

Senate Bill 31

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for Long Term Care Ombudsman)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Permits Oregon Public Guardian and Conservator to establish county, regional and statewide high-risk teams to determine options available for addressing safety risks facing highly vulnerable adults.

Permits high-risk teams to disclose protected health information and other confidential information in certain situations.

A BILL FOR AN ACT

1
2 Relating to persons with disabilities.

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

4 **SECTION 1. (1) As used in this section and section 2 of this 2019 Act, "highly vulnerable**
5 **adult" means a person with a disability who is:**

6 (a) **At least 18 years of age;**

7 (b) **At imminent risk of serious harm; and**

8 (c) **Unable to independently protect themselves from the harm due to the effects of the**
9 **person's disability.**

10 (2) **The Oregon Public Guardian and Conservator appointed under ORS 125.678 may es-**
11 **tablish county or regional high-risk teams that may consist of, but not be limited to, the**
12 **following:**

13 (a) **The Oregon Public Guardian and Conservator.**

14 (b) **The Department of Human Services or a designee of the Department of Human Ser-**
15 **vices.**

16 (c) **The Oregon Health Authority or a designee of the Oregon Health Authority.**

17 (d) **Representatives of:**

18 (A) **Local hospitals.**

19 (B) **Local crisis response teams.**

20 (C) **Homeless services programs.**

21 (D) **Veterans' services programs.**

22 (E) **Organizations designated by the Department of Human Services as area agencies on**
23 **aging.**

24 (F) **Any other agency or nonprofit organization that provides services to persons with**
25 **disabilities.**

26 (3) **The Oregon Public Guardian and Conservator may establish a statewide high-risk**
27 **team that may consist of, but not be limited to, representatives of the following:**

28 (a) **The Department of Human Services, including developmental disabilities programs**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 and adult abuse prevention programs within the department.

2 (b) The Oregon Health Authority.

3 (c) The Oregon State Hospital.

4 (d) The Department of Veterans' Affairs.

5 (e) The office of the Long Term Care Ombudsman appointed under ORS 441.403.

6 (f) The office of the Residential Facilities Ombudsman appointed under ORS 443.382.

7 (g) Any other statewide agency or program that has direct contact with highly vulnerable
8 adults or that provides services addressing serious safety concerns of highly vulnerable
9 adults.

10 (4) The Oregon Public Guardian and Conservator may delegate the responsibility to de-
11 velop a high-risk team under this section to a designee or administrator who is or will be a
12 member of the high-risk team pursuant to a written agreement.

13 (5) A high-risk team shall discuss situations where highly vulnerable adults are at risk
14 of harm, or are currently experiencing harm, and determine the available options for ad-
15 dressing the safety risk, focusing on the least restrictive alternatives.

16 (6) Each high-risk team shall develop a written protocol establishing the purpose of the
17 team, potential membership within each community and confidentiality procedures consist-
18 ent with section 2 of this 2019 Act.

19 (7) The Oregon Public Guardian and Conservator may adopt rules to carry out the pro-
20 visions of this section.

21 **SECTION 2.** (1) As used in this section, "personal representative" and "protected health
22 information" have the meanings given those terms in ORS 192.556.

23 (2) All information and records acquired by a high-risk team established under section 1
24 of this 2019 Act in the exercise of its duties are confidential and may be disclosed only when
25 necessary to carry out the purposes of the high-risk team.

26 (3) A member agency of a high-risk team or a member of a high-risk team may use or
27 disclose protected health information without obtaining an authorization from an individual
28 or a personal representative of the individual if use or disclosure is necessary for public
29 health purposes, including the prevention, investigation and mitigation of safety risks facing
30 a highly vulnerable adult.

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