

## **SB 1065 -1 STAFF MEASURE SUMMARY**

### **Senate Committee On Human Services**

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**Meeting Dates:** 3/11, 4/3

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#### **WHAT THE MEASURE DOES:**

The measure establishes the Center for Decision-Making Supports in the Office of the Long Term Care Ombudsman (LTCO) and charges the center with coordinating services and information for supported decision-making and other alternatives to guardianship for individuals with disabilities.

#### Detailed Summary:

- Defines "supported decision-making" as an individualized process of supporting and accommodating an adult who has a disability to make life decisions without impeding the person's self-determination.
- Establishes the Center for Decision-Making Supports in the office of the LTCO.
- Describes the primary functions of the center as follows:
  - To develop a system to provide information regarding guardianship, supported decision-making, and other alternatives;
  - To serve as a one-stop educational resource for families of adults or children with disabilities;
  - To provide referrals to organizations that can provide assistance; and
  - To enhance cross-agency collaboration on guardianship issues.
- Requires the center to inform the public about the services, including publishing information online.
- Authorizes LTCO to adopt rules necessary for implementation.

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

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

#### **ISSUES DISCUSSED:**

- Population of individuals intended to be served
- Provisions of amendments
- Role of a supporter in a supported decision-making process
- Role of the center in providing information, technical assistance, and referrals

#### **EFFECT OF AMENDMENT:**

-1 Clarifies that an individual's supporter is not a decision maker and does not have authority to make decisions on an individual's behalf.

*REVENUE: No revenue impact*

*FISCAL: Fiscal impact issued*

#### **BACKGROUND:**

[Supported decision-making](#) is a method of providing assistance to people with disabilities that enables them to make decisions about their own lives, rather than allowing others to make decisions on their behalf. By contrast, more restrictive forms of decision-making, such as a health care representative, guardian, power of attorney, or conservatorship, are tools that significantly or completely curtail a person's ability to make decisions for themselves. Oregon law requires that a court find that a person is "incapacitated" ([ORS 125.005 et seq.](#)) or "incapable" ([ORS 127.505 et seq.](#)) before such restrictive forms of decision-making may take effect. Alternatives such as supported decision-making do not require such a finding and will allow a person to consult with trusted

individuals in their lives when making important decisions, such as those related to living arrangements, education, health care, and finances.

The [Office of the Long Term Care Ombudsman](#) is an independent state agency that houses three separate programs: the federally mandated [Long Term Care Ombudsman](#), which responds to complaints and advocates for the interests of residents of long term care facilities; the [Residential Facilities Ombudsman](#), which performs a similar role for residents of facilities serving individuals with intellectual or developmental disabilities or mental health conditions; and the [Oregon Public Guardian and Conservator](#), which serves as a court-appointed guardian of last resort for Oregonians who are found to be incapable of making decisions for themselves.