(B) Facility licensed by the Oregon Health Authority to provide alcohol and drug treat-**  
22 **ment;**

23 **(c) Licensed adult foster home as defined in ORS 443.705; and**

24 **(d) Developmental disability child foster home, as defined in ORS 443.830, that is certified**  
25 **by the Department of Human Services.**

**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        **SECTION 2.** ORS 441.103 is amended to read:

2        441.103. (1) The office of the Long Term Care Ombudsman is established. The Long Term Care  
3 Ombudsman shall function separately and independently from any other state agency. The Governor  
4 shall appoint the Long Term Care Ombudsman for a four-year term from a list of three nominees  
5 nominated by the [*Long Term Care*] **Residential Facilities** Advisory Committee established under  
6 ORS 441.137. **The appointment of the Long Term Care Ombudsman is subject to Senate con-**  
7 **firmation under ORS 171.562 and 171.565.** [*Vacancies*] **A vacancy** shall be filled within 60 days in  
8 the same manner as **an appointment is made.** [*appointments are made, subject to Senate confirma-*  
9 *tion under ORS 171.562 and 171.565.*]

10        (2) The Long Term Care Ombudsman may be removed for just cause, upon recommendation to  
11 the Governor by the [*Long Term Care*] **Residential Facilities** Advisory Committee.

12        (3) The Long Term Care Ombudsman shall have background and experience in the following  
13 areas:

- 14        (a) The [*field*] **fields** of aging, **mental health or developmental disabilities**;
- 15        (b) **Physical or behavioral** health care;
- 16        (c) Working with community programs;
- 17        (d) Strong understanding of long term care issues, both regulatory and policy;
- 18        (e) Working with health care providers;
- 19        (f) Working with and involvement in volunteer programs; and
- 20        (g) Administrative and managerial experience.

21        **SECTION 3.** ORS 441.109 is amended to read:

22        441.109. (1) The office of the Long Term Care Ombudsman shall carry out the following duties:

23        [(1)] (a) Investigate and resolve complaints made by or for residents of [*long term care*] **resi-**  
24 **dential** facilities about administrative actions that may adversely affect their health, safety, welfare  
25 or rights, including subpoenaing any person to appear, give sworn testimony or to produce docu-  
26 mentary or other evidence that is reasonably material to any matter under investigation.

27        [(2)] (b) Undertake, participate in or cooperate with persons and agencies in such conferences,  
28 inquiries, meetings or studies as may lead to improvements in the functioning of [*long term care*]  
29 **residential** facilities.

30        [(3)] (c) Monitor the development and implementation of federal, state and local laws, regu-  
31 lations and policies that relate to [*long term care*] **residential** facilities in this state.

32        [(4)] (d) Provide information to public agencies about the problems of residents of [*long term*  
33 *care*] **residential** facilities.

34        [(5)] (e) Work closely with cooperative associations and citizen groups in this state **and the**  
35 **state protection and advocacy system under ORS 192.517.**

36        [(6)] (f) Widely publicize the Long Term Care Ombudsman's service, purpose and mode of oper-  
37 ation.

38        [(7)] (g) Collaborate with the **Oregon Health Authority**, the Department of Human Services,  
39 [*and*] the Nursing Home Administrators Board **and any other appropriate agencies and organ-**  
40 **izations** to establish a statewide system to collect and analyze information on complaints and con-  
41 ditions in [*long term care*] **residential** facilities for the purpose of publicizing improvements and  
42 resolving significant problems.

43        [(8)] (h) Appoint designees to serve as local representatives of the office in various districts of  
44 the state and regularly monitor their functions.

45        [(9)] (i) Specify qualifications and duties of designees.

1 [(10)] (j) Adopt rules necessary for carrying out ORS 441.100 to 441.133, after consultation with  
2 the **Residential Facilities Advisory** Committee.

3 [(11)] (k) Provide periodically, or at least [*twice*] annually, a report to the Governor, **authority**,  
4 department and [*the*] Legislative Assembly.

5 [(12)] (L) Prepare necessary reports with the assistance of the **authority and the** department.

