

## SB 59 -1 STAFF MEASURE SUMMARY

### Senate Committee On Human Services

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**Sub-Referral To:** Senate Committee On Judiciary

**Meeting Dates:** 2/13, 3/22

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#### WHAT THE MEASURE DOES:

Authorizes Long Term Care Ombudsman to petition for protective order upon belief that person in long term care facility or residential facility is in need of protective order. Establishes notice requirements. Limits disclosure to minimum personal health information reasonably necessary to prevent imminent health or safety threat. Declares emergency, effective on passage.

*FISCAL: May Have Fiscal Impact, But No Statement Yet Issued*

*REVENUE: May Have Revenue Impact, But No Statement Yet Issued*

#### ISSUES DISCUSSED:

- Limitations on Ombudsman representation in court cases
- Scenarios prompting Ombudsman representation and current procedures
- Requesting protective services
- Suggested amendments

#### EFFECT OF AMENDMENT:

-1 Defines "adult foster home" and modifies definition of "protected information." Permits Ombudsman to petition for protective order for resident of adult foster home. Removes "provision of protective services" from list of authorized petitions for protective orders and adds authority to petition for appointment of an attorney for resident to list of authorized petitions. Clarifies provisions.

*FISCAL: Minimal Expenditure Impact*

*REVENUE: No Revenue Impact*

#### BACKGROUND:

Oregon law does not currently provide a mechanism for the Office of the Long Term Care Ombudsman (Office) to petition a court for protective orders on behalf of a resident of a long term care facility or residential facility, and concerns about confidentiality inhibit the Office from filing petitions without explicit authorization.. The Office's current practice is make requests for protective orders through the Department of Human Services (DHS) under its authority, although DHS' authority only extends to abuse cases, and not cases where other individual rights are concerned.

Senate Bill 59 authorizes the Office of the Long Term Care Ombudsman to petition a court for protective orders for people in long term care or residential facilities at the discretion of the Office. The measure requires notice of the petition to be given to specified parties. It also limits the personal health information that can be disclosed to the court to only that which reasonably necessary to prevent or reduce a serious and imminent threat to the subject resident's health or safety. Protected information disclosed to the court is considered confidential.

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