

SB 99 A STAFF MEASURE SUMMARY

Carrier: Rep. Bowman

House Committee On Rules

Action Date: 06/21/23
Action: Do Pass the A-Eng bill.
Vote: 4-2-1-0
Yeas: 4 - Fahey, Kropf, Nosse, Valderrama
Nays: 2 - Breese-Iverson, Wallan
Exc: 1 - Scharf
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
Prepared By: Iva Sokolovska
Meeting Dates: 6/21

WHAT THE MEASURE DOES:

Establishes Bill of Rights for LGBTQIA2S+ Older Adult Residents of Long Term and Community-Based Care Facilities and defines related terms. Prohibits certain actions if based on resident's actual or perceived sexual orientation, gender identity, gender expression or human immunodeficiency virus status. Directs care facilities to include specified notice in its current nondiscrimination policy. Directs care facilities to implement specific procedures regarding resident records and protect resident's information from disclosure. Requires informed consent be provided for any nontherapeutic examination or observation of, or treatment provided to, a resident. Requires transgender residents be provided access to assessments, therapies, and treatments recommended by resident's health care provider. Directs care facilities to provide training to administrators and staff and specifies training requirements. Requires individuals and entities that contract with care facilities to provide services or supports directly to residents to provide training to their staff; specifies training requirements. Directs Long Term Care Ombudsman, the deputy ombudsmen, and designees to complete training requirements of Bill of Rights. Establishes LGBTQIA2S+ subcommittee of The Governor's Commission on Senior Services and specifies its intent and purpose. Specifies subcommittee membership appointment process and member terms. Directs Governor to appoint members of subcommittee by September 1, 2024. Permits members to be reimbursed for actual and necessary travel and other expenses at discretion of commission.

ISSUES DISCUSSED:

- Results of stakeholder-led survey by Oregon Department of Human Services in 2021
- Concerns with discrimination and access to services for the Oregon LGBTQIA2S+ older adults community in long-term care
- States that have established similar laws to improve access to services for LGBTQIA2S+ older adults
- Advisory committee intent and authority
- Subcommittee scope, membership, confirmation of positions, and age requirements for agency representatives
- Definition and intent of terms in Bill of Rights for LGBTQIA2S+ older adults
- Provider compliance and training requirements

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Formal and informal support systems become increasingly important to maintain independence as people age and older adults are the fastest growing segment of the [U.S. population](#). Older adults who identify as lesbian, gay, bisexual, transgender, or queer (LGBTQ) frequently [face barriers when attempting to access health and social](#)

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[services](#). In 2016, about 69 percent of the U.S. population age 85 and over had at least one type of disability, compared with just nine percent of the population under the age of 65 ([American Community Survey Reports, 2016](#)). In 26 Oregon counties, 37.0 to 45.9 percent of the population aged 65 and over has a disability ([2013-2017 Census data](#)) and in four counties that percentage was over 46. In Oregon, about 32 percent of the population in 2021 was 65 years old or older and had a disability, and about 3.4 percent of Oregonians aged 55 and older identify as lesbian, gay, and bisexual, which includes 3.2 percent of women and 3.8 percent of men ([2021 Oregon LGBTQ+ older adult survey report](#)). The [Oregon LGBTQ+ Older Adult Survey](#) was conducted in 2021 and found that 50 percent of people aged 55 or older who identify as LGBTQ+ have [service needs that are not met](#). The most common challenges reported in accessing services included difficulty in applying or fear of not meeting qualifications, high costs, services experienced or perceived as not being LGBTQ+ inclusive, and lack of availability and difficulty locating and accessing services.

Senate Bill 99 A establishes the Bill of Rights for LGBTQIA2S+ Older Adult Residents of Long Term and Community-Based Care Facilities and the LGBTQIA2S+ subcommittee of The Governor's Commission on Senior Services.