

STAFF MEASURE SUMMARY

Senate Committee On Human Services and Early Childhood

**Fiscal:** Has minimal fiscal impact

**Revenue:** No Revenue Impact

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**Action Date:** 06/04/15

**Action:** Do Pass With Amendments To The A-Eng Bill. (Printed B-Eng.)

**Meeting Dates:** 05/19, 05/21, 06/02, 06/04

**Vote:**

Yeas: 4 - Dembrow, Gelser, Monnes Anderson, President Courtney

Exc: 2 - Kruse, Olsen

**Prepared By:** Cheyenne Ross, Committee Administrator

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**WHAT THE MEASURE DOES:**

Allows type B area agencies and persons designated by Department of Human Services to investigate allegations of abuse involving adults with developmental disabilities to bring civil action for physical or financial abuse of vulnerable persons, in service areas with populations of 650,000 or more. Requires reports to legislature by December 31, 2017. Sunsets July 1, 2018. 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:**

Expands authorization to bring civil action to include Department of Human Services (DHS) abuse investigators in Multnomah County. Requires report to legislature by December 31, 2017. Sunsets July 1, 2018.

**BACKGROUND:**

Current law requires the Department of Human Services (DHS) or its designees to investigate and report on allegations of abuse of adults with developmental disabilities, and limits investigators' duties (ORS 430.731). Current law also explicitly authorizes the Attorney General, DHS and district attorneys to bring civil actions against persons suspected of physical or financial abuse of vulnerable persons (ORS 124.125).

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 responsibility for providing. Type B area agencies provide services to both elderly and disabled populations that local governments *do* accept administrative responsibility for providing. (ORS 410.040.)

House Bill 3323-B permits both type B area agencies and DHS abuse investigators, in Multnomah County only, to bring civil actions against those suspected of physical or financial abuse of vulnerable persons. It also requires both to report to the legislature by December 31, 2017, and reverts back to current law July 1, 2018.