

PRELIMINARY STAFF MEASURE SUMMARY

CARRIER:

Senate Committee on Human Services and Early Childhood

REVENUE: No revenue impact**FISCAL: Minimal fiscal impact, no statement issued****SUBSEQUENT REFERRAL TO: None****Action:****Vote:**

Yeas:

Nays:

Exc.:

Prepared By: Cheyenne Ross, Administrator**Meeting Dates:** 5/19, 5/21, 6/2, 6/4

WHAT THE MEASURE DOES: Allows type B area agencies in service areas with a population of 650,000 or more, to bring civil action for physical or financial abuse of vulnerable persons. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- No change in available claims; no impact on persons and entities already authorized to bring claims
- Burden of proof in civil cases much lower than burden of proof in criminal cases
- Variety of persons provided with special protections due to vulnerability

EFFECT OF COMMITTEE AMENDMENT:

[-A2 amendment] Expands authorization to bring civil action to include county counsels statewide, in addition to type B area agencies in Multnomah County. Defines county counsel.

[-A3 amendment] Expands authorization to bring civil action to include “designees,” in addition to type B area agencies in Multnomah County. Defines designees as DHS abuse investigators in Multnomah County only. Requires type b area agencies and designees to report to legislature by December 31, 2017. Sunsets July 1, 2018 (reverts to/reinstates current law).

BACKGROUND: Current law explicitly authorizes the Attorney General, the Department of Human Services, and district attorneys to bring civil actions against persons suspected of physical or financial abuse of vulnerable persons, such as those who are 65 or older, or incapacitated, or those with a disability.

Area agencies are public entities or private nonprofits within designated planning and service areas that administer and support community-based care. Type A area agencies serve elderly persons and provide services that the local authority does not accept administrative responsibility for. Type B area agencies provide services to both elderly and disabled populations that local governments *do* accept administrative responsibility for.

House Bill 3323-A permits type B area agencies in service areas with populations of 650,000 or more to bring civil actions against those suspected of physical or financial abuse of vulnerable persons.

House Committee: 8 – 1 – 0

House Floor: 42 – 15 – 3

6/4/2015 1:03:00 PM *

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