



Oregon

Kate Brown, Governor

Department of Human Services

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DATE: May 27, 2015

TO: Chair Laurie Monnes-Anderson
Senate Committee on Health Care

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SUBJECT: State Plan for Alzheimer's Disease and Related Dementias in Oregon

Chair Monnes-Anderson and members of the Committee:

My name is Fred Steele, I am the State Legal Services Developer for Oregon, a position required in each state as provided for under the Older Americans Act (OAA) of 1965. In Oregon, the position resides within the Department of Human Services. As defined by the OAA, my role serves to secure and maintain the legal rights of older adults. In the past few years, this has translated into a significant focus on enhancing infrastructure related to fiduciary relationships in Oregon, with particular emphasis in how fiduciary structures serve as a vital support mechanism for Oregonians engaging our long-term care, services, and supports.

I testify today to briefly highlight the work of a number of stakeholders in Oregon as it relates to fiduciary infrastructure as connected to the recommendations and broad goals of the State Plan for Alzheimer's Disease and related Dementias in Oregon (SPADO).

As recognized by the 2012 SPADO recommendations, fiduciary relationships such as guardianships and conservatorships must be enhanced to better support the needs of our growing population of individuals needing assistance with decision-making. The specifically relevant SPADO recommendation focused on the need for training of all guardians and conservators appointed by courts – with particular recognition of the need for training for non-professional guardians who are often family members. The

recommendation includes an expectation that dementia education be a component of the training when appropriate.

Since the 2012 SPADO report, significant progress has been made towards healthier fiduciary infrastructure and supports in Oregon, including:

- Most significantly as related to the SPADO recommendations, a high quality training for non-professional fiduciaries has been developed in Oregon. This training, developed by the Multnomah County based non-profit Special Advocates for Vulnerable Oregonians (SAVO), is now required by Multnomah County courts (as of July 2014) to be taken by all non-professional guardians and conservators within 60 days of appointment by the court. The training has just formally expanded as a requirement in Clackamas County as well and is available to any fiduciary in Oregon. (see: <http://savooregon.org/oregon-fiduciary-101/>) SAVO is currently working with the Alzheimer's Association Oregon Chapter to link to dementia specific training as needed for non-professional guardians and conservators.
- Similarly, professional guardians and conservators in Oregon, as of January 2014, are now required to be certified. The 2013 legislature passed HB 3129 establishing this mandate.
- A statewide Public Guardian program was established through the 2014 legislature's passage of SB 1553. This program provides a protection to some of Oregon's most vulnerable adults: individuals with limited to no decision-making abilities, who are at significant risk of abuse, neglect, or self-neglect, and who have no responsible family member or friend to serve as their guardian/conservator and no resources to pay for a professional guardian/conservator.
- The non-profit SAVO has also established, through the use of well-trained volunteers, a guardian monitoring program. As SAVO's primary mission, this service allows a judge to request a formal monitoring process to be initiated for a guardianship to ensure that a protected person is not being abused/neglected or that the guardianship is still appropriate. The legislature passed HB 4114 in 2014 to statutorily clarify a judge's authority to appoint special advocate volunteers for such monitoring purposes.
- SAVO's ongoing development and expansion of guardian training and guardian monitoring is currently being assisted by a DHS awarded Innovations Fund grant as funded by the legislature for the 2013-15 biennium.

- Co-led by myself and two of the Oregon Judicial Department’s probate judges (Lane County’s Lauren Holland and Multnomah County’s Katherine Tennyson), Oregon established in 2013 a nationally recognized Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) group to collaboratively work to enhance Oregon’s fiduciary infrastructure. Senator Michael Dembrow has been a significant stakeholder participant of WINGS, providing his legislative leadership to address the statutory needs to improve guardianship/conservatorship processes in Oregon. Approximately 35 stakeholders in total participate in Oregon WINGS, having so far established some vitally needed resources, including:
 - A mini-booklet: “*Options in Oregon to Help Another Person Make Decisions,*” summarizing many fiduciary relationship options available in Oregon
 - A brochure: “*Guardianship Issues Explained in Brief for Medical and Other Care Professionals*”
 - A guide and tool for first year guardians to conduct person-centered planning for protected persons: “*Your First Year as a Guardian: A Guide to Help you Make Decisions Based on a Protected Person’s Preferences and Values,*”

(NOTE: these WINGS developed tools, along with a comprehensive collection of links to other Oregon-based resources, can be found at: <http://www.oregon.gov/dhs/spwpd/pages/sua/elder-rights.aspx>)

As evidenced by the progress made since the plan was released in 2012, the SPADO recommendations have clearly assisted in the momentum in Oregon to enhance guardianship/conservatorship infrastructure – even beyond the plan’s more focused recommendation on guardian training. For me personally, the opportunity to be a part of the SPADO effort definitely opened my eyes to the need for my Legal Services Developer role to focus on fiduciary relationships as related to our long-term care, services, and supports systems. The WINGS stakeholder effort, to a degree, has been a by-product of my connection to SPADO.

Going forward, we as a state must continue to collaborate on approaches to ensure healthier fiduciary structures in order to preserve the dignity of, and the greatest independence possible for, Oregonians experiencing dementia, as well as the many other adults who utilize these decision-making support systems.