

**SB 729 STAFF MEASURE SUMMARY**

**Carrier:** Sen. Linthicum

**Senate Committee On Judiciary**

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**Action Date:** 03/07/19

**Action:** Do pass.

**Vote:** 7-0-0-0

**Yeas:** 7 - Bentz, Fagan, Gelser, Linthicum, Manning Jr, Prozanski, Thatcher

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Channa Newell, Counsel

**Meeting Dates:** 3/7

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**WHAT THE MEASURE DOES:**

Removes exclusion of residents of long term care nursing facility from definition of "elder" for purposes of Elderly Persons and Persons With Disabilities Abuse Prevention Act (EPDAPA), thereby including such persons within Act.

**ISSUES DISCUSSED:**

- EPDAPA order available for persons in assisted living, adult foster care, or a person with a disability residing in a nursing facility, but not an elder residing in nursing facility
- Language is a barrier to elders seeking protective order
- Lack of legislative history on why prohibition was included

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

In 1995, the Legislative Assembly enacted Oregon Revised Statutes 124.005 - 124.040, the Elderly Persons and Persons With Disabilities Abuse Prevention Act (EPDAPA). An EPDAPA is a type of restraining order that can be obtained by an elderly person, a person with a disability, or the guardian for a person, to prevent abuse. In order to obtain an EPDAPA, a person must show, by a preponderance of the evidence, that the person is in immediate and present danger of further abuse from the respondent and the abuse occurred within 180 days prior to filing the petition. An elderly person is defined as "any person 65 years of age or older who is not subject to the provisions of ORS 441.640 to 441.665[,]" the abuse reporting statutes for residents of long term care nursing facilities.

Senate Bill 729 removes the reference to the abuse reporting for residents of long term care nursing facilities, thereby allowing that population access to use of the EPDAPA.