

SB 59 A STAFF MEASURE SUMMARY

Senate Committee On Human Services

Action Date: 03/22/17

Action: Do pass with amendments. Refer to Judiciary by prior reference. (Printed A-Eng).

Vote: 5-0-0-0

Yeas: 5 - Dembrow, Gelser, Knopp, Monnes Anderson, Olsen

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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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, residential facility, or adult foster home is in need in specified circumstances. Establishes notice requirements. Limits disclosure to minimum personal health information reasonably necessary to prevent imminent threat to health or safety. Declares emergency, effective on passage.

ISSUES DISCUSSED:

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

EFFECT OF AMENDMENT:

Modifies list of authorized protective orders to include petitions on behalf of residents of adult foster homes. Defines terms. Clarifies provisions.

BACKGROUND:

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

Senate Bill 59-A authorizes the Long Term Care Ombudsman to petition a court for specified protective orders for residents of long term care facilities, residential facilities, and adult foster homes at the discretion of the Ombudsman. The measure requires notice to specified parties and limits information that may be disclosed to the court to that which is reasonably necessary to prevent or reduce a serious and imminent threat to the resident's health or safety. Protected information disclosed to the court is considered confidential.