

Wednesday, April 3, 2019

Oregon Senate Human Services Committee  
Oregon State Capitol  
900 Court St SE  
Salem, OR 97301  
RE: HB3254 Written Testimony

Chair Gelser and members of the committee,

Thank you for the opportunity to address the committee on this issue. I am the current chair of the Residential Ombudsman and Public Guardian Advisory Board (ROPGAB), the volunteer board that advises the Office of the Long Term Care Ombudsman (OLTCO). Our board has not yet taken this issue up in a public meeting and therefor today I do not speak on its behalf. However, the board has discussed many of the issues proposed in this legislation on many occasions. While the development of two new Ombudsperson positions to represent Foster Children and Foster Parents is a bold and innovative move, there are serious concerns with its deployment:

- Currently the agency contains the position of the Residential Facilities Ombudsman (RFO), which represents residents in mental health and developmental disability facilities, such as group homes and foster care programs. It is entirely possible that a conflict of interest could arise where the RFO could be required to advocate on behalf of a resident against a Foster Parent represented by a new Foster Parent Ombudsperson.
- Construction of both a Foster Parent and Foster Child Ombudsperson poses similar conflicts of interests in the representation of both groups within the same agency under the same director.
- While the legislation poses some proposed fixes to mitigate these risks, there are multiple feasible situations that could create ethical conflicts of interest within the agency structure.
- The inclusion of two additional programs diffuses the focus of the agency without a clear structural solution.

- The board has also commented on structural, fiscal and organizational issues with rapid development of two new programs.

Under ORS 441.417, the ROPGAB is charged to advise the governor's office and legislature related to issues affecting the agency, a duty we take quite seriously. Under that charge, I feel compelled to bring these conflicts of interest to your attention. In order to develop a clear resolution to these concerns, we strongly request a formal workgroup of stakeholders to work with ROPGAB and OLTCO staff to develop a roadmap to new ombudspersons. I would call upon members of the House and Senate Human Services Committees to work together with this workgroup to merge the good intention underlying this legislation with the multiple partners.

Best,  
Joseph M. Leykam, LCSW  
Chair  
Residential Ombudsman and Public Guardian Advisory Board.