

# House Bill 2656

Sponsored by Representative GORSEK (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Describes procedures that must be followed if person who has been found by court to have intellectual disabilities and to be in need of commitment for residential care, treatment and training leaves facility without approval or authorization. Imposes requirements on such facilities. Waives Oregon Tort Claims Act for injuries caused to or by resident of facility who leaves without authorization or approval. Requires Department of Human Services to prescribe staffing ratios for such facilities. Protects employee of facility from discharge or discipline, or from being found responsible for abuse or neglect, for injury to or by resident that is directly caused by inadequate staffing.

## A BILL FOR AN ACT

1  
2 Relating to residential care.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Sections 2 and 3 of this 2015 Act are added to and made a part of ORS 443.400**  
5 **to 443.455.**

6 **SECTION 2. (1) As used in this section and section 3 of this 2015 Act:**

7 (a) **"Elope" means to leave a facility without prior approval or authorization.**

8 (b) **"Facility" means a residential training home or a residential training facility that**  
9 **houses individuals who have been found by a court to have intellectual disabilities and to be**  
10 **in need of commitment for residential care, treatment and training under ORS 427.290.**

11 (c) **"Resident" means an individual residing in a facility who has been found by a court**  
12 **to have intellectual disabilities and to be in need of commitment for residential care, treat-**  
13 **ment and training under ORS 427.290.**

14 (2) **The Department of Human Services shall ensure that all facilities have doors, locks**  
15 **and gates that are operating properly and that, if broken, are repaired no later than 24 hours**  
16 **after the breakage is discovered by a member of the staff of the facility. If a resident is**  
17 **responsible for ongoing problems with broken doors, locks or gates, the department shall**  
18 **place the resident in a setting that ensures the safety of the resident.**

19 (3) **The department shall ensure that, if a resident elopes from a facility:**

20 (a) **The department or the facility operator immediately notifies of the elopement:**

21 (A) **Local law enforcement; and**

22 (B) **An emergency response team from the department trained to address emergencies**  
23 **that arise at facilities;**

24 (b) **No later than 60 minutes after the discovery that a resident has eloped, individuals**  
25 **residing within a 20-mile radius of the facility are notified of the elopement and given a de-**  
26 **scription of the resident, using an automated telephone notification system or other form**  
27 **of emergency notification; and**

28 (c) **If a resident who has eloped is not located within the time period specified in para-**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 graph (b) of this subsection, for each subsequent 60-minute period following the elopement,  
2 the emergency notification shall be expanded to residents within additional 20-mile incre-  
3 ments, up to within a 300-mile radius of the facility.

4 (4) The department shall reimburse the costs to emergency dispatchers and responders  
5 for the notifications required in subsection (3) of this section, and for the costs associated  
6 with locating a resident who elopes and returning the resident to the facility or other ap-  
7 propriate setting.

8 (5) Notwithstanding ORS 30.260 to 30.300, the department shall be liable for the cost of  
9 medical care, mental health services and lost earnings incurred by an individual who is in-  
10 jured by a resident who elopes.

11 **SECTION 3.** (1) Absent intentional misconduct or gross negligence, a person employed  
12 by a facility may not be subject to discipline or discharge or be found responsible for abuse  
13 or neglect under ORS 430.735 to 430.765 for an injury to a resident of a facility or an injury  
14 caused by a resident of the facility that is a direct result of inadequate staffing at a facility.

15 (2) As used in this section, "inadequate staffing" means less than the required number  
16 of staff on duty during any shift according to staff to resident ratios prescribed by the De-  
17 partment of Human Services by rule.

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