



Oregon

Kate Brown, Governor

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March 7, 2019

The Honorable Sara Gelser, Chair
The Honorable Dallas Heard, Vice-Chair
Senate Committee on Human Services
900 Court Street NE
Salem, OR 97301

RE: Support for SB 917

Chair Gelser and members of the committee:

As the State Long Term Care Ombudsman and Director of the agency that includes the Residential Facilities Ombudsman program, please accept this testimony conveying Ombudsman support for SB 917.

This bill proposes to address an issue that is, as experienced by our Ombudsman programs, a significant concern. Specifically, staff at care facilities who identify problems in the care or general treatment of residents are, in too many settings, threatened by facility administration to not report the issues, or simply fired from their jobs for reporting.

I frequently hear of these concerns as conveyed by our program staff and community volunteers. However, I have also personally witnessed the fear in the eyes of a facility staff person simply because I stopped to ask the staff person a question related to a problem a resident was experiencing. I was informed in that moment that the staff person had effectively been warned to not speak with Ombudsman program representatives, and that nearby staff might report to administration that this staff person was speaking with me. A couple weeks later I learned that this staff person had been fired.

Despite that firing and its potential connection to the staff person speaking with the Ombudsman program, the Department of Human Services, as the regulatory body for this setting, did not have any specific authority to investigate an issue I perceived to be a significant threat in that particular building. If staff are to be silenced for reporting resident concerns, then the protection of rights and quality of care for those residents are threatened.

Unfortunately, our programs do not currently track the frequency of these occurrences. However, in my opinion, frequency should not matter as this type of retaliation – whether threatened or realized – should never occur in care settings operating under a state licensure. If there are vulnerable individuals receiving care within a state regulated setting, any concerns with that care should be reportable to the appropriate regulatory authority, law enforcement, or appropriate programs such as the Ombudsman programs.

Thank you for your consideration of SB 917.

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