



Oregon

Kate Brown, Governor

Residential Facilities Ombudsman Program

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To: Chair Williams, Vice-Chair Leif, Vice-Chair Ruiz & members of the

House Committee On Human Services

From: Toni Larson, Residential Facilities Ombudsman

Date: May 3, 2021

Re: Testimony in support of SB 97 A

Good afternoon Chair Williams, Vice-Chairs Leif and Ruiz and members of the committee:

My name is Toni Larson, I am the Residential Facilities Ombudsman for Oregon. The RFO program serves approximately 10,000 people with mental health concerns and children and adults experiencing intellectual or developmental disabilities in 2,600 licensed and certified settings throughout the state. Thank you for the opportunity to testify today in support of SB 97 A.

The RFO offers independent, resident-directed complaint investigation, complaint resolution, rights education and advocacy with and on behalf of individuals. The promise of confidentiality in communications, investigations and records is a cornerstone of ombudsman services of any field, and those served by the RFO rely completely on this promise in seeking assistance.

The confidential nature of Ombudsman services is especially critical in the I/DD and behavioral health settings due to the additional layer of vulnerability people experience in addition to the intimate size of the settings. The majority of the home settings are licensed or certified for less than five individuals.

Individuals in residential facilities often have communication and other barriers that complicate the process of seeking assistance directly in a confidential manner. In our experience, approximately 50% of requests for assistance come directly from individual residents. The remaining 50% are initiated by direct support staff, case managers, guardians, medical providers, other professional staff involved in the home, community members as well as family and friends. This is important to note as those involved in this circle of support become a critical connection for individual residents who may not otherwise be able to reach out for assistance. This circle must be encouraged to report issues when they notice them, without fear of repercussions toward themselves or the individuals they are trying to protect.

The absence of trust in complete confidentiality – at the time of report and into the future - with anyone within this circle creates an unsafe atmosphere where people with disabilities do not seek or receive assistance.

While the current statute for RFO offers confidentiality, the ability of a third-party, through court subpoena, to compel an unrelated individual's sensitive complaint information leaves both the vulnerable individual as well as confidential reporters exposed.

SB 97 A strengthens the confidentiality for individual residents and their supporters by providing additional protections when parties outside of the individual resident (or their legal representative) seek access to an individual's sensitive complaint information through a court.

SB 97 A affects only the residents under the purview of the Residential Facilities Ombudsman for Intellectual and Developmental Disabilities and Mental Health.

Support of SB 97 A and discussions

The Oregon Trial Lawyers Association, Oregon Department of Justice, the Residential Facilities Ombudsman and Disability Rights Oregon have been instrumental in the crafting of the language and approach of SB 97 A. In addition, the expertise and support of the United States Ombudsman Association (USOA) has been invaluable. We thank these partners for their support and continued partnership regarding this important issue for vulnerable Oregonians.

Confidentiality is the bedrock of trust in helping relationships, empowering vulnerable individuals and the trusted people in their lives to say exactly what is happening and work to resolve issues crucial. SB 97 A provides needed protection for people to act in reporting issues as they arise at residential facilities without fear of exposure or retaliation.

I am happy to answer any questions you have about this bill and ask for your support of SB 97 A. Thank you.