

w SENATE COMMITTEE ON HUMAN RESOURCES

Monday March 18, 1991 Hearing Room A 3:15 p.m. Tapes 42 -
43 MEMBERS PRESENT: Sen. Bill McCoy, Chair Sen. Cliff Trow,
Vice-Chair Sen. Shirley Gold Sen. Bill Kennemer Sen. Paul Phillips
VISITING MEMBERS: Sen. Jeannette Hamby, District 5 Sen. Bob
Shoemaker, District 3 STAFF PRESENT: Janice J. Fiegener, Committee
Administrator Mike Meriwether, Research Assistant Michael Sims,
Committee Assistant Andra Woodrum, Page MEASURES CONSIDERED: SB 549,
Relating to long-term foster care, PH SB s 509 and 510, "Bill of Rights"
for the mentally ill and developmentally disabled, PH

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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 42, SIDE A

004 CHAIR McCOY: Calls the meeting to order at 3:19 p.m.

(Tape 42, Side A) PUBLIC HEARING ON SENATE BILL 549
WITNESSES: Meredith Cote, State Long Term Care Ombudsman Grover
Simmons, Independent Adult Care Providers Association Dorothy Conner,
Provider Halden Ritz, Independent Adult Care Providers Association Mark
Nelson, Oregon Resident Care Providers Association Susan King, Oregon
Nurses Association Susan Dietsche, Senior and Disabled Services Division

017 MEREDITH COTE, STATE LONGTERM CARE OMBUDSMAN (EXHIBIT A): Speaks in
support of SB 549 and details Exhibit A.

045 SEN. KENNEMER: How many adult foster-care homes are licensed in
Oregon? Senate Committee on Human Resources March 18, 1991 - Page 2

046 COTE: There are 2800.

-Continues to detail Exhibit A.

092 SEN. KENNEMER: Questioned the return of monies for those people who
go to the hospital and do not return to their foster care home.

094 COTE: The Ombudsman Program normally intervenes to get the
reimbursement. There have been several circumstances where payment plans
have been arranged. . . -Continues to detail Exhibit A.

259 SEN. KENNEMER: What percentage are "good" homes? 267 COTE: In
the ombudsman program, we are in 10% of the homes at any given time. The
sampling is a very representative sampling because we go into a
cross-section of homes. 295 GROVER SIMMONS, INDEPENDENT ADULT CARE

PROVIDERS ASSOCIATION (EXHIBIT B): Speaks against SB 549 and details
Exhibit B. 326 SEN. TROW: In the existing legislation, would the
Senior Services Division, as they change administrative rules, have the
ability to make most of the changes by administrative rule?

332 SIMMONS: Yes. The rules regulate, control and govern the
industry, the system and the relationship between the industry and the
government. -Continues to detail Exhibit B.

TAPE 43, SIDE A

021 DOROTHY CONNER, ADVOCATE/PROVIDER, CLACKAMAS COUNTY (EXHIBIT C):

Speaks in opposition to SB 549. 111 HALDEN RITZ, BOARD MEMBER, INDEPENDENT ADULT CARE PROVIDERS ASSOCIATION; PROVIDER, CANBY (EXHIBIT D): Speaks in opposition to SB 549 and details Exhibit D. 287 MARK NELSON, OREGON RESIDENT CARE PROVIDERS ASSOCIATION: Speaks in opposition to SB 549. Their primary objection is the private right of action. The testimony we are hearing outlines the problems of adult foster care homes which are not being addresses. > The adult foster care system is a good system. If there are problems within the system, we need to bolster the resources to solve those problems within the agency. 400 SUSAN KING, OREGON NURSES ASSOCIATION (EXHIBIT E): Details Exhibit E.

TAPE 42, SIDE B

036 SUSAN DIETSCHKE, ASSISTANT ADMINISTRATOR, SENIOR AND DISABLED Senate Commitbe on Human Resources March 18, 1991 - Page 3

SERVICES DIVISION (EXHIBIT F): Details Exhibit F.

056 SEN. TROW: Have any of the adult foster care homes been unlicensed?

057 DIETSCHKE: Yes, many. We have a good system to do revocations, if we have the information.

094 SEN. TROW: Do you follow-up on a report of a nursing home if you are not)ified by the nursing home ombudsman?

097 DIETSCHKE: Policy is to follow-up.

112 SEN. KENNEMER: Feels the bill is punitive, legalistic and very institutional. Is the general nature of this not running contrary to the whole emphasis we have tried to create in foster home movement, which is a humane alternative for people to reside in a home-like environment that is safe?

126 DIETSCHKE: My preference would be to have no restraints. We have a provision for restraints that is very restrictive, and any violation of that is abuse by rule.

