

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

HOUSE COMMITTEE ON HUMAN RESOURCES

January 28, 1991 Hearing Room D 1:30 p.m. Tapes 11 - 12

MEMBERS PRESENT: Rep. Mary Alice Ford, Chair Rep. Beverly Stein, Vice-Chair Rep. Jerry Barnes Rep. Cedric Hayden Rep. John Meek Rep. Hedy Rijken Rep. Jackie Taylor

STAFF PRESENT: Melanie Zermer, Committee Administrator Pamela Berger, Committee Assistant

WITNESSES: Meredith Cote, Long Term Care Ombudsman Susan Dieche, Senior and Disabled Services Division Terry Rogers, Legal Aid Dan Barker, Mental Health Division Bob Van Houte, United Seniors Cecil Posey, Citizen Winnie Erwin, Ombudsman Facilitator

MEASURES CONSIDERED: HB 2053 - Residential Treatment Homes - Wrk HB 2057 - Interpreters for Disabled - Wrk HB 2222 - Low Income - Wrk HB 2398 - Child Abuse, Fingerprint - Wrk HB 2399 - Child Abuse, Assessment Centers - Wrk INFORMATIONAL: Long Term Care Ombudsman Overview Senior and Disabled Services Division Overview

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE 11, SIDE A

010 CHAIR FORD: Calls the meeting to order at 1:32 p.m.

WORK SESSION

INTRODUCTION OF LC DRAFTS

MELANIE ZERMER, COMMITTEE ADMINISTRATOR: Submits and explains LC 199 6 (EXHIBIT A), LC 2024 (EXHIBIT B), and LC 2533 (EXHIBIT C).

MOTION: REPRESENTATIVE STEIN MOVES LC 2533 TO BE INTRODUCED AS A COMMITTEE BILL.

VOTE: THERE BEING NO OBJECTIONS, THE MOTION PASSES.

MOTION: REPRESENTATIVE STEIN MOVES LC 2024 TO BE INTRODUCED AS A COMMITTEE BILL.

VOTE: THERE BEING NO OBJECTIONS, THE MOTION PASSES.

MOTION: REPRESENTATIVE MEEK MOVES LC 1996 TO BE INTRODUCED AS A COMMITTEE BILL.

VOTE: THE MOTION PASSES 6-1. REPRESENTATIVE STEIN, REPRESENTATIVE BARNES, REPRESENTATIVE MEEK, REPRESENTATIVE RIJKEN, REPRESENTATIVE TAYLOR, AND CHAIR FORD VOTE AYE. REPRESENTATIVE HAYDEN VOTES NAY.

062 ZERMER: Briefs members on HB 2057, HB 2398, and HB 2399

MOTION: REPRESENTATIVE MEEK MOVES TO RE-REFER HB 2057, HB 2398, AND HB 2399 TO THE HOUSE JUDICIARY COMMITTEE.

VOTE: THE MOTION PASSES UNANIMOUSLY.

123 ZERMER: Briefs members on HB 2222.

MOTION: REPRESENTATIVE BARNES MOVES TO RE-REFER HB 222 2 TO THE HOUSE COMMITTEE ON BUSINESS AND CONSUMER AFFAIRS.

VOTE: THE MOTION PASSES UNANIMOUSLY.

HB 2053

ZERMER: Submits and explains HB 2053-1 proposed amendments from the Department of Human Resources (EXHIBIT D) and a hand-engrossed version of the proposed

amendments (EXHIBIT E). - In response to REPRESENTATIVE HAYDEN, summarizes legislative history on HB 205 3 and refers to SB 610 (1987). - It is my understanding that based on legislative history and Section 1 in HB 2053, Section 3 is incompatible.

246 DAN BARKER, MENTAL HEALTH DIVISION, SUSAN DIECHE, SENIOR AND DISABLED SERVICES DIVISION, TERRY ROGERS, LEGAL AID: Introduce themselves.

259 REPRESENTATIVE HAYDEN: Please explain if there is an incompatibility with existing law and HB 2053.

BARKER: In the past, we have operated as if we had legislative authority to license, approve, and monitor facilities with less than six beds. - Repealing Section 3 removes an inconsistency with our licensing obligation.

325 DIECHE: We do license homes with five or less beds under the adult foster care licensing law passed in 1985 or 1987. - We are concerned about Section 3 because we thought it might lead people into believing that if they operated a facility, and met the criteria, that we must provide a waiver to the license. - We opted to remove Section 3 from HB 2053 or change the word "shall" on line 29 to "may" when this bill was being drafted.

