



Oregon

Tina Kotek, Governor

February 3, 2025

Re: SB 794 Expansion of Oregon Public Guardian authority to provide more types of services

To the Senate Committee on Human Services:

As members of the Oregon Residential Ombudsman Public Guardian Advisory Board, we are writing in strong support of SB 794 – Expansion of the Oregon Public Guardian’s authority to provide additional types of services. We oversee and advocate on behalf of the Long-Term Care Ombudsman, the Residential Facilities Ombudsman (RFO) and the Oregon Public Guardian (OPG). Together we represent decades of experience in geriatrics, palliative care, mental health care, brain injury, long-term care, elder law, and as caregivers ourselves.

SB 794 would expand the authority of the Oregon Public Guardian to provide additional less restrictive decision-making support to highly vulnerable adults, including many voluntary services that individuals could select for themselves. Under current statutes, OPG only has the legal authority to serve as a court-appointed guardian or conservator. With the passage of this bill, OPG could serve as health care representative, voluntarily appointed by a person in an advance directive; as an attorney-in-fact voluntarily appointed by a person for mental health treatment; as a health care advocate appointed by a person’s Individual Service Provider team; as a supporter voluntarily appointed by a person in a supported decision making agreement; as a power of attorney for finances voluntarily appointed by a person; and as a representative payee appointed by any income source.

The passage of this bill would provide OPG with far more tools to help highly vulnerable adults instead of the current single tool – guardianship – which involves taking the person’s right to make their own decisions away from them and is the most restrictive form of decision-making support. This bill would provide highly vulnerable adults who want help and know they need assistance with these types of supports the ability to voluntarily sign up to get such assistance from OPG. Further, current OPG guardianship clients that are doing well but still need some assistance could have their rights restored but still continue to receive OPG assistance under a voluntary agreement.

The Residential Ombudsman & Public Guardian Advisory Board monitors the agency, the Office of the Long-Term Care Ombudsman and advises the Governor and Legislature pursuant to ORS 441.416-418. Seven members are appointed by the Governor and four by the Legislative Leadership.

Residential Ombudsman & Public Guardian Advisory Board

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Senate Committee on Human Services

February 3, 2025

Page 2

Individuals served under these less restrictive alternatives will be served more efficiently as they will not require the extensive legal process required to establish guardianship. In addition, some individuals will require less frequent contacts as they will decide how often they to be seen and receive guidance by OPG.

The ROPGAB Board members urge you to support SB 794 and are available to provide additional information or testimony. Thank you for consideration.

Sincerely,



Mark Williams
ROPGAB Board Chair