6 (2) **At least quarterly, the Oregon Health Authority and the Department of Human Ser-**  
7 **vices shall provide the Long Term Care Ombudsman with a list of the number of licensed**  
8 **or certified beds in each residential facility for which the ombudsman has responsibilities**  
9 **under this section.**

10 (3) **As used in this section, “administrative action” means any action or decision made**  
11 **by an owner, employee or agent of a residential facility or by a public agency that affects the**  
12 **services to residents of the facility.**

13 **SECTION 4.** ORS 441.113 is amended to read:

14 441.113. The Long Term Care Ombudsman shall establish procedures to maintain the  
15 confidentiality of the records and files of residents of [*long term care*] **residential** facilities. These  
16 procedures must meet the following requirements:

17 (1) The ombudsman or designee [*shall*] **may** not disclose, except to state agencies, the identity  
18 of any resident unless the complainant or the resident, or the legal representative of either, consents  
19 in writing to the disclosure and specifies to whom the disclosure may be made.

20 (2) The identity of any complainant or resident on whose behalf a complaint is made, or indi-  
21 vidual providing information on behalf of the **complainant or the** resident [*or complainant*], shall  
22 be confidential. If the complaint becomes the subject of judicial proceedings, the investigative in-  
23 formation held by the ombudsman or designee shall be disclosed for the purpose of the proceedings  
24 if requested by the court.

25 **SECTION 5.** ORS 441.117 is amended to read:

26 441.117. (1) The Long Term Care Ombudsman and each designee shall have the right of entry  
27 into [*long term care*] **residential** facilities at any time considered necessary and reasonable by the  
28 ombudsman or the designee for the purpose of:

- 29 (a) Investigating and resolving complaints **made** by residents or **made** on their behalf;
- 30 (b) Interviewing residents, with their consent, in private;
- 31 (c) Offering the services of the ombudsman or **the** designee to any resident, in private;
- 32 (d) Interviewing employees or agents of the [*long term care*] facility;
- 33 (e) Consulting regularly with the facility administration; and
- 34 (f) Providing services authorized by law or by rule.

35 (2) The Long Term Care ombudsman shall have access to any resident’s records, and to records  
36 of any public agency necessary to the duties of the [*office*] **ombudsman**, including records on patient  
37 abuse complaints made pursuant to ORS **430.735 to 430.765**, 441.630 to 441.680 and 441.995. [*Nothing*  
38 *contained in*] **The provisions of** ORS 192.553 to 192.581 [*is*] **are not** intended to limit the access of  
39 the Long Term Care Ombudsman to medical records of residents of [*long term care*] **residential** fa-  
40 cilities. Designees may have access to individual resident’s records, including medical records as  
41 authorized by the resident or resident’s legal representative, if needed to investigate a complaint.

42 (3) Entry and investigation authorized by this section shall be done in a manner that does not  
43 disrupt significantly the providing of nursing, **residential** or other personal care **or treatment** to  
44 residents.

45 (4) The ombudsman or the designee must show identification to the person in charge of the fa-

1 cility. The resident shall have the right to refuse to communicate with the ombudsman or **the**  
2 designee. The refusal shall be made directly to the ombudsman or **the** designee and not through  
3 an intermediary.

4 (5) The resident shall have the right to participate in planning any course of action to be taken  
5 on behalf of the resident by the ombudsman or the designee.

6 **SECTION 6.** ORS 441.121 is amended to read:

7 441.121. (1) Following an investigation, the **Long Term Care** Ombudsman or the designee shall  
8 report opinions or recommendations to the party or parties affected *[thereby]* and, **if appropriate,**  
9 shall attempt to resolve the complaint~~[, using, whenever possible,]~~ **using** informal techniques of me-  
10 diation, conciliation and persuasion. Complaints of conditions adversely affecting residents of *[long*  
11 *term care]* **residential** facilities, or *[those]* **complaints of conditions** threatening the safety or  
12 well-being of residents that cannot be resolved in the manner described in this section, shall be re-  
13 ferred to an appropriate state agency.