REPRESENTATIVE HAYDEN: I would support this bill if "shall" be replaced with "may" and that legal language were restored.

BARKER: Has no problem with that.

363 ROGERS: There is a direct conflict with ORS 443.725. If "shall" were replaced with "may" then some criteria will need to be added so that the people in the adult foster care home area know when a license may be waived. I don't know why Section 3 is needed and I feel this bill needs further work if "shall" is changed to "may".

CHAIR FORD: We will hold HB 2053 over until we get further clarification from Legislative Counsel.

TAPE 12, SIDE A

INFORMATIONAL HEARING

010 MEREDITH COTE, DIRECTOR, OFFICE OF THE LONG TERM CARE OMBUDSMAN: Submits and summarizes written testimony describing the Office of the Long Term Care Ombudsman (EXHIBIT F). - Describes Mission Statement. - Gives an overview of the primary duties of the Office of the Long Term Care Ombudsman. - Describes budget (See: page 3, Exhibit F). 095 - The administration portion of our budget includes our entire office - nine positions, travel, supplies, etc.

CHAIR FORD: What does your staff do out in the field?

COTE: They go to the facility to work out complaints; similar to case workers. And they also work in a parallel function with the volunteers.

117 REPRESENTATIVE BARNES: Do the ombudsmen have clout?

COTE: Local volunteers hear concerns and they will attempt to resolve problem on the spot with person in charge. If a facility is unresponsive then the ombudsman will work with a field officer to build a case (See: page 7, Exhibit F). 155 - Discusses travel and training costs.

212 CHAIR FORD: Why is your program required to take a 48% budget cut?

COTE: Our funding comes from the Senior and Disabled Services Division. The governor's transition team indicated the decision was to withdraw all medicaid money, with the accompanying general fund money, in order to buy back case management services for some of the nursing home residents under SDDS's budget. It is estimated that 224 nursing home residents could be case managed for that money. 252 - Discusses prioritizing complaint responses in view of the cuts. 365 - Describes unique services provided by the Ombudsman Program (See: Page 9, Exhibit F).

TAPE 11, SIDE B

- Given the fact that there are budget cuts in the area of abuse investigation, which is the primary mandate of the Area Agencies on

Aging (AAA), I doubt they will be able to pick up the slack of the affected cuts in the ombudsmen program. - The Ombudsman program has a federal and state confidentiality mandate which is unique. We work on behalf of the resident at their request. There will be people who will not want to share their complaints with other involved entities. - If a person does not want their identity revealed, we have a pledge that we will still resolve the problem.

029 BOB VAN HOUTE, UNITED SENIORS: Responds to the budget cuts of the long term care ombudsman program. - Describes the creation of the ombudsman program. - Urges the committee not to make budget cuts to this program or it will not survive. - The people residing in the nursing homes will suffer from the cuts; there will be more abuse, more bed sores, etc. People come first. The people who will be adversely effected should have first claim on what resources and programs we have.

143 CECIL POSEY, CITIZEN: Responds to the budget cuts of the long term care

ombudsman program. - Recommends that legislature do their best to keep this program in tact otherwise the frail will not have anybody to look out for them.

- 50% of nursing home residents don't have relatives visit them; they are warehoused. - Oregon has developed this program which is unlike any other.

170 WINNIE ERWIN, OMBUDSMAN DISTRICT FACILITATOR, WASHINGTON COUNTY: Responds to the budget cuts of the long term care ombudsman program. - Describes common complaints. - The elderly have the right to decent care; often they may have to eat without their teeth because the care giver is too busy to put them in, many don't know how to apply for Medicaid or even know that they are eligible. - The cuts will result in the loss of volunteers. - The quarterly training for volunteers rejuvenated them. - This is one program that more is gotten than given out.

351 CHAIR FORD: Recesses the meeting at 2:55 p.m. to re-convene in Hearing Room A to meet with the Senate Human Resources Committee.

SENIOR AND DISABLED SERVICES DIVISION

The committee met jointly with the Senate Human Resources Committee to hear an overview of the Senior and Disabled Services Division budget.

Submitted by,

Reviewed by,

Pamela Berger

Melanie Zermer

EXHIBIT LOG: A - LC 1996 - Staff - 4 pp. B - LC 2024 - Staff - 4 pp. C - LC 2533 - Staff - 3 pp. D - HB 2053 proposed amendments - Staff - 1 p. E - HB 2053 hand-engrossed proposed amendments - Staff - 2 pp. F - Long Term Care Ombudsman Overview - Cote - 9 pp.