

**B-Engrossed**  
**House Bill 2524**

Ordered by the Senate April 29  
Including House Amendments dated April 1 and Senate Amendments  
dated April 29

Sponsored by Representatives DOHERTY, MCKEOWN; Representatives KENY-GUYER, PRUSAK, SOLLMAN,  
ZIKA (Presession 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.

Requires long term care facilities, residential facilities and adult foster homes to provide residents with information developed by Long Term Care Ombudsman describing availability and services of Long Term Care Ombudsman.

**Excuses Long Term Care Ombudsman from reporting abuse of person who is 65 years of age or older or who is residing in long term care facility if report would violate federal law.**

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to ombudsmen; creating new provisions; amending ORS 124.060 and 441.640; and declaring  
3 an emergency.

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

5 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS 441.015 to**  
6 **441.063.**

7 **SECTION 2. Upon the admission of a resident to a long term care facility, the facility**  
8 **shall provide the resident with information developed by the Long Term Care Ombudsman**  
9 **describing the availability and services of the ombudsman.**

10 **SECTION 3. Section 4 of this 2019 Act is added to and made a part of ORS 443.400 to**  
11 **443.455.**

12 **SECTION 4. Upon the admission of a resident to a residential care facility, the facility**  
13 **shall provide the resident with information developed by the Long Term Care Ombudsman**  
14 **describing the availability and services of the ombudsman.**

15 **SECTION 5. Section 6 of this 2019 Act is added to and made a part of ORS 443.705 to**  
16 **443.825.**

17 **SECTION 6. (1) As used in this section, "adult foster home" means an adult foster home**  
18 **that is licensed to provide residential care to older adults or people with physical disabilities.**

19 **(2) Upon the admission of a resident to an adult foster home, the adult foster home shall**  
20 **provide the resident with information developed by the Long Term Care Ombudsman de-**  
21 **scribing the availability and services of the ombudsman.**

22 **SECTION 7. ORS 124.060 is amended to read:**

23 124.060. (1) Any public or private official having reasonable cause to believe that any person  
24 65 years of age or older with whom the official comes in contact has suffered abuse, or that any  
25 person with whom the official comes in contact has abused a person 65 years of age or older, shall

**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 report or cause a report to be made in the manner required in ORS 124.065.

2 (2) Nothing contained in ORS 40.225 to 40.295 affects the duty to report imposed by this section,  
3 except that a psychiatrist, psychologist, member of the clergy or attorney is not required to report  
4 such information communicated by a person if the communication is privileged under ORS 40.225 to  
5 40.295.

6 (3) An attorney is not required to make a report under this section by reason of information  
7 communicated to the attorney in the course of representing a client if disclosure of the information  
8 would be detrimental to the client.

9 (4) **The Long Term Care Ombudsman or a designee of the ombudsman is not required to**  
10 **make a report under this section to the extent the report would violate 42 U.S.C. 3058g(d).**

11 **SECTION 8.** ORS 441.640 is amended to read:

12 441.640. (1) Any public or private official having reasonable cause to believe that any resident  
13 in a long term care facility with whom the official comes in contact has suffered abuse, or that any  
14 person with whom the official comes in contact has abused a resident in a long term care facility,  
15 shall report or cause a report to be made in the manner required in ORS 441.645.

16 (2) **A Long Term Care Ombudsman or a designee of the ombudsman is not required to**  
17 **make a report under this section to the extent the report would violate 42 U.S.C. 3058g(d).**

18 **SECTION 9. This 2019 Act being necessary for the immediate preservation of the public**  
19 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**  
20 **on its passage.**

21