14 (2) Programs that promote the safety or emotional or physical well-being of *[long term care]*  
15 residents **of residential facilities** shall be promoted and publicized by the ombudsman and the  
16 designees.

17 **SECTION 7.** ORS 441.124 is amended to read:

18 441.124. (1) The Long Term Care Ombudsman shall prepare and distribute to each *[long term*  
19 *care]* **residential** facility in this state a written notice describing the procedures to follow in making  
20 a complaint, including the address and telephone number of the ombudsman and local designee, if  
21 any, **and a poster describing the Long Term Care Ombudsman Program and providing contact**  
22 **information.**

23 (2) The administrator of each *[long term care]* **residential** facility shall post the written notice  
24 **and poster** required by this section in conspicuous places in the facility in accordance with proce-  
25 dures provided by the ombudsman and shall give *[such]* **the written** notice to *[any]* **each** resident  
26 and legally appointed guardian, if any.

27 **SECTION 8.** ORS 441.127 is amended to read:

28 441.127. (1) Any employee or agent of *[the long term care]* **a residential** facility acting in good  
29 faith in discussing *[patient]* **resident** care pursuant to ORS 441.117 shall have immunity from any  
30 civil liability~~[,]~~ that might otherwise be incurred or imposed with respect to the making of such re-  
31 port.

32 (2) Any employee or agent who makes a report pursuant to ORS 441.117 *[shall]* **may** not be  
33 subjected to any retaliation by any official or other employee of a *[long term care]* **residential** fa-  
34 cility solely for making a report, including but not limited to restriction of otherwise lawful access  
35 to the facility or to any resident *[thereof]* **of the facility**, or, if an employee, to dismissal or  
36 harassment.

37 (3) The **Long Term Care** Ombudsman or the designee acting in good faith in discussing  
38 *[patient]* **resident** care pursuant to ORS 441.117 shall have immunity from any civil liability, that  
39 might otherwise be incurred or imposed with respect to the discussion.

40 **SECTION 9.** ORS 441.131 is amended to read:

41 441.131. (1) The appointments of designees shall be made in consultation with a local screening  
42 committee *[which]* **that** may consist of but not be limited to persons representing:

43 (a) The area agency on aging.

44 (b) The local office of the Department of Human Services.

45 (c) The local health department.

1 (d) Senior citizens groups in the area.

2 (e) [*Long term care*] **Residential** facilities in the area.

3 (f) Local elected officials.

4 **(g) The community mental health program director or local mental health authority.**

5 **(h) The community developmental disabilities program director.**

6 **(i) Representatives from the Oregon Health Authority.**

7 (2) To be appointed as a designee, a person must complete six days of initial training and attend  
8 quarterly training sessions [*which*] **that** are approved by the Long Term Care Ombudsman and  
9 [*which*] **that** shall be coordinated and funded by the Department of Human Services **and the Oregon**  
10 **Health Authority**, subject to the availability of funds [*therefor*]. Local screening committees shall  
11 be appointed by and serve at the pleasure of the ombudsman.

12 (3) Designees must sign a contract with the state [*which*] **that** outlines the scope of their duties.  
13 In districts where a designee is an employee or agent of a local entity, a three-party contract shall  
14 be executed. Violation of the contract is cause for the termination of the appointment. A directory  
15 of all designees shall be maintained in the office of the Long Term Care Ombudsman.

16 (4) The qualifications of designees shall include experience with [*long term care*] **residential** fa-  
17 cilities or residents [*thereof*] or potential residents **of residential facilities, and** [*including*] the  
18 ability to communicate well, to understand laws, rules and regulations, and to be assertive, yet ob-  
19 jective.

20 (5) **Applicants who have** experience in either social service, **mental health, developmental**  
21 **disability services**, gerontology, nursing or paralegal work [*shall be preferred*] **shall be given**  
22 **preference in the appointment of designees.**

23 (6) The contract shall include statements that the purpose of the Long Term Care Ombudsman  
24 Program is to:

25 (a) Promote rapport and trust between the residents[,] **and** staff of the [*nursing home and nurs-*  
26 *ing home ombudsman program*] **residential facilities and Long Term Care Ombudsman;**

27 (b) Assist [*nursing home*] residents with participating more actively in determining the delivery  
28 of services [*in long term care*] **at the** facilities;

29 (c) Serve as an educational resource;

30 (d) Receive, resolve or relay concerns to the Long Term Care Ombudsman or the appropriate  
31 agency; and

32 (e) [*Assure*] **Ensure** equitable resolution of problems.