134 SEN. KENNEMER: This seems to go beyond the scope of the level of care which should be provided.

145 CHAIR McCOY: Closes hearing on SB 549.

(Tape 42 Side B) PUBLIC HEARING ON SENATE BILLS 509 AND 510
WITNESSES: Sen. Jeanette Hamby, District 5 Sen. Bob Shoemaker, District 3 Bud Breithaupt, Fairview Parents Association Peggy Mattox, Citizen Helen Ilg, Citizen Larry Spurlock, Oregon Consumers Network Inc. Allen Wood, Citizen Tony Matoza, Oregon Consumers Network Inc. John Bahrenfus, Citizen Susan Loeber, Oregon Consumers Network Inc. Mary Byrkit, Oregon Consumers Network Inc. Carol Laine, Oregon Alliance for the Mentally Ill Janet Martin, Oregon Consumers Network Inc. A.C. Leitherford, Citizen

149 SEN. JEANNETTE HAMBY, DISTRICT 5; CO-SPONSOR (EXHIBIT G): Details Exhibit G.

185 SEN. BOB SHOEMAKER, DISTRICT 3; CO-SPONSOR (EXHIBIT H): Details Exhibit H.

231 SEN. PHILLIPS: Don't you find it contradictory to put in a

private right of action? If it is the Senate Committee on Human Resources
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government's responsibility to protect we should be taking that action
and make the government agencies forceful rather than having a private
right of action that might further clog the court system.

240 SEN. SHOEMAKER: Private rights of action actually save the public
money. It provides a vehicle for private citizens to enforce their own
rights.

286 SEN. PHILLIPS: If we pass laws as legislators and expect them to be
enforced, perhaps we should give agencies the ability to perform, or not
pass the laws. The solution is not to hold one agency's feet to the fire
and ask more from them, it is to create a private right of action. This
does not get to the root cause of the problem, which is the agency that
should be aggressively enforcing the law.

303 SEN. SHOEMAKER: I don't disagree that we need to do what we can
to have agencies enforce the law. We need to provide the resources. This
does not detract from the importance of giving society tools, and one of
those tools is private right of action. 322 SEN. TROW: Wouldn't the
problem be more than needing new laws or just good enforcement of the
existing laws? 323 SEN. SHOEMAKER: If that is true, then SB 510
becomes the important bill. This bill brings together and codifies
existing rights and provides mechanisms for enforcement of those rights.
369 BUD BREITHAUP, PRESIDENT, FAIRVIEW PARENTS ASSOCIATION (EXHIBIT
I): Speaks in favor of SB s 509 and 510, and details Exhibit I.

TAPE 43, SIDE B

035 PEGGY MATTOX, CITIZEN (EXHIBIT J): Speaks in support of SB s 509
and 510, and details Exhibit J. 103 HELEN ILG, CITIZEN: Son has been
the victim of abuse, robbed, beaten, intimidated and threatened by
others. He was the victim of sexual attack. > Urges the committee to
support SB 509 and 510. 166 LARRY SPURLOCK, PRESIDENT, OREGON
CONSUMERS NETWORKING. (EXHIBIT K): Speaks in favor of SB s 509 and 510,
and details Exhibit K. 181 ALLEN WOOD, CITIZEN (EXHIBIT L): Details
Exhibit L. 208 TONY MATOZA, BOARD MEMBER, OREGON CONSUMERS NETWORK
INC. (EXHIBIT M): Speaks in support of SB s 509 and 510, and details
Exhibit M. 219 JOHN BAHRENFUS, CITIZEN: Speaks in support of SB s 509
and 510, and details Exhibit N. 307 SUSAN LOEBER, BOARD MEMBER,
OREGON CONSUMERS NETWORK INC. (EXHIBIT O): Speaks in support of SB s 509
and 510, and details Exhibit O.

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320 MARY BYRKIT, EXECUTIVE COORDINATOR, OREGON CONSUMERS NETWORK INC.
(EXHIBIT P): Speaks in support of SB s 509 and 510, and details Exhibit
P.

334 CAROL LAINE, OREGON ALLIANCE FOR THE MENTALLY ILL (EXHIBIT Q):
Speaks in support of SB s 509 and 510, and details Exhibit Q.

TAPE 44, SIDE A

004 JANET MARTIN, SECRETARY, OREGON CONSUMERS NETWORK INC.: Explained personal experiences with mental institutions in Oregon.

051 A.C. LEITHERFORD, CITIZEN: As a patient at the Oregon State Hospital, we have no rights. We have to fight authority. 068 CHAIR McCLOY: Closes hearing on SB s 509 and 510.

-Adjourns meeting at 5:18 p.m.

Submitted by: Reviewed by:

Michael Sims Janice J. Fiegenger Assistant Committee Administrator

Prepared by:

Debbie Schieno

EXHIBIT LOG:

A - Testimony on SB 549 - Meredith Cote - 6 pages B - Testimony on SB 549 - Grover Simmons - 3 pages C - Testimony on SB 549 - Dorothy Conner - 1 page D - Testimony on SB 549 - Halden Ritz - 4 pages E - Testimony on SB 549 - Susan King - 2 pages F - Testimony on SB 549 - Susan Dietsche - 3 pages G - Testimony on SB s 509, 510 - Sen. Jeannette Hamby - 2 pages H - Testimony on SB s 509, 510 - Sen. Bob Shoemaker - 2 pages I - Testimony on SB s 509, 510 - Bud Breithaupt - 7 pages J - Testimony on SB s 509, 510 - Peggy Mattox - 2 pages K - Testimony on SB s 509, 510 - Larry Spurlock - 1 page

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