

HOUSE AMENDMENTS TO RESOLVE CONFLICTS TO B-ENGROSSED SENATE BILL 58

By COMMITTEE ON HUMAN SERVICES AND HOUSING

May 31

1 On page 1 of the printed B-engrossed bill, line 4, after “476.030;” insert “repealing section 10,
2 chapter ___, Oregon Laws 2017 (Enrolled Senate Bill 57);”.

3 On page 8, after line 21, insert:

4 **“SECTION 12a. If Senate Bill 57 becomes law, section 10, chapter ___, Oregon Laws 2017**
5 **(Enrolled Senate Bill 57) (amending ORS 441.406), is repealed and ORS 441.406, as amended**
6 **by section 12 of this 2017 Act, is amended to read:**

7 “441.406. (1) The Long Term Care Ombudsman shall carry out the following duties:

8 “(a) Investigate and resolve complaints made by or for residents of long term care facilities
9 about administrative actions that may adversely affect their health, safety, welfare or rights, in-
10 cluding subpoenaing any person to appear, to give sworn testimony or to produce documentary or
11 other evidence that is reasonably material to any matter under investigation.

12 “(b) Undertake, participate in or cooperate with persons and agencies in such conferences, in-
13 quiries, meetings or studies as may lead to improvements in the functioning of long term care fa-
14 cilities.

15 “(c) Monitor the development and implementation of federal, state and local laws, regulations
16 and policies that relate to long term care facilities in this state.

17 “(d) Provide information to public agencies about the problems of residents of long term care
18 facilities.

19 “(e) Work closely with cooperative associations and citizen groups in this state and the state
20 protection and advocacy system under ORS 192.517.

21 “(f) Widely publicize the Long Term Care Ombudsman’s services, purpose and mode of operation.

22 “(g) Collaborate with the Oregon Health Authority, the Department of Human Services, the
23 Nursing Home Administrators Board and any other appropriate agencies and organizations to es-
24 tablish a statewide system to collect and analyze information on complaints and conditions in long
25 term care facilities for the purpose of publicizing improvements and resolving significant problems.

26 “(h) Contract with the state protection and advocacy system described in ORS 192.517 (1) to
27 provide services and assistance to persons who are prospective or current residents of a mental
28 health treatment facility or of a residential facility for individuals with developmental disabilities
29 when the system has received a notice regarding the person pursuant to ORS 125.060 (7)(c) or (8)(c).

30 “(i) Appoint designees to serve as local representatives of the office of the Long Term Care
31 Ombudsman in various districts of the state and regularly monitor their functions.

32 “(j) Specify qualifications and duties of designees.

33 “(k) Adopt rules necessary for carrying out ORS 441.402 to 441.414, after consultation with the
34 Residential Ombudsman and Public Guardianship Advisory Board.

35 “(L) Provide periodically, or at least annually, a report to the Governor, authority, department

1 and Legislative Assembly.

2 “(m) Prepare necessary reports with the assistance of the authority and the department.

3 “(n) [*Supervise, monitor,*] Advise and support the Oregon Public Guardian and Conservator ap-
4 pointed under ORS 125.678 [*and*].

5 “(o) **Supervise, monitor, advise and support** the Residential Facilities Ombudsman appointed
6 under section 2 of this 2017 Act.

7 “(2) At least quarterly, the Department of Human Services shall provide the Long Term Care
8 Ombudsman with a list of the number of licensed or certified beds in each long term care facility
9 for which the ombudsman has responsibilities under this section.

10 “**SECTION 12b. The amendments to ORS 441.406 by section 12a of this 2017 Act become**
11 **operative on January 1, 2018.**”
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