33 (7) The duties of the designees are to:

34 (a) Visit each assigned [*long term care*] **residential** facility on a regular basis:

35 (A) Upon arrival and departure, inform a specified staff member.

36 (B) Review, with a specified staff member, any problems or concerns [*which*] **that** need to be  
37 considered.

38 (C) Visit individual residents and resident councils.

39 (b) Maintain liaison with appropriate agencies and the Long Term Care Ombudsman.

40 (c) Report, in writing, monthly to the Long Term Care Ombudsman.

41 (d) Keep residents and [*long term care*] staff informed of the Long Term Care Ombudsman Pro-  
42 gram.

43 (e) Periodically review the patients' bill of rights **prescribed in ORS 441.605, 441.610 and**  
44 **441.612** with residents, families, guardians, administrators and staff **of residential facilities.**

45 (f) Perform other related duties as specified.

1       **SECTION 10.** ORS 441.133 is amended to read:

2       441.133. Nothing in ORS 441.100 to 441.153 shall affect the right of residents of a [*long term*  
3 *care*] **residential** facility to see visitors of their choice.

4       **SECTION 11.** ORS 441.137 is amended to read:

5       441.137. (1) There is established a [*Long Term Care*] **Residential Facilities** Advisory Committee  
6 of [*seven*] **nine** members to be appointed in the following manner:

7       (a) One person appointed by the Speaker of the House of Representatives;

8       (b) One person appointed by the President of the Senate;

9       (c) One person appointed by the House Minority Leader;

10      (d) One person appointed by the Senate Minority Leader;

11      (e) [*Two persons, from a*] **One person appointed by the Governor from each** list of four names  
12 submitted by [*the organizations of*] **organizations for seniors, organizations for persons with**  
13 **mental illness and the Oregon Council on Developmental Disabilities** [*appointed by the*  
14 *Governor*]; and

15      (f) [*One person*] **Two persons** appointed by the Governor.

16      (2) Members described in subsection (1)(e) and (f) of this section are subject to confirmation by  
17 the Senate under ORS 171.562 and 171.565.

18      (3) The term of office of each member is four years. Before the expiration of the term of a  
19 member, the appointing authority shall appoint a successor whose term begins on July 1 next fol-  
20 lowing. A member is eligible for reappointment. If there is a vacancy for any cause, the appointing  
21 authority shall make an appointment to become immediately effective for the unexpired term.

22      (4) The members of the committee must be [*citizens*] **residents** of this state who are broadly  
23 representative, to the extent possible, of persons [*over 55 years of age*] **residing in residential fa-**  
24 **ILITIES**, including [*persons with disabilities and*] members of racial and ethnic minorities, who have  
25 knowledge and interest in the problems of [*the elderly*] **persons residing in residential facilities,**  
26 and **who** are representative of all areas of [*the*] **this** state[. *At least five members shall be at least*  
27 *60 years of age.*] **and the demographics of groups served by the Long Term Care Ombudsman.**

28      (5) A member of the committee may not have a financial or fiduciary interest in [*long term*  
29 *care*] **residential** facilities or service providers, or involvement in the licensing or certification of  
30 [*long term care*] **residential** facilities or service providers.

