



Oregon

Kate Brown, Governor

Office of the Long-Term Care Ombudsman

3855 Wolverine NE, Suite 6

Salem, OR 97305-1251

503.378.6533

Toll Free 1.800.522.2602

TTY 711

FAX 503.373.0852

www.oregon.gov/LTCO

May 10, 2017

Chair Burdick and members of the Senate Committee on Rules:

My name is Fred Steele. I am the State Long-Term Care Ombudsman and Director of the Office of the Long-Term Care Ombudsman.

Our agency houses three programs: the Long-Term Care Ombudsman, the Residential Facilities Ombudsman, and the Oregon Public Guardian and Conservator Program. The Mission of our combined three programs is to protect individual rights, promote independence, and ensure quality of life through informed advocacy and education for Oregonians living in long-term care and residential facilities and Oregonians with decisional limitations.

The two Ombudsman programs request your support for SB 58. SB 58 has been introduced at the request of the Governor on behalf of the Office of the Long-Term Care Ombudsman.

SB 58, as amended, is intended to accomplish three primary objectives:

- 1) Create clarity in Oregon statute for the Residential Facilities Ombudsman program serving residents of residential homes for individuals with intellectual or developmental disabilities or individuals with mental health conditions.
- 2) Provides tweaks to the Long-Term Care Ombudsman statute for consistency with new language established in the 2016 reauthorization of the federal Older Americans Act.
- 3) Rename the agency's Advisory Committee to reflect its advisory function to the State Public Guardianship program as well as the two Ombudsman programs.

Specific to the Residential Facilities Ombudsman program, it was established by the 2013 legislature. With the ongoing roll-out of the program, we have come to recognize the arguably grey area of Ombudsman statutory authorities that exist for serving residents in these homes. In part, by adding it to the Long-Term Care Ombudsman program, the foundational authorities granted to the Long-Term Care Ombudsman via the Older Americans Act are not clearly transferrable to this new ombudsman program. This bill, as amended, would establish the Residential Facilities Ombudsman program in Oregon statute and create the clarity of providing ombudsman services to these populations.


SB 58 comes to the Senate Rules committee from the Senate Human Services committee for the purposes of finalizing one last amendment. The introduced version of SB 58 initially took a reserved approach to establishing the clarity needed for the Residential Facilities Ombudsman program. By the start of this legislative session, we as an agency believed that the more direct approach now drafted in SB 58A was needed. Drafting this more robust and direct language

took time to get the language exactly as needed for the program, for serving the individuals intended by the program, and to coordinate as needed with the Department of Human Services who oversees licensing and regulatory functions for the homes and facilities in which these individuals reside.

The “-A4” accomplishes the final tweaks necessary to move forward with SB 58. It addresses the final concerns presented by the Department of Human Services before this session’s April 18 deadline and makes final tweaks recognized as needed by our agency. The “-A4” accomplishes three primary fixes:

- Clarifies language for records sharing between the Department of Human Services and the Residential Facilities Ombudsman program;
- Clarifies access to resident records for residents who are unable to communicate consent; and
- Retains ombudsman coverage of “residential treatment homes/facilities” that already exists but was inadvertently removed in SB 58A.

Thank you for your consideration of SB 58.

A handwritten signature in black ink, appearing to read "Fred H. [unclear]". The signature is written in a cursive style with a large, sweeping flourish at the end.

