

Senate Bill 228

Sponsored by Senators MANNING JR, PATTERSON, Representative SMITH G; Senator GELSER BLOUIN, Representatives GOMBERG, HUDSON, LIVELY, NOSSE (at the request of Jewel Nelson, Judith Smith) (Pre-session filed.)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act creates a right to form family councils at certain long term care facilities. (Flesch Readability Score: 67.5).

Establishes the right of a resident of a residential care facility to the formation of a family council. Prohibits a residential care facility from willfully interfering with the formation, maintenance or promotion of a family council or discriminating or retaliating against a resident based on a family member's or representative's participation in a family council.

Imposes civil penalties, not to exceed \$500 per day of violation.

A BILL FOR AN ACT

1
2 Relating to family councils in residential care facilities.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Facility" means a residential care facility, as defined in ORS 443.400, including a**
6 **residential care facility with a memory care endorsement under ORS 443.886.**

7 (b) **"Family council" means a group of family members or representatives of two or more**
8 **residents that meets in private without facility staff.**

9 (2) **A resident of a facility has a right to the formation of a family council. If a family**
10 **council is formed, the facility shall:**

11 (a) **Provide the family council with a private meeting space;**

12 (b) **If requested by the family council, take reasonable steps to make family members and**
13 **representatives of residents aware of upcoming meetings in a timely manner;**

14 (c) **Allow family members and representatives of former residents to attend family**
15 **council meetings if invited by the family council;**

16 (d) **Provide a designated staff person who is approved by the family council and the fa-**
17 **cility and is responsible for providing assistance to the family council;**

18 (e) **Respond in writing within 14 business days to any written requests, concerns or rec-**
19 **ommendations submitted by the family council;**

20 (f) **Provide family members and representatives of newly admitted residents with the**
21 **contact information for the family council and the Long Term Care Ombudsman; and**

22 (g) **Provide adequate, accessible counter or bulletin board space in the facility to display**
23 **flyers, newsletters or other notices regarding the family council and the Long Term Care**
24 **Ombudsman.**

25 (3) **A facility may not:**

26 (a) **Willfully interfere with the formation, maintenance or promotion of a family council;**

27 **or**

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.

1 **(b) Discriminate or retaliate against a resident based on the participation of the**
2 **resident's family member or representative in a family council.**

3 **(4) The Director of Human Services may impose a civil penalty for violation of the pro-**
4 **visions of this section, not to exceed \$500 per day of violation. A facility shall be deemed to**
5 **have corrected the violation on the date that the facility submits documentation of the cor-**
6 **rection, subject to verification by the director. Civil penalties imposed under this section**
7 **shall be imposed in the manner provided by ORS 183.745.**

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