



Oregon

Kate Brown, Governor

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March 6, 2019

The Honorable Floyd Prozanski, Chair
The Honorable Kim Thatcher, Vice-Chair
Senate Committee on Judiciary
900 Court Street NE
Salem, OR 97301

RE: Support for SB 729

Chair Prozanski and members of the committee:

As the State Long Term Care Ombudsman, I write to convey my support for SB 729. This bill provides a small but important tweak to the Oregon Elderly Persons and Persons with Disabilities Abuse Prevention Act (EPPDAPA).

The existing law generally allows for older adults or individuals with disabilities to request a restraining order against an abuser in cases of various forms of elder abuse or abuse of an individual with a disability. However, under the existing law, if the abuse victim lives in a nursing facility in Oregon while being over the age of 65, then they are currently, inexplicably, unable to seek the protection otherwise provided by the EPPDAPA.

SB 729 would remove the provision that excludes these nursing facility residents.

By comparison, an individual over the age of 65 can obtain an EPPDAPA restraining order if they live in any other setting in Oregon, including in similarly licensed settings of assisted living facilities, residential care facilities, or adult foster care homes. Similarly, an individual with a disability under the age of 65 living in a nursing facility can also obtain a restraining order under this existing law.

Even if there was once a perceived need to prohibit nursing facility residents over the age of 65 from seeking protections under the EPPDAPA, I would contend now that any such necessary exclusion is something that should be presented to a judge for consideration. A court presented with a petition for an EPPDAPA restraining order can and should have the authority to review the

legitimacy of any request for protection from an abuser, regardless of where the victim lives.

Thank you for your consideration of SB 729.

Sincerely,

A handwritten signature in black ink, appearing to read "Fred Steele". The signature is written in a cursive style with a large, sweeping flourish at the end.

Fred Steele
State Long Term Care Ombudsman
Director, Office of the Long Term Care Ombudsman