

## SB 99 -9 STAFF MEASURE SUMMARY

### Senate Committee On Rules

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**Prepared By:** Iva Sokolovska

**Meeting Dates:** 5/2

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#### WHAT THE MEASURE DOES:

Directs the Department of Human Services to study processes for delivering services to aging adults and report to the Legislative Assembly by September 15, 2024. Sunsets January 2, 2025.

#### ISSUES DISCUSSED:

- Stakeholder-led survey by Oregon Department of Human Services in 2021 results
- Concerns with discrimination and access to services for the Oregon LGBTQIA2S+ older adults community in long-term care
- Other states that have established similar laws to improve access to services for LGBTQIA2S+ Older Adults
- Advisory committee intent and authority
- Commission on LGBTQIA2S+ Older Adults scope, membership, confirming of positions, age requirements for agency representatives
- Definition and intent of terms in Bill of Rights for LGBTQIA2S+
- Provider compliance and training requirements applicability

#### EFFECT OF AMENDMENT:

-9 Replaces the measure.

Establishes the Commission on LGBTQIA2S+ Older Adults and defines its legislative intent and duties. Specifies members and membership requirements. Specifies term of office of commission members. Permits commission members to be compensated and reimbursed for expenses. Direct the commission to select one of its members as chairperson and another as vice chairperson and specifies their duties. Specifies reporting requirements for the commission. Permits the commission to establish advisory or technical committees that aide and advise its duties.

Establishes the Bill of Rights for LGBTQIA2S+ Older Adult Residents of Long Term and Community-Based Care Facilities. Defines “gender expression”, “gender identity”, “gender transition”, “harassment”, “LGBTQIA2S+”, and other terms related to LGBTQIA2S+ older adult residents of long term and community-based care facilities. Prohibits care facility staff certain actions based in whole or in part on a resident’s actual or perceived sexual orientation, gender identity, gender expression or human immunodeficiency virus status. Directs care facilities to include a nondiscrimination notice in current nondiscrimination policy. Directs care facilities to implement procedures regarding resident records and disclosure of information. Authorizes civil penalties for care facilities that violate the provisions of the Bill of Rights. Requires care facility administrators and staff receive training on caring for LGBTQIA2S+ residents and residents living with human immunodeficiency virus; and preventing discrimination by December 31, 2024. Specifies training requirements. Requires care facilities to designate two employees to receive the training within 12 months of being designated and every two years by July 1, 2024. Requires the Long Term Care Ombudsman, the deputy ombudsmen and their designees to complete a training meeting the requirements of the Bill of Rights within 12 months of appointment and every two years thereafter, specifies training requirements. Directs DHS to adopt rules to implement the provisions of the Bill of Rights.

#### BACKGROUND:

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Formal and informal support systems become increasingly important to maintain independence as people age and older adults are the fastest growing segment of the US population. In 2016, about 69 percent of the [U.S. population](#) aged 85 and over had at least one type of disability, compared with just nine percent of the population under the age of 65 ([American Community Survey Reports, 2016](#)). In 26 Oregon counties, 37.0 - 45.9 percent of the population aged 65 and over has a disability ([2013-2017 Census data](#)) and in four counties that percent was over 46. In Oregon, about 32 percent of the population in 2021 was 65 years old or older and had a disability.

Senate Bill 99 directs the Department of Human Services to study processes for delivering services to aging adults.