

**PROPOSED AMENDMENTS TO  
SENATE BILL 626**

1 On page 1 of the printed bill, line 2, after the first semicolon delete the  
2 rest of the line and lines 3 through 5 and insert “amending ORS 410.550,  
3 441.100, 441.103, 441.109, 441.113, 441.117, 441.121, 441.124, 441.127, 441.131,  
4 441.133, 441.137, 441.142, 441.146, 441.153, 443.455 and 443.825; and repealing  
5 ORS 441.147.”.

6 Delete lines 7 through 27 and delete pages 2 through 19 and insert:

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*  
10 *owner, employee or agent of a long term care facility or by a public agency that*  
11 *affects the services to residents.]*

12 *“[(2) ‘Committee’ means the Long Term Care Advisory Committee.]*

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

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

20 **“(2) ‘Residential facility’ includes a:**

21 **“(a) Long term care facility;**

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

- 1       “(A) Facility housing persons committed under ORS 161.327; and  
2       “(B) Facility licensed by the Oregon Health Authority to provide  
3 alcohol and drug treatment;  
4       “(c) Licensed adult foster home as defined in ORS 443.705; and  
5       “(d) Developmental disability child foster home, as defined in ORS  
6 443.830, that is certified by the Department of Human Services.

7       “SECTION 2. ORS 441.103 is amended to read:

8       “441.103. (1) The office of the Long Term Care Ombudsman is established.  
9 The Long Term Care Ombudsman shall function separately and independ-  
10 ently from any other state agency. The Governor shall appoint the Long  
11 Term Care Ombudsman for a four-year term from a list of three nominees  
12 nominated by the [*Long Term Care*] **Residential Facilities** Advisory Com-  
13 mittee established under ORS 441.137. **The appointment of the Long Term**  
14 **Care Ombudsman is subject to Senate confirmation under ORS 171.562**  
15 **and 171.565.** [*Vacancies*] **A vacancy** shall be filled within 60 days in the  
16 same manner as **an appointment is made.** [*appointments are made, subject*  
17 *to Senate confirmation under ORS 171.562 and 171.565.*]

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

21       “(3) The Long Term Care Ombudsman shall have background and experi-  
22 ence in the following areas:

23       “(a) The [*field*] **fields** of aging, **mental health or developmental disa-**  
24 **bilities;**

25       “(b) **Physical or behavioral** health care;

26       “(c) Working with community programs;

27       “(d) Strong understanding of long term care issues, both regulatory and  
28 policy;

29       “(e) Working with health care providers;

30       “(f) Working with and involvement in volunteer programs; and

1 “(g) Administrative and managerial experience.

2 “**SECTION 3.** ORS 441.109 is amended to read:

3 “441.109. (1) The office of the Long Term Care Ombudsman shall carry  
4 out the following duties:

5 “[1] (a) Investigate and resolve complaints made by or for residents of  
6 [*long term care*] **residential** facilities about administrative actions that may  
7 adversely affect their health, safety, welfare or rights, including subpoenaing  
8 any person to appear, give sworn testimony or to produce documentary or  
9 other evidence that is reasonably material to any matter under investigation.

10 “[2] (b) Undertake, participate in or cooperate with persons and agen-  
11 cies in such conferences, inquiries, meetings or studies as may lead to im-  
12 provements in the functioning of [*long term care*] **residential** facilities.

13 “[3] (c) Monitor the development and implementation of federal, state  
14 and local laws, regulations and policies that relate to [*long term care*] **resi-**  
15 **dential** facilities in this state.

16 “[4] (d) Provide information to public agencies about the problems of  
17 residents of [*long term care*] **residential** facilities.

18 “[5] (e) Work closely with cooperative associations and citizen groups  
19 in this state **and the state protection and advocacy system under ORS**  
20 **192.517.**

21 “[6] (f) Widely publicize the Long Term Care Ombudsman’s service,  
22 purpose and mode of operation.

23 “[7] (g) Collaborate with the **Oregon Health Authority, the Depart-**  
24 **ment of Human Services, [and] the Nursing Home Administrators Board and**  
25 **any other appropriate agencies and organizations** to establish a state-  
26 wide system to collect and analyze information on complaints and conditions  
27 in [*long term care*] **residential** facilities for the purpose of publicizing im-  
28 provements and resolving significant problems.