31      (6) **The committee shall select one of its members as chairperson and another as vice**  
32 **chairperson, for such terms and with duties and powers necessary for the performance of**  
33 **the functions of such offices as the committee determines.**

34      (7) **A majority of the members of the committee constitutes a quorum for the transaction**  
35 **of business. Decisions may be made by a majority of the quorum.**

36      (8) **The committee shall meet at least once each month at a place, day and hour deter-**  
37 **mined by the committee. The committee also shall meet at other times and places specified**  
38 **by the call of the chairperson or of a majority of the members of the committee. The com-**  
39 **mittee shall confer each month with the Long Term Care Ombudsman. All meetings are**  
40 **subject to ORS 192.610 to 192.690.**

41      (9) **A member of the committee is entitled to compensation and expenses as provided in**  
42 **ORS 292.495.**

43      **SECTION 12.** ORS 441.142 is amended to read:

44      441.142. The [*Long Term Care*] **Residential Facilities** Advisory Committee shall:

45      (1) Monitor the Long Term Care Ombudsman Program.

1 (2) Advise the Governor and the Legislative Assembly on the Long Term Care Ombudsman  
2 Program.

3 (3) Nominate, after interviews and according to prescribed criteria, three persons to fill the  
4 [office of] Long Term Care Ombudsman **position or to fill a vacancy in the position.**

5 **SECTION 13.** ORS 441.146 is amended to read:

6 441.146. (1) A [*long term care*] **residential** facility that files a complaint against a designee ap-  
7 pointed under ORS 441.131 and objects to the action of the Long Term Care Ombudsman in resolving  
8 the complaint may appeal the ombudsman's action to a panel of the [*Long Term Care*] **Residential**  
9 **Facilities** Advisory Committee.

10 (2) The committee on its own motion may review any action by the ombudsman appealable under  
11 this section. The review shall provide an opportunity for written and oral presentation by the [*long*  
12 *term care*] **residential** facility and the ombudsman. The committee shall issue its findings and any  
13 instructions to the ombudsman in written form consistent with the federal Older Americans Act **or**  
14 **other applicable federal law.**

15 (3) If the committee disagrees with the action of the ombudsman, the committee may refer the  
16 resolution back to the ombudsman with instructions consistent with the federal Older Americans  
17 Act **or other applicable federal law** to conform the ombudsman's action in the matter to the rec-  
18 ommendations of the committee.

19 **SECTION 14.** ORS 441.153 is amended to read:

20 441.153. The Long Term Care Ombudsman Account is established **in the State Treasury**, sep-  
21 arate and distinct from the General Fund. All miscellaneous receipts, gifts and federal and other  
22 grants received by the Long Term Care Ombudsman shall be deposited into the Long Term Care  
23 Ombudsman Account and are continuously appropriated to the Long Term Care Ombudsman for  
24 carrying out the responsibilities of the Long Term Care Ombudsman.

25 **SECTION 15.** ORS 443.455 is amended to read:

26 443.455. (1) **Except as provided in subsection (5) of this section**, for purposes of imposing  
27 civil penalties, residential facilities approved under ORS 443.400 to 443.455 are subject to ORS  
28 441.705 to 441.745.

29 (2) The Director of Human Services shall by rule prescribe a schedule of penalties for residential  
30 care facilities, residential training facilities and residential training homes that are not in compli-  
31 ance with ORS 443.400 to 443.455.

32 (3) The Director of the Oregon Health Authority shall by rule prescribe a schedule of penalties  
33 for residential treatment facilities and residential treatment homes that are not in compliance with  
34 ORS 443.400 to 443.455.

35 (4) If the department or authority investigates and makes a finding of abuse arising from delib-  
36 erate or other than accidental action or inaction that is likely to cause a negative outcome by a  
37 person with a duty of care toward a resident of a residential facility and if the abuse resulted in the  
38 death, serious injury, rape or sexual abuse of a resident, the department or authority shall impose  
39 a civil penalty of not less than \$2,500 for each occurrence of substantiated abuse, not to exceed  
40 \$15,000 in any 90-day period. As used in this subsection:

41 (a) "Negative outcome" includes serious injury, rape, sexual abuse or death.

42 (b) "Rape" means rape in the first, second or third degree as described in ORS 163.355, 163.365  
43 and 163.375.

44 (c) "Serious injury" means physical injury that creates a substantial risk of death or that causes  
45 serious and protracted disfigurement, protracted impairment of health or protracted loss or impair-

1 ment of the function of any bodily organ.

