

## SB 228 A STAFF MEASURE SUMMARY

### House Committee On Early Childhood and Human Services

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**Meeting Dates:** 5/6, 5/13

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#### WHAT THE MEASURE DOES:

The measure establishes the right of a resident of a memory care facility to organize and participate in an independent family council. The measure specifies requirements for a facility if a council is formed and prohibits a facility from interfering in a council's formation.

#### Detailed Summary:

- Defines "independent family council" as a group of residents, family members, or legal representatives that meets privately, either in person or virtually.
- Establishes the right of a resident to organize and participate in resident groups at a residential facility with a memory care endorsement, including an independent family council.
- Requires a facility to:
  - provide a resident and their legal representative with information about the right to participate in an independent family council and information on any group which already exists at the facility;
  - provide the council with private meeting space;
  - inform residents, family members, and legal representatives about upcoming council meetings, if requested by the council;
  - allow the council to conduct private meetings without attendance from staff or visitors except by invitation;
  - designate a staff person to serve as liaison between the facility and the council; and
  - provide a timely response to, but not necessarily implement, requests and grievances submitted by the council.
- Requires all visitors, including family members and legal representatives of residents, to comply with any general facility policies and procedures that apply to visitors.
- Prohibits a council from overriding the rights of a resident.
- Prohibits a facility from:
  - discriminating or retaliating against a resident based on their participation in a council; and
  - willfully interfering with the formation, maintenance, or promotion of a council.

*REVENUE: No revenue impact.*

*FISCAL: Has minimal fiscal impact.*

*SENATE VOTE: Ayes, 27; Excused, 3.*

#### ISSUES DISCUSSED:

- Membership on the independent family council
- Ability of the council to provide consistency for residents
- Mechanisms to ensure facilities do not interfere with council

#### EFFECT OF AMENDMENT:

No amendment.

#### BACKGROUND:

Residential care facilities provide individuals with supervision and assistance with daily activities such as bathing, dressing, and eating in a residential setting. These facilities serve older adults and individuals with disabilities in a

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*This summary has not been adopted or officially endorsed by action of the committee.*

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 an additional memory care endorsement on its license or registration ([ORS 443.886](#)). In 1987, the federal Nursing Home Reform Act required nursing facilities to allow residents and family members to organize and participate in resident groups in the facility ([42 U.S.C. §1396r \(c\)\(1\)\(vii\)](#)). Independent family councils are groups made up of family members of residents who come together to represent the interests and concerns of those residents. These councils typically function independently from the facility’s administration.

PRELIMINARY