

## **SB 58 -4 STAFF MEASURE SUMMARY**

### **Senate Committee On Rules**

---

**Prepared By:** Cherie Stone, LPRO Analyst

**Meeting Dates:** 5/10

---

#### **WHAT THE MEASURE DOES:**

Requires Long Term Care Ombudsman (LTCO) to appoint Residential Facilities Ombudsman (RFO). Prescribes duties and powers of RFO. Requires LTCO and RFO to enter into agreements for protecting confidentiality of records. Grants immunity to good faith complainants. Renames "Residential Facilities Advisory Committee" the "Residential Ombudsman and Public Guardianship Advisory Board." Permits LTCO to access resident's records if legal representative is not acting in best interest of resident. Declares emergency, effective on passage.

#### **ISSUES DISCUSSED:**

##### **EFFECT OF AMENDMENT:**

-4 [Proposed] Directs LTCO to fill vacant RFO position within 60 days of vacancy. Removes requirement that RFO work with facility residents to identify recommended complaint process. Requires OHA, DHS and RFO to agree on format for reporting specified information, rather than RFO establishing format. Grants RFO access to medical records and other documents deemed necessary for investigation of complaint associated with a resident who is unable to communicate consent and does not have legal representation. Makes technical and conforming changes.

##### **BACKGROUND:**

Current Oregon law establishes the office of the Long Term Care Ombudsman (LTCO) as an independent advocate for individuals who reside in long term care facilities. The LTCO 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 candidates to serve as LTCO, consults on rules adopted by the LTCO, monitors LTCO programs, and advises the Governor and the legislature.

Senate Bill 58-A requires the LTCO to appoint a Residential Facilities Ombudsman (RFO) who serves at the pleasure of the LTCO. The measure prescribes the powers and duties of the RFO and clarifies the existing LTCO statutes to incorporate and reflect the newly established RFO position. Senate Bill 58-A requires both the LTCO and RFO to enter into agreements protecting the confidentiality of records, and requires the Oregon Health Authority and Department of Human Services to provide specified monthly data. Additionally, the measure grants civil and criminal immunity to individuals who make complaints or participate in investigations in good faith. Senate Bill 58-A also renames the "Residential Facilities Advisory Committee" the "Residential Ombudsman and Public Guardianship Advisory Board." Finally, the measure permits the LTCO access to a resident's records if the LTCO has reasonable cause to believe that a resident's legal representative is not acting in the resident's best interest.