

SB 59 B STAFF MEASURE SUMMARY

Carrier: Sen. Dembrow

Senate Committee On Judiciary

Action Date: 04/13/17

Action: Do pass with amendments. (Printed B-Eng.)

Vote: 4-1-0-0

Yeas: 4 - Dembrow, Manning Jr, Prozanski, Thatcher

Nays: 1 - Linthicum

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Josh Nasbe, Counsel

WHAT THE MEASURE DOES:

Authorizes Long-Term Care Ombudsman (LTCO) to appear in existing protective proceeding and file motion to remove fiduciary, modify powers of fiduciary or terminate protective proceeding. Limits information LTCO may disclose to court about resident of long term care facility, residential facility or adult foster home. Makes certain visitor reports, and information disclosed by LTCO, confidential in court file absent good cause. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Long-Term Care Ombudsman's ability to communicate with court concerning individuals in care facilities
- Confidentiality of materials submitted to court

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

Oregon law does not currently provide a mechanism for the Long-Term Care Ombudsman (LTCO) to petition a court for protective orders on behalf of a resident of a long-term care facility, residential facility or adult foster home, and concerns about confidentiality inhibit the LTCO from filing petitions without explicit authorization. The current practice of the LTCO is to request protective orders through the Department of Human Services under its authority in ORS 125.012, although this authority only extends to abuse cases, and not cases where other individual rights are concerned.

Senate Bill 59-B authorizes the LTCO to file a motion in a protective proceeding to remove a fiduciary, modify the powers of a fiduciary or terminate the proceeding. The bill limits the information the LTCO may disclose to the court about residents of certain care facilities, and requires the court, absent good cause, to keep confidential specified information in the proceeding in which the LTCO appears.