

Joint Committee on Ways and Means

Carriers – House: Reps. Hoyle & Gilliam
Carrier – Senate: Sen. Steiner Hayward

Revenue: No revenue impact

Fiscal: Fiscal statement issued

Action: Do Pass the A-Engrossed Measure as Amended and as Printed B-Engrossed

Vote: 25 – 0 – 1

House

Yeas: Barker, Buckley, Frederick, Freeman, Hanna, Huffman, Jensen, Komp, McLane, Nathanson, Read, Richardson, Smith, Tomei, Williamson

Nays:

Exc:

Senate

Yeas: Bates, Devlin, Edwards, Girod, Hansell, Johnson, Monroe, Steiner Hayward, Thomsen, Whitsett

Nays:

Exc: Winters

Prepared By: Laurie Byerly, Legislative Fiscal Office

Meeting Date: March 3, 2014

WHAT THE MEASURE DOES: Requires the Department of Human Services (DHS) to complete investigations of abuse of persons 65 years of age or older within 120 days. Specifies that the 120 day requirement does not apply to ongoing concurrent criminal investigations. Requires the preparation of a written report upon the completion of an investigation. Requires DHS to plan the creation of a regularly updated database of reports and investigations of elder abuse. Directs DHS to augment the department's existing criminal background check system with a regularly updated registry of all persons working or seeking to work in adult foster homes, nursing facilities, residential facilities, and assisted living facilities. Directs DHS to report to a Legislative committee regarding the implementation of this bill by January 1, 2015. Renames the Oregon Elder Abuse Work Group as the Oregon Elder Abuse Prevention Work Group and expands the scope of the group. Modifies the definitions of Neglect and Sexual Abuse.

ISSUES DISCUSSED:

- Appreciative of work group efforts and product
- Importance of investigations, reports, and registry

EFFECT OF COMMITTEE AMENDMENT: Clarifies that the registry work involves augmenting an existing system and not create a new, separate system.

BACKGROUND: The original Elder Abuse Work Group (Work Group) was created by House Bill 2325 in 2011; and charged with studying and making recommendations to the legislature on (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: Made modifications to criminal laws and processes to facilitate information sharing with law enforcement for investigative purposes; created a temporary subgroup called the Resident Safety Review Council (RSRC); and extended the sunset date of the Work Group. 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.

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