



# Oregon

Kate Brown, Governor

Office of the Long-Term Care Ombudsman

3855 Wolverine NE, Suite 6

Salem, OR 97305-1251

503.378.6533

Toll Free 1.800.522.2602

TTY 711

FAX 503.373.0852

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

April 18, 2019

The Honorable Sara Gelser, Chair  
The Honorable Dallas Heard, Vice-Chair  
Senate Committee on Human Services  
900 Court Street NE  
Salem, OR 97301

RE: HB 2524-A and the “-3” amendment

Chair Gelser and members of the committee:

As the State Long Term Care Ombudsman, I am pleased to submit this testimony in support of HB 2524-A. The Long-Term Care Ombudsman (LTCO) program is charged with ensuring that the rights of residents are protected in all long-term care facilities, including nursing facilities, residential care facilities, assisted living facilities, and adult foster homes.

HB 2524-A helps to protect these rights by ensuring that every new resident in one of these settings is informed of the LTCO’s services. Given current program infrastructure, the LTCO program, through its dedicated volunteers, only has staffing to support enough volunteers to be regularly assigned at approximately 62% of Oregon’s licensed care facility settings. This bill will be of significant help in the ability of the LTCO program to become known to residents in all applicable care settings.

The “-3” amendment is being proposed at the request of the LTCO program to be added to the existing language of HB 2524-A. From the LTCO perspective, the intent of this amendment is simply to fix a technical conflict between state and federal law.

Specifically, when the federal Older Americans Act (OAA) was re-authorized in 2016, it included language that demands that Ombudsmen not report suspected abuse when performing Ombudsman duties unless 1) provided informed consent by the resident, or 2) there is a lack of cognitive capacity (and lack of a trusted guardian) in which case Ombudsmen are then permitted to report without resident consent. The philosophical reasons for this are to allow the fully

capacitated adult resident to make decisions on their own and to direct the Ombudsman in how they want their rights protected.

For LTCO volunteers and staff who are otherwise mandatory reporters of abuse under state law because of their professional backgrounds as attorneys, teachers, doctors, nurses, social workers, etc., the relatively new OAA requirements had created a conflict.

In the past three weeks, this conflict again arose with a volunteer who had just completed training and is hesitant to move forward as a volunteer Ombudsman unless this conflict in state/federal laws is addressed. Knowing that this disparity in state and federal law exists for many of our program volunteers, Representative Doherty has graciously agreed to submit this amendment for consideration.

I am of course happy to answer any questions about the request.

Thank you for the opportunity to testify on this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Fred Steele". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Fred Steele  
State Long Term Care Ombudsman  
Director, Office of the Long Term Care Ombudsman