

SB 228 STAFF MEASURE SUMMARY

Senate Committee On Human Services

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Meeting Dates: 3/4

WHAT THE MEASURE DOES:

The measure establishes the right of a resident in a residential care facility to the formation of a family council. The measure establishes requirements for facilities if a family council is formed and allows the Department of Human Services (DHS) to impose civil penalties.

Detailed Summary:

- Defines "facility" as a residential care facility for socially dependent individuals or individuals with physical disabilities, including facilities with a memory care endorsement.
- Defines "family council" as a group of family members or representatives of at least two residents of the facility that meets in private without facility staff.
- Establishes the right of a resident to the formation of a family council.
- In the case of the formation of a family council, requires the facility to:
 - Provide the family council with a private meeting space;
 - Make family members and representative aware of upcoming meetings in a timely manner, if requested;
 - Allow the family members and representative of former residents to attend the meetings if invited by the family council;
 - Provide a designated staff person approved by the family council to attend meetings, if invited;
 - Respond in writing to any written requests, concerns, or recommendations submitted by the family council within 14 business days;
 - Provide family members and representatives of newly admitted residents with contact information for the family council and the Long Term Care Ombudsman (LTCO);
 - Provide adequate, accessible counter or bulletin board space in the facility to display notices about the family council and the LTCO.
- Prohibits the facility from interfering with the formation, maintenance, or promotion of a family council, or from discriminating or retaliating against residents based on participation in the family council.
- Allows DHS to impose a civil penalty for violations of the act's provisions.

REVENUE: *May have revenue impact, but no statement yet issued.*

FISCAL: *May have fiscal impact, but no statement yet issued.*

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Residential care facilities provide individuals with supervision and assistance with daily activities such as bath, dressing, and eating in a residential setting. These facilities serve older adults and individuals with disabilities in a community-based setting and are licensed by the Oregon Department of Human Services (ODHS). Facilities that provide care for residents with Alzheimer's disease or other forms of dementia must obtain a memory care

endorsement on its license or registration ([ORS 443.886](#)).

[ORS 441.403](#) establishes the [Office of the Long-Term Care Ombudsman](#) (LTCO) and states that the LTCO functions independently from any other state agency. The LTCO investigates and resolves complaints made by or for residents of long-term care facilities. [ORS 443.445](#) requires residential care facilities to provide new residents with information describing the availability and services of the LTCO.