

Senate Bill 97

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**.

Prohibits Residential Facilities Ombudsman, designee of ombudsman or staff of ombudsman from being compelled to testify or produce documents related to complaint in any judicial or administrative proceeding. Protects records from compelled disclosure by any legal means.

A BILL FOR AN ACT

1
2 Relating to confidentiality of complaints to the office of the Long Term Care Ombudsman; amending
3 ORS 443.394.

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

5 **SECTION 1.** ORS 443.394 is amended to read:

6 443.394. The Residential Facilities Ombudsman shall establish procedures to maintain the
7 confidentiality of the records and files of residents. The procedures must meet the following re-
8 quirements:

9 (1) The ombudsman or a designee may not disclose, except to state agencies or law enforcement,
10 the identity of any resident or individual acting on behalf of a resident without the consent of the
11 resident or the legal representative of the resident.

12 (2) The identity of any resident or individual providing information on behalf of the resident
13 shall be confidential. [*If a complaint becomes the subject of judicial proceedings, the investigative in-*
14 *formation held by the ombudsman or the designee shall be disclosed for the purpose of the proceedings*
15 *if requested by the court.*]

16 (3)(a) **An ombudsman, designee or staff of an ombudsman may not be compelled to testify**
17 **or produce documents in any judicial or administrative proceeding arising from a complaint**
18 **received by the ombudsman.**

19 (b) **Memoranda, work product, notes or case files in the possession of the ombudsman,**
20 **a designee or staff of an ombudsman related to a complaint are confidential and not subject**
21 **to discovery, subpoena or other means of legal compulsion.**

22

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.