29 “[8] (h) Appoint designees to serve as local representatives of the office  
30 in various districts of the state and regularly monitor their functions.

1 “[9] (i) Specify qualifications and duties of designees.

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

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

6 “[12] (L) Prepare necessary reports with the assistance of the **authority**  
7 **and the** department.

8 “(2) **At least quarterly, the Oregon Health Authority and the De-**  
9 **partment of Human Services shall provide the Long Term Care Om-**  
10 **budsman with a list of the number of licensed or certified beds in each**  
11 **residential facility for which the ombudsman has responsibilities under**  
12 **this section.**

13 “(3) **As used in this section, ‘administrative action’ means any**  
14 **action or decision made by an owner, employee or agent of a residen-**  
15 **tial facility or by a public agency that affects the services to residents**  
16 **of the facility.**

17 “**SECTION 4.** ORS 441.113 is amended to read:

18 “441.113. The Long Term Care Ombudsman shall establish procedures to  
19 maintain the confidentiality of the records and files of residents of [*long term*  
20 *care*] **residential** facilities. These procedures must meet the following re-  
21 quirements:

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

26 “(2) The identity of any complainant or resident on whose behalf a com-  
27 plaint is made, or individual providing information on behalf of the  
28 **complainant or the** resident [*or complainant*], shall be confidential. If the  
29 complaint becomes the subject of judicial proceedings, the investigative in-  
30 formation held by the ombudsman or designee shall be disclosed for the

1 purpose of the proceedings if requested by the court.

2 **“SECTION 5.** ORS 441.117 is amended to read:

3 “441.117. (1) The Long Term Care Ombudsman and each designee shall  
4 have the right of entry into [*long term care*] **residential** facilities at any time  
5 considered necessary and reasonable by the ombudsman or the designee for  
6 the purpose of:

7 “(a) Investigating and resolving complaints **made** by residents or **made**  
8 on their behalf;

9 “(b) Interviewing residents, with their consent, in private;

10 “(c) Offering the services of the ombudsman or **the** designee to any resi-  
11 dent, in private;

12 “(d) Interviewing employees or agents of the [*long term care*] facility;

13 “(e) Consulting regularly with the facility administration; and

14 “(f) Providing services authorized by law or by rule.

15 “(2) The Long Term Care ombudsman shall have access to any resident’s  
16 records, and to records of any public agency necessary to the duties of the  
17 [*office*] **ombudsman**, including records on patient abuse complaints made  
18 pursuant to ORS **430.735 to 430.765**, 441.630 to 441.680 and 441.995. [*Nothing*  
19 *contained in*] **The provisions of** ORS 192.553 to 192.581 [*is*] **are not** intended  
20 to limit the access of the Long Term Care Ombudsman to medical records  
21 of residents of [*long term care*] **residential** facilities. Designees may have  
22 access to individual resident’s records, including medical records as author-  
23 ized by the resident or resident’s legal representative, if needed to investigate  
24 a complaint.

25 “(3) Entry and investigation authorized by this section shall be done in  
26 a manner that does not disrupt significantly the providing of nursing, **resi-**  
27 **dential** or other personal care **or treatment** to residents.

28 “(4) The ombudsman or the designee must show identification to the per-  
29 son in charge of the facility. The resident shall have the right to refuse to  
30 communicate with the ombudsman or **the** designee. The refusal shall be made

1 directly to the ombudsman or **the** designee and not through an intermediary.

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

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

6 “441.121. (1) Following an investigation, the **Long Term Care** Ombuds-  
7 man or the designee shall report opinions or recommendations to the party  
8 or parties affected [*thereby*] and, **if appropriate**, shall attempt to resolve the  
9 complaint[, *using, whenever possible,*] **using** informal techniques of medi-  
10 ation, conciliation and persuasion. Complaints of conditions adversely af-  
11 fecting residents of [*long term care*] **residential** facilities, or [*those*]  
12 **complaints of conditions** threatening the safety or well-being of residents  
13 that cannot be resolved in the manner described in this section, shall be re-  
14 ferred to an appropriate state agency.

