

Enrolled
House Bill 2524

Sponsored by Representatives DOHERTY, MCKEOWN; Representatives KENY-GUYER, PRUSAK, SOLLMAN, ZIKA (Presession filed.)

CHAPTER

AN ACT

Relating to ombudsmen; creating new provisions; amending ORS 124.060 and 441.640; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS 441.015 to 441.063.

SECTION 2. Upon the admission of a resident to a long term care facility, the facility shall provide the resident with information developed by the Long Term Care Ombudsman describing the availability and services of the ombudsman.

SECTION 3. Section 4 of this 2019 Act is added to and made a part of ORS 443.400 to 443.455.

SECTION 4. Upon the admission of a resident to a residential care facility, the facility shall provide the resident with information developed by the Long Term Care Ombudsman describing the availability and services of the ombudsman.

SECTION 5. Section 6 of this 2019 Act is added to and made a part of ORS 443.705 to 443.825.

SECTION 6. (1) As used in this section, “adult foster home” means an adult foster home that is licensed to provide residential care to older adults or people with physical disabilities.

(2) Upon the admission of a resident to an adult foster home, the adult foster home shall provide the resident with information developed by the Long Term Care Ombudsman describing the availability and services of the ombudsman.

SECTION 7. ORS 124.060 is amended to read:

124.060. (1) Any public or private official having reasonable cause to believe that any person 65 years of age or older with whom the official comes in contact has suffered abuse, or that any person with whom the official comes in contact has abused a person 65 years of age or older, shall report or cause a report to be made in the manner required in ORS 124.065.

(2) Nothing contained in ORS 40.225 to 40.295 affects the duty to report imposed by this section, except that a psychiatrist, psychologist, member of the clergy or attorney is not required to report such information communicated by a person if the communication is privileged under ORS 40.225 to 40.295.

(3) An attorney is not required to make a report under this section by reason of information communicated to the attorney in the course of representing a client if disclosure of the information would be detrimental to the client.

(4) The Long Term Care Ombudsman or a designee of the ombudsman is not required to make a report under this section to the extent the report would violate 42 U.S.C. 3058g(d).

SECTION 8. ORS 441.640 is amended to read:

441.640. (1) Any public or private official having reasonable cause to believe that any resident in a long term care facility with whom the official comes in contact has suffered abuse, or that any person with whom the official comes in contact has abused a resident in a long term care facility, shall report or cause a report to be made in the manner required in ORS 441.645.

(2) A Long Term Care Ombudsman or a designee of the ombudsman is not required to make a report under this section to the extent the report would violate 42 U.S.C. 3058g(d).

SECTION 9. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.

Passed by House April 3, 2019

Received by Governor:

Repassed by House May 7, 2019

.....M.,....., 2019

Approved:

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Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2019

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Tina Kotek, Speaker of House

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Kate Brown, Governor

Passed by Senate May 2, 2019

Filed in Office of Secretary of State:

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Peter Courtney, President of Senate

.....M.,....., 2019

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Bev Clarno, Secretary of State