

Senate Bill 32

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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**.

Changes conversion facilities from type of "residential facility" for purposes of Residential Facilities Ombudsman Program to type of "long term care facility" for purposes of Long Term Care Ombudsman Program.

A BILL FOR AN ACT

1
2 Relating to the office of the Long Term Care Ombudsman; amending ORS 441.402, 441.417 and
3 443.380.

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

5 **SECTION 1.** ORS 441.402 is amended to read:

6 441.402. As used in ORS 441.402 to 441.419:

7 (1) "Administrative action" means any action, inaction or decision made by an owner, employee
8 or agent of a long term care facility or by a public agency that affects the services to residents of
9 long term care facilities.

10 (2) "Designee" means an individual appointed by the Long Term Care Ombudsman under ORS
11 441.413 to serve as a representative in a local community in order to carry out the purpose of ORS
12 441.402 to 441.419.

13 (3) "Long term care facility" means:

14 (a) [*Any*] **A** licensed skilled nursing facility or intermediate care facility, as defined in rules
15 adopted under ORS 442.015;

16 (b) **An** adult foster [*homes*] **home**, as defined in ORS 443.705, with residents over 60 years of age;

17 (c) **A** residential care [*facilities*] **facility**, as defined in ORS 443.400; [*and*]

18 (d) **A** continuing care retirement [*communities*] **community**, as defined in ORS 101.020; **and**

19 (e) **A conversion facility licensed under ORS 443.431.**

20 (4) "Long Term Care Ombudsman Program" means the services provided by the Long Term Care
21 Ombudsman.

22 **SECTION 2.** ORS 443.380 is amended to read:

23 443.380. As used in ORS 443.380 to 443.394:

24 (1) "Administrative action" means an action, inaction or decision by an owner, employee or
25 agent of a residential facility or by a state, local, social service or health agency that could affect
26 the health, safety, welfare or rights of residents of the facility.

27 (2) "Designee" means an individual appointed by the Residential Facilities Ombudsman in ac-
28 cordance with ORS 443.386.

29 (3) "Legal representative" means a person to whom a resident or a court has granted legal au-
30 thority to permit access to the resident's personal information and medical records.

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 (4) “Long Term Care Ombudsman” means the individual appointed by the Governor under ORS
2 441.403.

3 (5) “Resident” means an individual who resides in a residential facility.

4 (6)(a) “Residential facility” means one of the following:

5 (A) A residential training facility, as defined in ORS 443.400.

6 (B) A residential training home, as defined in ORS 443.400.

7 (C) A licensed adult foster home as defined in ORS 443.705 that serves persons with mental ill-
8 ness or developmental disabilities.

9 (D) A developmental disability child foster home, as defined in ORS 443.830.

10 (E) A residential treatment facility, as defined in ORS 443.400.

11 (F) A residential treatment home, as defined in ORS 443.400.

12 [(G) A conversion facility licensed under ORS 443.431.]

13 (b) “Residential facility” does not include a:

14 (A) Secured facility housing persons committed under ORS 161.327; or

15 (B) Facility licensed by the Oregon Health Authority to provide alcohol and drug treatment.

16 (7) “Residential Facilities Ombudsman Program” means the services provided by the Residential
17 Facilities Ombudsman.

18 **SECTION 3.** ORS 441.417 is amended to read:

19 441.417. The Residential Ombudsman and Public Guardianship Advisory Board shall:

20 (1) Monitor the **office of the** Long Term Care Ombudsman [*Program*].

21 (2) Advise the Governor and the Legislative Assembly on the Long Term Care Ombudsman
22 Program.

23 (3) Nominate, after interviews and according to prescribed criteria, three persons to fill the
24 Long Term Care Ombudsman position or to fill a vacancy in the position.

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