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

18 **“SECTION 7.** ORS 441.124 is amended to read:

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

25 “(2) The administrator of each [*long term care*] **residential** facility shall  
26 post the written notice **and poster** required by this section in conspicuous  
27 places in the facility in accordance with procedures provided by the om-  
28 budsman and shall give [*such*] **the written** notice to [*any*] **each** resident and  
29 legally appointed guardian, if any.

30 **“SECTION 8.** ORS 441.127 is amended to read:

1 “441.127. (1) Any employee or agent of [*the long term care*] a **residential**  
2 facility acting in good faith in discussing [*patient*] **resident** care pursuant  
3 to ORS 441.117 shall have immunity from any civil liability[,] that might  
4 otherwise be incurred or imposed with respect to the making of such report.

5 “(2) Any employee or agent who makes a report pursuant to ORS 441.117  
6 [*shall*] **may** not be subjected to any retaliation by any official or other em-  
7 ployee of a [*long term care*] **residential** facility solely for making a report,  
8 including but not limited to restriction of otherwise lawful access to the fa-  
9 cility or to any resident [*thereof*] **of the facility**, or, if an employee, to dis-  
10 missal or harassment.

11 “(3) The **Long Term Care** Ombudsman or the designee acting in good  
12 faith in discussing [*patient*] **resident** care pursuant to ORS 441.117 shall have  
13 immunity from any civil liability, that might otherwise be incurred or im-  
14 posed with respect to the discussion.

15 “**SECTION 9.** ORS 441.131 is amended to read:

16 “441.131. (1) The appointments of designees shall be made in consultation  
17 with a local screening committee [*which*] **that** may consist of but not be  
18 limited to persons representing:

19 “(a) The area agency on aging.

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

21 “(c) The local health department.

22 “(d) Senior citizens groups in the area.

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

24 “(f) Local elected officials.

25 “(g) **The community mental health program director or local mental**  
26 **health authority.**

27 “(h) **The community developmental disabilities program director.**

28 “(i) **Representatives from the Oregon Health Authority.**

29 “(2) To be appointed as a designee, a person must complete six days of  
30 initial training and attend quarterly training sessions [*which*] **that** are ap-

1 proved by the Long Term Care Ombudsman and *[which]* **that** shall be coor-  
2 dinated and funded by the Department of Human Services **and the Oregon**  
3 **Health Authority**, subject to the availability of funds *[therefor]*. Local  
4 screening committees shall be appointed by and serve at the pleasure of the  
5 ombudsman.

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

12 “(4) The qualifications of designees shall include experience with *[long*  
13 *term care]* **residential** facilities or residents *[thereof]* or potential residents  
14 **of residential facilities, and** *[including]* the ability to communicate well,  
15 to understand laws, rules and regulations, and to be assertive, yet objective.

16 “(5) **Applicants who have** experience in either social service, **mental**  
17 **health, developmental disability services,** gerontology, nursing or  
18 paralegal work *[shall be preferred]* **shall be given preference in the ap-**  
19 **pointment of designees.**

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

22 “(a) Promote rapport and trust between the residents[,] **and** staff of the  
23 *[nursing home and nursing home ombudsman program]* **residential facilities**  
24 **and Long Term Care Ombudsman;**

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

27 “(c) Serve as an educational resource;

28 “(d) Receive, resolve or relay concerns to the Long Term Care Ombuds-  
29 man or the appropriate agency; and

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



1 “(7) The duties of the designees are to:

2 “(a) Visit each assigned [*long term care*] **residential** facility on a regular

3 basis:

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

5 “(B) Review, with a specified staff member, any problems or concerns

6 [*which*] **that** need to be considered.

7 “(C) Visit individual residents and resident councils.

8 “(b) Maintain liaison with appropriate agencies and the Long Term Care

9 Ombudsman.

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

11 “(d) Keep residents and [*long term care*] staff informed of the Long Term

12 Care Ombudsman Program.

13 “(e) Periodically review the patients’ bill of rights **prescribed in ORS**

14 **441.605, 441.610 and 441.612** with residents, families, guardians, administra-

15 tors and staff **of residential facilities**.

16 “(f) Perform other related duties as specified.

17 **“SECTION 10.** ORS 441.133 is amended to read:

18 “441.133. Nothing in ORS 441.100 to 441.153 shall affect the right of resi-

19 dents of a [*long term care*] **residential** facility to see visitors of their choice.