2 (d) "Sexual abuse" means any form of nonconsensual sexual contact, including but not limited  
3 to unwanted or inappropriate touching, sodomy, sexual coercion, sexually explicit photographing and  
4 sexual harassment.

5 **(5) Civil penalties recovered from a residential training facility, residential training home,  
6 residential treatment facility or residential treatment home shall be deposited in the Long  
7 Term Care Ombudsman Account established in ORS 441.153.**

8 **SECTION 16.** ORS 443.825 is amended to read:

9 443.825. All penalties recovered under ORS 443.790 to 443.815 shall be deposited:

10 (1) In the Quality Care Fund established in ORS 443.001 **if paid by an adult foster home li-**  
11 **censed to provide residential care to persons with physical disabilities.**

12 **(2) In the Long Term Care Ombudsman Account established in ORS 441.153 if paid by an**  
13 **adult foster home licensed to provide care to persons with mental illness or developmental**  
14 **disabilities.**

15 **SECTION 17.** ORS 410.550 is amended to read:

16 410.550. (1) The Medicaid Long Term Care Quality and Reimbursement Advisory Council is  
17 created, to consist of 12 members. Appointed members shall be residents of the State of Oregon and  
18 representative of the geographic locations of all long term care facilities and community-based care  
19 facilities in this state. The members shall include:

20 (a) The Long Term Care Ombudsman, who shall serve as a standing member of the council;

21 (b) A representative of the Governor's Commission on Senior Services, to be appointed by the  
22 commission;

23 (c) A representative of the Oregon Disabilities Commission, to be appointed by the commission;

24 (d) A representative of the Oregon Association of Area Agencies on Aging and Disabilities, to  
25 be appointed by the Governor;

26 (e) A representative of a senior or disabilities advocacy organization or an individual who ad-  
27 vocates on behalf of seniors or persons with disabilities, to be appointed by the Governor;

28 (f) A nursing home administrator licensed under ORS 678.710 to 678.820 who has practiced  
29 continuously in Oregon in long term care for three years immediately preceding appointment, to be  
30 appointed by the Speaker of the House of Representatives;

31 (g) Two consumers of [*long term care*] **residential** facilities, **as defined in ORS 441.100**, or  
32 community-based care facilities or family members of such residents, to be appointed by the Speaker  
33 of the House of Representatives;

34 (h) A director of nurses of an Oregon long term care facility who has practiced in this state in  
35 long term care for three years preceding appointment, to be appointed by the Speaker of the House  
36 of Representatives;

37 (i) A representative of an assisted living facility or a residential care facility, to be appointed  
38 by the President of the Senate;

39 (j) A representative of an adult foster home, to be appointed by the President of the Senate; and

40 (k) An in-home care agency provider, to be appointed by the President of the Senate.

41 (2) The term of office for each member appointed under this section shall be three years or until  
42 a successor has been appointed and qualified.

43 (3) Members of the council shall receive no compensation for their services but unpaid volun-  
44 teers not otherwise compensated shall be allowed actual and necessary travel expenses incurred in  
45 the performance of their duties.



1 (4) The council shall:

2 (a) Elect a chairperson from among its members and elect or appoint a secretary, each of whom  
3 shall hold office for one year or until successors are elected;

4 (b) Hold an annual meeting and hold other meetings at such times and places as the Department  
5 of Human Services or the chairperson of the council may direct;

6 (c) Keep a record of its proceedings that is open to inspection at all times; and

7 (d) Act in an advisory capacity to the department on matters pertaining to quality of long term  
8 care facilities and community-based care facilities and reimbursement for long term care services  
9 and community-based care services.

10 **SECTION 18. ORS 441.147 is repealed.**

11 **SECTION 19. The amendments to ORS 410.550, 441.100, 441.103, 441.109, 441.113, 441.117,  
12 441.121, 441.124, 441.127, 441.131, 441.133, 441.137, 441.142, 441.146, 441.153, 443.455 and 443.825  
13 by sections 1 to 17 of this 2013 Act and the repeal of ORS 441.147 by section 18 of this 2013  
14 Act become operative on July 1, 2014.**

15