

SB 99 -10 STAFF MEASURE SUMMARY

Senate Committee On Rules

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Meeting Dates: 5/2, 5/11

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:

-10 Replaces the measure.

Establishes the Bill of Rights for LGBTQIA2S+ Older Adult Residents of Long Term and Community-Based Care Facilities and defines related terms. Prohibits certain actions if based on resident's actual or perceived sexual orientation, gender identity, gender expression or human immunodeficiency virus status. Directs care facilities to include specified notice in its current nondiscrimination policy. Directs care facilities to implement specific procedures regarding resident records and protect resident's information from disclosure. Requires informed consent be provided for any nontherapeutic examination or observation of, or treatment provided to, a resident. Requires transgender residents be provided access to any assessments, therapies and treatments that are recommended by the resident's health care provider. Directs care facilities to provide training to administrators and staff, specifies training requirements. Requires individuals and entities that contract with care facilities to provide services or supports directly to residents to provide training to their staff, specifies training requirements. Directs Long Term Care Ombudsman, the deputy ombudsmen, and their designees to complete training requirements of Bill of Rights.

Establishes the LGBTQIA2S+ Subcommittee of The Governor's Commission on Senior Services, specifies its intent and purpose. Specifies Subcommittee membership appointment process and member terms. Directs the Governor to appoint the members of the Subcommittee by September 1, 2024. Permits members to be reimbursed for actual and necessary travel and other expenses at the discretion of the Commission.

BACKGROUND:

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.

PRELIMINARY