

SB 58 A STAFF MEASURE SUMMARY

Senate Committee On Human Services

Action Date: 04/17/17

Action: Without recommendation as to passage, but with amendments and requesting referral to Rules. (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:

Requires Long Term Care Ombudsman (LTCO) to appoint Residential Facilities Ombudsman (RFO). Describes duties and powers of RFO. Requires LTCO and RFO to enter 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:

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

EFFECT OF AMENDMENT:

Replaces measure.

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. It describes the powers and duties of the RFO and clarifies the existing LTCO statutes to reflect the new RFO position. The measure 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. It also grants civil and criminal immunity to persons 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.