

# A-Engrossed Senate Bill 228

Ordered by the Senate April 7  
Including Senate Amendments dated April 7

Sponsored by Senators MANNING JR, PATTERSON, Representative SMITH G; Senators GELSER BLOUIN, WEBER, Representatives GOMBERG, HUDSON, LIVELY, NOSSE (at the request of Jewel Nelson, Judith Smith) (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act creates a right to form family councils at certain long term care facilities. (Flesch Readability Score: 67.5).

Establishes the right of a resident of a residential care facility to [*the formation of a*] **organize and participate in resident groups, including an independent** family council. Prohibits a residential care facility from willfully interfering with the formation, maintenance or promotion of [*a*] **an independent** family council or discriminating or retaliating against a resident based on [*a family member's or representative's participation in a family council*] **the participation of the resident or the resident's family member or legal representative in an independent family council.**  
[*Imposes civil penalties, not to exceed \$500 per day of violation.*]

## A BILL FOR AN ACT

1  
2 Relating to family councils in residential care facilities.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Facility"** means a facility with a memory care endorsement under ORS 443.886.

6 (b) **"Independent family council"** means a group of residents, family members of residents  
7 or legal representatives of residents that meets privately, either in person or virtually.

8 (c) **"Resident"** means an individual residing in a facility.

9 (2) **A resident has the right to organize and participate in resident groups in a facility,**  
10 **including an independent family council.**

11 (3) **At the time that a resident is admitted to a facility, the facility shall provide to the**  
12 **resident and the resident's legal representative:**

13 (a) **Written notice of the resident's right to organize and participate in resident groups**  
14 **in the facility, including an independent family council; and**

15 (b) **Information about how to contact and participate in any independent family council**  
16 **that has already been formed at the facility.**

17 (4) **When an independent family council has been formed at a facility:**

18 (a) **The facility shall provide adequate space in the entry area of the facility for the in-**  
19 **dependent family council to display information about the independent family council.**

20 (b) **The facility shall provide space within the facility for the independent family council**  
21 **to meet during mutually agreed-upon times. The space must reasonably allow for privacy.**

22 (c) **If requested by the independent family council, the facility shall take reasonable steps**  
23 **to make residents and family members and legal representatives of residents aware, in a**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **timely manner, of upcoming meetings of the independent family council.**

2 **(d) Staff and visitors may attend independent family council meetings only at the invita-**  
3 **tion of the independent family council. All visitors, including family members and legal**  
4 **representatives of residents, must comply with any general facility policies and procedures**  
5 **that apply to visitors, such as sign-in and sign-out policies and nondiscrimination and anti-**  
6 **harassment policies.**

7 **(e) The facility shall designate a staff person to be responsible for responding to, or co-**  
8 **ordinating a response to, any written requests or grievances that result from the independ-**  
9 **ent family council.**

10 **(f) The facility shall respond in a timely manner to any requests or grievances submitted**  
11 **by the independent family council concerning issues of resident care or life in the facility.**  
12 **The facility is not required to implement any requests submitted by the independent family**  
13 **council but shall, upon request, provide a response that describes the facility's rationale for**  
14 **its decision.**

15 **(5) An independent family council may not override the rights of a resident.**

16 **(6) A facility may not:**

17 **(a) Discriminate or retaliate against a resident based on the participation of the resident**  
18 **or the resident's family member or legal representative in an independent family council.**

19 **(b) Willfully interfere with the formation, maintenance or promotion of an independent**  
20 **family council.**

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