

# D R A F T

## SUMMARY

Removes requirement, for abuse reporting purposes, that contact between public or private official and abused person or abuser be while acting in official capacity.

### A BILL FOR AN ACT

Relating to contact requirement for certain abuse reporting responsibilities; amending ORS 430.765 and 441.640.

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

**SECTION 1.** ORS 441.640 is amended to read:

441.640. Any public or private official having reasonable cause to believe that any resident in a long term care facility[,] with whom the official comes in contact [*while acting in an official capacity,*] has suffered abuse, or that any person with whom the official comes in contact [*while acting in an official capacity*] has abused a resident in a long term care facility, shall report or cause a report to be made in the manner required in ORS 441.645.

**SECTION 2.** ORS 430.765 is amended to read:

430.765. (1) Any public or private official who has reasonable cause to believe that any adult with whom the official comes in contact [*while acting in an official capacity,*] has suffered abuse, or that any person with whom the official comes in contact [*while acting in an official capacity*] has abused an adult, shall report or cause a report to be made in the manner required in ORS 430.743.

(2) Nothing contained in ORS 40.225 to 40.295 affects the duty to report imposed by subsections (1) and (2) of this section, except that a psychiatrist,

1 psychologist, member of the clergy or attorney shall not be required to report  
2 such information communicated by a person if the communication is privi-  
3 leged under ORS 40.225 to 40.295.

4 (3) An adult who in good faith is voluntarily under treatment solely by  
5 spiritual means through prayer in accordance with the tenets and practices  
6 of a recognized church or religious denomination by a duly accredited prac-  
7 titioner thereof shall for this reason alone not be considered subjected to  
8 abuse under ORS 430.735 to 430.765.

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