



United States Ombudsman Association

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Testimony of Robin K. Matsunaga, President, United States Ombudsman Association
On Senate Bill 97, A Bill for an Act Relating to Confidentiality of Complaints
to the Office of the Long Term Care Ombudsman; Amending ORS 443.394

Senate Committee on Human Services, Mental Health and Recovery
March 2, 2021

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

My name is Robin K. Matsunaga, and I am testifying in my capacity as President of the United States Ombudsman Association's Board of Directors to express the USOA's strong support for SB 97. The amendments proposed in SB 97 will ensure the confidentiality of the investigations conducted by the Residential Facilities Ombudsman, a characteristic that the USOA and the American Bar Association have determined to be essential to an ombudsman.

The ability of the Ombudsman to maintain the confidentiality of complainants, witnesses, records, and other information obtained during an investigation is essential because it allows complainants to come forward without fear of retaliation or concern that sensitive personal information might be subject to disclosure. It also prevents the Ombudsman from being used as a tool for discovery, thereby allowing witnesses and other parties to speak openly and frankly.

The amendment proposed in SB 97 that would protect the Ombudsman and the Ombudsman's staff from being compelled to testify or produce evidence in a judicial or administrative proceeding arising from a complaint received by the Ombudsman is very similar to language recommended in the USOA's Model Ombudsman Act. Together with the new language protecting the confidentiality of work product, notes, and case files, SB 97 will significantly ease, if not eliminate, the concerns of complainants that their private information will be accessible by parties outside the Ombudsman and effectively will make the services of the Ombudsman more accessible.

I respectfully urge your favorable consideration for SB 97.

Thank you for the opportunity to provide this testimony.

Best regards,

Robin K. Matsunaga

Ombudsman, State of Hawaii

President, United States Ombudsman Association