

Memorandum

PREPARED FOR: Senate Committee on Rules
DATE: January 30, 2024
BY: Leslie Porter, Analyst
RE: Legislative Review of Executive Appointments



LPRO
LEGISLATIVE POLICY
AND RESEARCH OFFICE

LONG TERM CARE OMBUDSMAN

The Governor has appointed the following individual to serve as the Long Term Care Ombudsman subject to Senate confirmation.¹

Appointee

Fred Steele of Salem

Term

August 23, 2023 – August 22, 2027; may be removed for just cause.

Appointment/Confirmation Authority

[ORS 441.403 \(2023\)](#)

Statement of Economic Interest²

Not required.

Statutory Requirements³

The ombudsman is a separate and independent office from any other state agency. The Governor must appoint the ombudsman for a four-year term from a list of three nominees nominated by the Residential Ombudsman and Public Guardianship Advisory Board. The ombudsman may be removed for just cause, upon recommendation by the Board.

The ombudsman must have background and experience in the following areas:

- the fields of aging, mental health, or developmental disabilities;
- physical or behavioral health care;
- working with community programs;
- strong understanding of long term care issues, both regulatory and policy;
- working with health care providers;
- working with and involvement in volunteer programs; and,
- administrative and managerial experience.

¹ [Or. Const. art. III sect. 4](#), [ORS 171.562 \(2023\)](#), [ORS 171.565 \(2023\)](#).

² [ORS 244.050 \(2023\)](#).

³ [ORS 441.403 \(2023\)](#).

Duties⁴

The ombudsman provides advocacy for individuals living in licensed care settings, such as nursing facilities, assisted living facilities, residential care facilities, adult foster homes, and endorsed memory care. The ombudsman must:

- investigate and resolve complaints made by, or for, residents of long term care facilities (facilities);
- work with persons and agencies to improve the functioning of facilities;
- monitor the development and implementation of related federal, state, and local laws, regulations, and policies;
- provide information about the problems of residents of facilities;
- work closely with cooperative associations, citizen groups, and the state protection and advocacy system;
- widely publicize the ombudsman's services, purpose, and mode of operation;
- collaborate with the Oregon Health Authority (OHA), the Department of Human Services (DHS), the Long Term Care Administrators Board, and other entities to establish a system to collect and analyze complaints and conditions in facilities for the purpose of publicizing improvements and resolving significant problems;
- contract with the state protection and advocacy system to provide services and assistance to persons who are prospective or current residents of a mental health treatment facility or of a residential facility for individuals with developmental disabilities when the system has received a notice;
- appoint designees to serve as local representatives of the office of the Long Term Care Ombudsman in various districts and regularly monitor their functions;
- adopt rules for carrying out the duties of the ombudsman, after consultation with the Residential Ombudsman and Public Guardianship Advisory Board;
- annually report to the Governor, OHA, DHS, and Legislative Assembly;
- prepare reports with the assistance of OHA and DHS;
- advise and support the Oregon Public Guardian and Conservator;
- supervise, monitor, advise, and support the Residential Facilities Ombudsman;
- establish procedures to maintain the confidentiality of the records and files of residents of facilities;
- following an investigation, report opinions or recommendations to affected parties and, if appropriate, attempt to resolve the complaint using informal techniques of mediation, conciliation, and persuasion;
- prepare and distribute to each facility a written notice describing the complaint procedures.

⁴ [ORS 441.406 to ORS 441.416 \(2023\)](#).

