



# Oregon

Kate Brown, Governor

## Residential Facilities Ombudsman Program

Office of the Long-Term Care Ombudsman

3855 Wolverine NE, Suite 6

Salem, OR 97305-1251

503.378-6852

1.844.674.4567

Fax: 503.373.0852

TTY 711

[www.oregon.gov/LTCO](http://www.oregon.gov/LTCO)

**To:** Chair Gelser, Vice Chair Anderson, & Members of the Senate Committee on Human Services, Mental Health and Recovery

**From:** Toni Larson, Residential Facilities Ombudsman

**Date:** March 2, 2021

**Re:** Testimony in support of SB 97

Good afternoon Chair Gelser, Vice Chair Anderson and Members of the Committee:

Thank you for the opportunity to testify today in support of SB97. My name is Toni Larson, I am the Residential Facilities Ombudsman for Oregon. We serve approximately 10,000 people with mental health concerns and children and adults with intellectual and developmental disabilities in 2,600 licensed settings throughout the state. While we are a young program of only five years, I have been working in this field for over 25 years and can tell you from experience that these populations are incredibly unique and complex. It is an honor to serve in my current capacity.

The RFO advocates for individuals' rights, empowering individuals and those in their lives to resolve issues impacting their personal liberty, quality of life, and self-determination. The promise of confidentiality in communications, investigations and records is a cornerstone of ombudsman services of any field, and those served by the RFO rely completely on this promise in seeking assistance.

The confidential nature of Ombudsman services is especially critical in the I/DD and behavioral health settings due to the additional layer of vulnerability people experience. Individuals in residential facilities often have communication and other barriers that complicate the process of seeking assistance directly in a confidential manner. In our experience, approximately 50% of requests for assistance come directly from individual residents. The remaining 50% are initiated by direct support staff, case managers, guardians, medical providers, other professional staff involved in the home, community members as well as family and friends. This is important to note as those involved in this circle of support become a critical connection for individual residents. This circle must be encouraged to report issues when they notice them, without fear of repercussions toward themselves or the individuals they are trying to protect. The absence of trust in complete confidentiality – at the time of report and into the future - with anyone within this circle creates an unsafe atmosphere where people with disabilities do not seek or receive assistance.

While the current statute for RFO offers significant confidentiality of records, the ability of a court to subpoena an individual's sensitive information leaves both the vulnerable individual as well as confidential reporters exposed.

SB 97 seeks to strengthen the confidentiality for individual residents and their supporters by removing the ability to subpoena an individual's sensitive complaint information except in when requested by the individual resident (or legal representative).

The language, in addition to suggested amendments, affects only the residents under the purview of the Residential Facilities Ombudsman.

#### Support in SB97 and discussions

The Oregon Trial Lawyers Association, Oregon Department of Justice and Disability Rights Oregon have been in active conversations regarding the bill over the past few weeks and have suggested some relevant and welcome amendments to the proposed language of SB 97. In addition, the United States Ombudsman Association (USOA) expertise has been invaluable. We thank these partners for their support and continued partnership regarding this important issue!

Confidentiality is the bedrock of trust in helping relationships, empowering vulnerable individuals and the trusted people in their lives to say exactly what is happening and work to resolve issues. SB 97 provides needed protection for people to act in reporting issues as they arise at residential facilities.

I am happy to answer any questions you have about this bill and ask that you please recommend SB 97 pass to the floor for a vote. Thank you.