

SB 58 -2, -3 STAFF MEASURE SUMMARY

Senate Committee On Human Services

Prepared By: Matt Doumit, LPRO Analyst

Meeting Dates: 2/13, 4/12, 4/17

WHAT THE MEASURE DOES:

Permits Long Term Care Ombudsman or designee to represent resident of residential facility in contested case hearings. Renames Residential Facilities Advisory Committee to Residential Ombudsman and Public Guardianship Advisory Board. 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:

- Current process of representing long term care residents in administrative cases
- Provisions of measure
- Authority to draft administrative rules
- Effect of changes in federal law
- Suggested amendments

EFFECT OF AMENDMENT:

-2 Replaces measure. Requires Long Term Care Ombudsman (LTCO) to appoint Residential Facilities Ombudsman (RFO) who is answerable to LTCO. Describes duties and powers of RFO. Requires OHA and DHS to cooperate with RFO and provide specified monthly data. Limits liability of good faith complainants. Defines terms.

Clarifies LTCO statutes to reflect creation of RFO. Renames "Residential Facilities Advisory Committee" to "Residential Ombudsman and Public Guardianship Advisory Board." Defines "long term care facilities" and clarifies provisions. Permits LTCO to access resident's records if legal representative is not acting in best interest of resident. Declares emergency, effective on passage.

FISCAL: Minimal Expenditure Impact

REVENUE: No Revenue Impact

-3 Replaces measure. Clarifies provisions. Requires Long Term Care Ombudsman (LTCO) to appoint Residential Facilities Ombudsman (RFO) who is answerable to LTCO. Requires LTCO and RFO to enter agreements for protecting confidentiality of records. Describes duties and powers of RFO. Requires OHA and DHS to cooperate with RFO and provide specified monthly data. Limits liability of good faith complainants. Defines terms.

Clarifies LTCO statutes to reflect creation of RFO. Renames "Residential Facilities Advisory Committee" to "Residential Ombudsman and Public Guardianship Advisory Board." Defines "long term care facilities" and clarifies provisions. Permits LTCO to access resident's records if legal representative is not acting in best interest of resident. Declares emergency, effective on passage.

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REVENUE: No Revenue Impact

BACKGROUND:

Current Oregon law establishes the office of the Long Term Care Ombudsman (the Office) as an independent advocate for individuals who reside in long-term care facilities.. The Office is tasked with investigating and resolving complaints against residential facilities, interviewing facility residents and employees, and providing other services to long term care residents. The Residential Facilities Advisory Committee nominates Ombudsman candidates, consults on rules adopted by the Office, monitors Office programs, and advises the Governor and the Legislature.

Senate Bill 58 permits the Long Term Care Ombudsman or designee to represent residents of residential facilities in contested case hearings before state agencies. The measure also renames the Residential Facilities Advisory Committee to the Residential Ombudsman and Public Guardianship Advisory Board.