

Greetings Chair Gelser-Blouin, Vice Chair Linthicum, and members of the Committee.

Thank you for your dedication to the most needy in our beloved State of Oregon. I write in a spirit of contribution, and not criticism, and as the daughter and Power-of-Attorney for my 89 year old father with dementia residing in a memory care facility. My professional background is that of a recently retired partner in a CPA firm specializing in auditing non-profits expending federal funds. I have been an advocate for seniors in a variety of programs and activities throughout my life.

I'm currently neutral on SB 134 – I support the broad concept of the bill, but have a couple of concerns to share with you that I hope can be addressed in future tweaks and amendments as Fred Steele mentioned during the hearing March 4<sup>th</sup>, 2025.

My concerns center around privacy safeguards for residents under a Power of Attorney, and roommate issues. There 3 provisions in the current drafted bill I hope can be clarified/tweaked as the bill progresses, but before I go through those, I'd like you to know what happened with my father for context.

My papa entered memory care in June 2022 with his long-term partner. His partner's family decided to put a camera in their shared studio apartment. Nobody asked my father how he felt about that. I found out when I went to visit my dad, and saw a sign on the door noting the premises were being recorded. When my family realized what the camera was potentially viewing, we had a meeting and decided the camera should be removed, and asked his partner's family to take it down, which they did.

My father was capable of giving or withholding informed consent on this matter – his dementia does not block him from understanding what a camera does, what it could view placed where it was, and whether or not he would want family members to see him when he is in the privacy of his own home. But NOBODY ASKED HIM. I came away from this experience with a better understanding of how a family member's genuine and valid desire to help their loved one can actually trample on peoples rights as individuals, despite the best of intentions.

My top concern relates to the provision that allows a 14 day placement in specified circumstances without obtaining a consent form from the resident or resident's roommate (ie section 3.6). I'm concerned there is no mention of a roommate's safeguards in this section, and that the specified circumstances are somewhat vague and not necessarily an emergency situation. The Minnesota legislation this bill used as a starting point has clear requirements for when the 14 day no-notice period can occur – there has to be a notification to the Ombudsman, and there must be either a filed Abuse report or Police report. The Oregon draft bill contains none of these things – just vague comments about suspected maltreatment of the resident, fear of retaliation, facility lack of timely response to a concern about health, safety, or welfare. I

believe to short circuit a resident's right to notification and consent to a camera placement, there should be a 3<sup>rd</sup> party reported serious emergency situation in play. Additionally, neither Minnesota or Oregon has consideration for a roommate's rights in this situation – the bill is silent on this, and should address it despite the fact Minnesota did not. A roommate should not be subjected to a camera without consent solely because their roommate may have had slow communication with management about a concern.

Concern 2 – relates to a consent form election to turn off the camera in certain circumstances (ie section 3.5c). The resident's POA may be completing the consent form, which under the drafted bill, would have elections for when the camera may be turned off. Such elections include during a visit from an attorney, Ombudsman, spiritual advisor, intimate partner. It's unclear to me if the failure of a resident's POA to complete this section of the form would result in an inability of such visitors to hold a private, legally privileged meeting with a resident. Additionally, if the camera notification is only at the entrance to the facility, how is such a visitor forewarned that the individual resident room has a camera? Do such visitors not have a right to be asked if their meeting will be recorded? And finally, how does a non-customary visitor know where the camera is, and how to turn it off?

Concern 3 – relating to residents lacking the ability to give informed consent (ie section 3.3b). It's not clear from the language that the POA is required to discuss this with the resident, and to ask permission to place a camera. As noted above, memory care residents have a wide range of cognitive ability, and some are capable of giving informed consent in this matter. They should be directly asked, and possibly in front of a third party.

Again, I support the broad concept of the bill. I hope to see some clarifications and tweaks added in for the above concerns.

Thank you again for your service – I appreciate you.

Kris Oliveira