

SB 58-B5  
(LC 606)  
5/22/17 (LHF/ps)

Requested by HOUSE COMMITTEE ON HUMAN SERVICES AND HOUSING

**PROPOSED AMENDMENTS TO RESOLVE CONFLICTS TO  
B-ENGROSSED SENATE BILL 58**

1 On page 1 of the printed B-engrossed bill, line 4, after “476.030;” insert  
2 “repealing section 10, chapter \_\_\_, Oregon Laws 2017 (Enrolled Senate Bill  
3 57);”.

4 On page 8, after line 21, insert:

5 **“SECTION 12a. If Senate Bill 57 becomes law, section 10, chapter**  
6 **\_\_\_, Oregon Laws 2017 (Enrolled Senate Bill 57) (amending ORS**  
7 **441.406), is repealed and ORS 441.406, as amended by section 12 of this**  
8 **2017 Act, is amended to read:**

9 “441.406. (1) The Long Term Care Ombudsman shall carry out the fol-  
10 lowing duties:

11 “(a) Investigate and resolve complaints made by or for residents of long  
12 term care facilities about administrative actions that may adversely affect  
13 their health, safety, welfare or rights, including subpoenaing any person to  
14 appear, to give sworn testimony or to produce documentary or other evidence  
15 that is reasonably material to any matter under investigation.

16 “(b) Undertake, participate in or cooperate with persons and agencies in  
17 such conferences, inquiries, meetings or studies as may lead to improvements  
18 in the functioning of long term care facilities.

19 “(c) Monitor the development and implementation of federal, state and  
20 local laws, regulations and policies that relate to long term care facilities  
21 in this state.

1 “(d) Provide information to public agencies about the problems of resi-  
2 dents of long term care facilities.

3 “(e) Work closely with cooperative associations and citizen groups in this  
4 state and the state protection and advocacy system under ORS 192.517.

5 “(f) Widely publicize the Long Term Care Ombudsman’s services, purpose  
6 and mode of operation.

7 “(g) Collaborate with the Oregon Health Authority, the Department of  
8 Human Services, the Nursing Home Administrators Board and any other  
9 appropriate agencies and organizations to establish a statewide system to  
10 collect and analyze information on complaints and conditions in long term  
11 care facilities for the purpose of publicizing improvements and resolving  
12 significant problems.

13 “(h) Contract with the state protection and advocacy system described in  
14 ORS 192.517 (1) to provide services and assistance to persons who are pro-  
15 spective or current residents of a mental health treatment facility or of a  
16 residential facility for individuals with developmental disabilities when the  
17 system has received a notice regarding the person pursuant to ORS 125.060  
18 (7)(c) or (8)(c).

19 “(i) Appoint designees to serve as local representatives of the office of the  
20 Long Term Care Ombudsman in various districts of the state and regularly  
21 monitor their functions.

22 “(j) Specify qualifications and duties of designees.

23 “(k) Adopt rules necessary for carrying out ORS 441.402 to 441.414, after  
24 consultation with the Residential Ombudsman and Public Guardianship Ad-  
25 visory Board.

26 “(L) Provide periodically, or at least annually, a report to the Governor,  
27 authority, department and Legislative Assembly.

28 “(m) Prepare necessary reports with the assistance of the authority and  
29 the department.

30 “(n) [*Supervise, monitor,*] Advise and support the Oregon Public Guardian

1 and Conservator appointed under ORS 125.678 [and].

2 **“(o) Supervise, monitor, advise and support** the Residential Facilities  
3 Ombudsman appointed under section 2 of this 2017 Act.

4 “(2) At least quarterly, the Department of Human Services shall provide  
5 the Long Term Care Ombudsman with a list of the number of licensed or  
6 certified beds in each long term care facility for which the ombudsman has  
7 responsibilities under this section.

8 **“SECTION 12b. The amendments to ORS 441.406 by section 12a of**  
9 **this 2017 Act become operative on January 1, 2018.”.**

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