

SB 97 STAFF MEASURE SUMMARY

Senate Committee On Human Services, Mental Health and Recovery

Prepared By: C. Ross, Counsel

Meeting Dates: 3/2

WHAT THE MEASURE DOES:

Prohibits compelled testimony or documents from the Residential Facilities Ombuds office in administrative or judicial proceedings arising from complaints made to the office. Deems all records related to complaints are not subject to discovery or other legal production.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Residential Facilities Ombuds program (RFO) is one of three programs within the office of the Long Term Care Ombudsperson. 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 exempts RFO program personnel and documents from compelled testimony or production, in judicial or administrative proceedings arising from complaints. The measure also excludes all records related to complaints from the discovery process and from legally compelled production.