20 **“SECTION 11.** ORS 441.137 is amended to read:

21 “441.137. (1) There is established a [*Long Term Care*] **Residential Facil-**

22 **ities** Advisory Committee of [*seven*] **nine** members to be appointed in the

23 following manner:

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

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

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

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

28 “(e) [*Two persons, from a*] **One person appointed by the Governor from**

29 **each** list of four names submitted by [*the organizations of*] **organizations**

30 **for seniors, organizations for persons with mental illness and the**

1 **Oregon Council on Developmental Disabilities** *[appointed by the*  
2 *Governor]*; and

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

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

6 “(3) The term of office of each member is four years. Before the expiration  
7 of the term of a member, the appointing authority shall appoint a successor  
8 whose term begins on July 1 next following. A member is eligible for reap-  
9 pointment. If there is a vacancy for any cause, the appointing authority shall  
10 make an appointment to become immediately effective for the unexpired  
11 term.

12 “(4) The members of the committee must be *[citizens]* **residents** of this  
13 state who are broadly representative, to the extent possible, of persons *[over*  
14 *55 years of age]* **residing in residential facilities**, including *[persons with*  
15 *disabilities and]* members of racial and ethnic minorities, who have knowl-  
16 edge and interest in the problems of *[the elderly]* **persons residing in resi-**  
17 **dential facilities**, and **who** are representative of all areas of *[the]* **this**  
18 **state***[. At least five members shall be at least 60 years of age.]* **and the de-**  
19 **mographics of groups served by the Long Term Care Ombudsman.**

20 “(5) A member of the committee may not have a financial or fiduciary  
21 interest in *[long term care]* **residential** facilities or service providers, or in-  
22 volvement in the licensing or certification of *[long term care]* **residential**  
23 facilities or service providers.

24 “(6) **The committee shall select one of its members as chairperson**  
25 **and another as vice chairperson, for such terms and with duties and**  
26 **powers necessary for the performance of the functions of such offices**  
27 **as the committee determines.**

28 “(7) **A majority of the members of the committee constitutes a**  
29 **quorum for the transaction of business. Decisions may be made by a**  
30 **majority of the quorum.**

1       “(8) The committee shall meet at least once each month at a place,  
2 day and hour determined by the committee. The committee also shall  
3 meet at other times and places specified by the call of the chairperson  
4 or of a majority of the members of the committee. The committee  
5 shall confer each month with the Long Term Care Ombudsman. All  
6 meetings are subject to ORS 192.610 to 192.690.

7       “(9) A member of the committee is entitled to compensation and  
8 expenses as provided in ORS 292.495.

9       “**SECTION 12.** ORS 441.142 is amended to read:

10       “441.142. The [*Long Term Care*] **Residential Facilities** Advisory Com-  
11 mittee shall:

12       “(1) Monitor the Long Term Care Ombudsman Program.

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

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

18       “**SECTION 13.** ORS 441.146 is amended to read:

19       “441.146. (1) A [*long term care*] **residential** facility that files a complaint  
20 against a designee appointed under ORS 441.131 and objects to the action of  
21 the Long Term Care Ombudsman in resolving the complaint may appeal the  
22 ombudsman’s action to a panel of the [*Long Term Care*] **Residential Facil-**  
23 **ities** Advisory Committee.

24       “(2) The committee on its own motion may review any action by the om-  
25 budsman appealable under this section. The review shall provide an oppor-  
26 tunity for written and oral presentation by the [*long term care*] **residential**  
27 facility and the ombudsman. The committee shall issue its findings and any  
28 instructions to the ombudsman in written form consistent with the federal  
29 Older Americans Act **or other applicable federal law.**

30       “(3) If the committee disagrees with the action of the ombudsman, the

1 committee may refer the resolution back to the ombudsman with instructions  
2 consistent with the federal Older Americans Act **or other applicable fed-**  
3 **eral law** to conform the ombudsman’s action in the matter to the recom-  
4 mendations of the committee.

5 **“SECTION 14.** ORS 441.153 is amended to read:

6 “441.153. The Long Term Care Ombudsman Account is established **in the**  
7 **State Treasury**, separate and distinct from the General Fund. All miscella-  
8 neous receipts, gifts and federal and other grants received by the Long Term  
9 Care Ombudsman shall be deposited into the Long Term Care Ombudsman  
10 Account and are continuously appropriated to the Long Term Care Ombuds-  
11 man for carrying out the responsibilities of the Long Term Care Ombudsman.

