

SB 58 C STAFF MEASURE SUMMARY

Carrier: Rep. Gorsek

House Committee On Human Services and Housing

Action Date: 05/25/17

Action: Do pass with amendments to the B-Eng bill. (Printed C-Eng.)

Vote: 8-0-1-0

Yeas: 8 - Gorsek, Keny-Guyer, Meek, Nearman, Noble, Piluso, Sanchez, Stark

Exc: 1 - Olson

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Cassandra Soucy, LPRO Analyst

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 agreement for protecting confidentiality of records. Grants immunity to good faith complainants. Renames "Residential Facilities Advisory Committee" as "Residential Ombudsman and Public Guardianship Advisory Board." Permits RFO to access records of resident who is unable to provide consent and does not have legal representation. Directs LTCO to fill RFO vacancy within 60 days. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Compliance with Old Americans Act
- Services covered by Ombudsman
- Overview of Residential Facilities Ombudsman
- Working with people who have limited communications
- Strategy for reaching Oregonians through Ombudsman offices

EFFECT OF AMENDMENT:

Addresses conflict with Senate Bill 57 through technical changes to the duties for the LTCO to carry out.

BACKGROUND:

The Older Americans Act was enacted in 1965 establishing the Administration on Aging to provide community social services for older Americans. In 2016, Congress reauthorized the Older Americans Act and amended it to require the Office of Long Term Care Ombudsman Programs to collect and analyze best practices related to responding to elder abuse, neglect, and exploitation in long term care facilities.

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 C requires the LTCO to appoint a Residential Facilities Ombudsman (RFO) who serves at the pleasure of the LTCO, and further directs the LTCO to fill any vacancy in the RFO position within 60 days. 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. The measure requires the LTCO and RFO to enter into an agreement to protect the confidentiality of records, and require the Oregon Health Authority (OHA) and Oregon Department of Human Services (DHS) to provide specified monthly data in a format established by OHA, DHS and the RFO. Additionally, the measure grants civil and criminal immunity to individuals who make complaints or participate in investigations in good faith.

This Summary has not been adopted or officially endorsed by action of the committee.

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In addition, Senate Bill 58 C renames the "Residential Facilities Advisory Committee" as the "Residential Ombudsman and Public Guardianship Advisory Board." 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, and permits RFO to access records of resident who is unable to provide consent and does not have legal representation.