

**REVENUE:** No revenue impact

**FISCAL:** Fiscal statement issued

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| <b>Action:</b>        | Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means by Prior Reference |
| <b>Vote:</b>          | 9 - 0 - 1   |
| <b>Yeas:</b>          | Gallegos, Gelser, Gomberg, Keny-Guyer, Lininger, Olson, Whisnant, Whitsett, Tomei                                 |
| <b>Nays:</b>          | 0   |
| <b>Exc.:</b>          | Gilliam   |
| <b>Prepared By:</b>   | Cheyenne Ross, Administrator  |
| <b>Meeting Dates:</b> | 2/10, 2/12  |

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**WHAT THE MEASURE DOES:** Requires completion of abuse investigations commenced by Department of Human Services (DHS) within 120 days of report. Directs DHS to create database of records and plan for standardized investigation protocols as specified. Requires DHS keep registry of applicants and employees responsible for care of vulnerable persons in certain facilities. Requires DHS to inform adult foster home of post-prison supervision status of convicted sex offenders applying for admission. Permits foster home to refuse applicants, and transfer or discharge existing residents, based on such status. Modifies definitions of abuse, neglect, and sexual abuse, for purpose of civil abuse reporting and prevention statutes. Modifies definition of sexual abuse for purpose of assessing civil penalty. Provides operative date of January 1, 2015, for all modified sections. Renames and permanently continues existence of Oregon Elder Abuse Prevention Work Group and reinstates previous area of study. Requires report to legislature by December 31, 2014. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Provisions of measure
- Ongoing work group activity

**EFFECT OF COMMITTEE AMENDMENT:** Modifies definitions of abuse, neglect, and sexual abuse, for purpose of civil abuse reporting and prevention statutes. Modifies definition of sexual abuse for purpose of assessing civil penalty. Creates exception for civil investigations continuing beyond 120 days. Incorporates existing definition of "Home Care Worker" for purposes of DHS' creation and maintenance of records. Provides same operative date of January 1, 2015, for all sections.

**BACKGROUND:** The original Elder Abuse Work Group (Work Group) was created by House Bill 2325 in 2011. It was charged with studying and making recommendations to the legislature regarding (a) the definition of "elder abuse"; (b) the role/use of a criminal background check system; (c) the process of investigation of an allegation of elder abuse; (d) elder abuse data; (e) reporting to the legislature; and (f) information that could be made public; and second, to prepare a detailed cost assessment on the implementation of its recommendations. It was scheduled to sunset February 29, 2012.

Before its end date, the original Work Group drafted House Bill 4084 (2012), which did the following: It made modifications to criminal laws and processes to facilitate information sharing with law enforcement for investigative purposes; it created a temporary subgroup called the Resident Safety Review Council (RSRC); and it continued the Work Group, with the same duties as originally charged. The RSRC was directed to study and report on investigations of abuse in order to distinguish between instances of abuse, and adverse events. The Oregon Patient Safety Commission was required to staff the RSRC, and \$300,000 in Other Funds was earmarked to support its activity. Both the continued Work Group and the RSRC were scheduled to sunset June 30, 2013.

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

Before its end date, the continued Work Group drafted House Bill 2205 (2013), which did the following: It refined the modifications previously made by House Bill 4084; it expanded Oregon's mandatory reporting statutes to include elder abuse; and it continued the Work Group to focus on the remaining task of aligning the definition of abuse.

House Bill 4151A was drafted by the third iteration of the Work Group. The measure puts completion deadlines on civil abuse investigations; makes the Department of Human Services responsible for a number of data collection, record-keeping, and information-sharing requirements; and modifies civil definitions of abuse, neglect, and sexual abuse. The measure also renames the Work Group the "Oregon Elder Abuse Prevention Work Group," and reinstates its original duties from House Bill 2325 (except the obligation to address costs of implementation) with no sunset.