12 **“SECTION 15.** ORS 443.455 is amended to read:

13 “443.455. (1) **Except as provided in subsection (5) of this section**, for  
14 purposes of imposing civil penalties, residential facilities approved under  
15 ORS 443.400 to 443.455 are subject to ORS 441.705 to 441.745.

16 “(2) The Director of Human Services shall by rule prescribe a schedule  
17 of penalties for residential care facilities, residential training facilities and  
18 residential training homes that are not in compliance with ORS 443.400 to  
19 443.455.

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

23 “(4) If the department or authority investigates and makes a finding of  
24 abuse arising from deliberate or other than accidental action or inaction that  
25 is likely to cause a negative outcome by a person with a duty of care toward  
26 a resident of a residential facility and if the abuse resulted in the death,  
27 serious injury, rape or sexual abuse of a resident, the department or au-  
28 thority shall impose a civil penalty of not less than \$2,500 for each occur-  
29 rence of substantiated abuse, not to exceed \$15,000 in any 90-day period. As  
30 used in this subsection:

1 “(a) ‘Negative outcome’ includes serious injury, rape, sexual abuse or  
2 death.

3 “(b) ‘Rape’ means rape in the first, second or third degree as described in  
4 ORS 163.355, 163.365 and 163.375.

5 “(c) ‘Serious injury’ means physical injury that creates a substantial risk  
6 of death or that causes serious and protracted disfigurement, protracted  
7 impairment of health or protracted loss or impairment of the function of any  
8 bodily organ.

9 “(d) ‘Sexual abuse’ means any form of nonconsensual sexual contact, in-  
10 cluding but not limited to unwanted or inappropriate touching, sodomy,  
11 sexual coercion, sexually explicit photographing and sexual harassment.

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

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

17 “443.825. All penalties recovered under ORS 443.790 to 443.815 shall be  
18 deposited:

19 **“(1) In the Quality Care Fund established in ORS 443.001 if paid by an  
20 adult foster home providing residential care to persons with physical  
21 disabilities.**

22 **“(2) In the Long Term Care Ombudsman Account established in  
23 ORS 441.153 if paid by an adult foster home providing care to persons  
24 with mental illness or developmental disabilities.**

25 **“SECTION 17.** ORS 410.550 is amended to read:

26 “410.550. (1) The Medicaid Long Term Care Quality and Reimbursement  
27 Advisory Council is created, to consist of 12 members. Appointed members  
28 shall be residents of the State of Oregon and representative of the geographic  
29 locations of all long term care facilities and community-based care facilities  
30 in this state. The members shall include:

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

3       “(b) A representative of the Governor’s Commission on Senior Services,  
4 to be appointed by the commission;

5       “(c) A representative of the Oregon Disabilities Commission, to be ap-  
6 pointed by the commission;

7       “(d) A representative of the Oregon Association of Area Agencies on Ag-  
8 ing and Disabilities, to be appointed by the Governor;

9       “(e) A representative of a senior or disabilities advocacy organization or  
10 an individual who advocates on behalf of seniors or persons with disabilities,  
11 to be appointed by the Governor;

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

16       “(g) Two consumers of [*long term care*] **residential** facilities, **as defined**  
17 **in ORS 441.100**, or community-based care facilities or family members of  
18 such residents, to be appointed by the Speaker of the House of Represen-  
19 tatives;

20       “(h) A director of nurses of an Oregon long term care facility who has  
21 practiced in this state in long term care for three years preceding appoint-  
22 ment, to be appointed by the Speaker of the House of Representatives;

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

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

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

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

1       “(3) Members of the council shall receive no compensation for their ser-  
2 vices but unpaid volunteers not otherwise compensated shall be allowed ac-  
3 tual and necessary travel expenses incurred in the performance of their  
4 duties.

5       “(4) The council shall:

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

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

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

14       “(d) Act in an advisory capacity to the department on matters pertaining  
15 to quality of long term care facilities and community-based care facilities  
16 and reimbursement for long term care services and community-based care  
17 services.

18       “**SECTION 18. ORS 441.147 is repealed.**”  
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