

SB 97 A STAFF MEASURE SUMMARY

Carrier: Rep. Leif

House Committee On Human Services

Action Date: 05/19/21

Action: Do Pass the A-Eng bill.

Vote: 5-0-2-0

Yeas: 5 - Leif, Owens, Ruiz, Schouten, Williams

Exc: 2 - Noble, Sanchez

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Iva Sokolovska, LPRO Analyst

Meeting Dates: 5/3, 5/19

WHAT THE MEASURE DOES:

Prohibits compelled testimony or documents from the Residential Facilities Ombudsman's office in administrative or judicial proceedings arising from complaints made to the office concerning residents. Deems all records related to complaints are not subject to discovery or other legal production. Allows disclosure in limited circumstances, such as: when ombuds personnel witness a felony; when a complaint alleges imminent risk of serious harm; when requested by a resident or their authorized representative; when a resident or their authorized representative requests authentication; when law enforcement investigates criminal conduct; when records pertain to general facility operations or ombuds programs; and upon receipt of a court order containing required findings.

ISSUES DISCUSSED:

- Applicability to other programs
- Extent of concerns outside of residential facilities

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Residential Facilities Ombudsman (RFO) program is one of three programs within the office of the Long Term Care Ombudsman. It responds to requests for assistance and advocates on behalf of intellectually and/or developmentally disabled individuals and those with mental health challenges who reside in licensed care facilities or homes; in confidence, at no cost. Currently, ombuds personnel may only disclose the identity of complainants or their legal representatives with their consent, and only to state agencies or law enforcement; and information about complaints may only be disclosed in the course of judicial proceedings at the request of the court.

Senate Bill 97 A exempts RFO program personnel and documents from compelled testimony or production, in judicial or administrative proceedings arising from complaints concerning residents, with some exceptions.