



Senate Committee on Judiciary and Ballot Measure 110 Implementation

Testimony in Opposition of SB 780

Andrea Meyer, Director of Government Relations

March 24, 2021

AARP Oregon submits this testimony in opposition to SB 780 as introduced. We have reviewed the -1 Amendments posted on March 23. They remove nursing homes and long-term care providers and entities from this proposal. We are pleased to see that change but we remain concerned with a proposal that creates a new legal process that could be used as a template for a future legal grant of immunity to long-term care facilities and providers.

AARP is the nation's largest nonprofit, nonpartisan organization dedicated to empowering Americans 50 and older to choose how they live as they age. **With 503,000 members in Oregon, AARP has long fought for the rights of residents in LTC facilities to ensure their health, safety, quality of care and quality of life. This includes the right of residents and their families to seek legal redress through the courts to hold facilities accountable when residents are harmed, neglected or abused.**

LTC facilities play an important role. There are approximately 45,000 residents in Oregon who live in state-licensed LTC facilities. During this time of a pandemic, LTC facilities face unprecedented challenges and, tragically, more than 55% of the deaths in Oregon due to COVID-19 have occurred in LTC facilities,¹ the national average is 35%. While there may be some circumstances beyond facilities' control for which they should not be held responsible, it is essential that long-term care providers remain responsible for any negligent actions to ensure that residents have some protection and opportunity for redress.

Pursuing a claim of negligence or abuse in court is not easy. There are already many significant barriers to accessing the courts, including a cap on damages and arbitration requirements, often part of the resident admission agreement. No family member who has lost a loved one due to neglect or abuse pursues this course of action lightly. It is always an option of *last resort*, but it must remain an option. LTC facilities should know they will continue to be held responsible for providing the level of quality of care that is required of them.

LTC facilities are not like other businesses; these facilities are *home* to the residents that live there. Too many facilities have been cited time and again for poor infection control and understaffing. The Oregon legislature should not strip away the rights and protections of LTC facility residents. **The Oregon courts already have the legal procedures and processes necessary to handle these claims fairly and equitably. We do not need to create a new legal process for COVID claims. AARP urges you not to pass SB 780 in its current form or in any version that remove fundamental protections to all Oregonians, including our seniors who reside in long-term care facilities and their families.**

¹ <https://www.kff.org/coronavirus-covid-19/issue-brief/state-covid-19-data-and-policy-actions/#long-term-care-cases-deaths>