

SB 31 A STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Channa Newell, Counsel

Meeting Dates: 4/15

WHAT THE MEASURE DOES:

Allows the Oregon Public Guardian and Conservator to establish county or regional high-risk teams and a statewide high-risk team to discuss situations in which highly vulnerable adults are at risk of harm or experiencing harm. Allows teams to identify options for addressing safety risk to highly vulnerable adults. Makes all information acquired by teams confidential. Allows member agency or individual member of team to use or disclose protected health information without obtaining an authorization if member agency believes in good faith that use or disclosure is necessary to prevent or lessen a serious threat to the health or safety of any person or the public. Limits disclosure of information to a person who is reasonably able to prevent or lessen the threat. Specifies membership of teams. Allows delegation of development of team to other member of team by written agreement. Defines highly vulnerable adult as a person with a disability who is at least 18 years of age, at imminent risk of serious harm, and who is unable to protect themselves from the harm due to the effects of the person's disability.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In 2014, the Oregon Public Guardian and Conservator (OPGC) was established within the Office of Long-Term Care Ombudsman. The OPGC is tasked with providing guardianship and conservatorship services for persons who do not have relatives or friends willing or able to provide those services and who lack the resources to hire a professional fiduciary.

Senate Bill 31 A allows the OPGC to establish both county and statewide high-risk teams. The teams are charged with discussing situations in which highly vulnerable adults are at risk for serious harm, or are currently experiencing harm, and to identify available options for addressing the safety risk. Teams must have a written protocol, including a policy to keep all information and records acquired by the team confidential, except in cases in which it is disclosed to a specific individual who can prevent or lessen a serious threat to the health or safety of the person or public.