

SB 57 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 3/1

WHAT THE MEASURE DOES:

Updates provisions relating to Oregon Public Guardian and Conservator (OPGC). Requires courts appoint OPGC rather than deputy public guardian and conservator, as fiduciary. Modifies oversight role of Long Term Care Ombudsman as relates to OPGC. Provides additional guidance on needs assessment conducted by OPGC and requires nursing homes and agencies providing services to proposed protected person to provide information and records as necessary to conduct needs assessments. Allows OPGC to establish bank account on behalf of protected person for purposes of managing person's affairs. Specifies conflict of interest and professional fiduciary statutes do not apply to OPGC. Requires background check on all persons employed by, volunteering, or contracting with OPGC. Specifies process for background check and return, retention, or destruction of fingerprint cards. Establishes Oregon Public Guardian and Conservator Fund.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

BACKGROUND:

In 2014, Oregon established a statewide Office of the Public Guardian and Conservator within the Office of Long Term Care Ombudsman through Senate Bill 1553. Prior to passage of the measure, Oregon authorized counties to develop and fund public guardian programs. The Oregon Public Guardian and Conservator Program (OPGC) provides guardianship and conservatorship services to individuals who do not have appropriate family or friends to serve as guardians and who lack the resources to hire a professional guardian. To obtain services through the OPGC, a referral must be made and a screening process takes place to determine whether any less restrictive alternatives exist for assisting the proposed protected person, and then whether the OPGC is the only remaining guardianship option for the proposed protected person. Additionally, the OPGC has a prioritization structure for providing services, with top priority for individuals experiencing severe and current abuse or neglect, or self-neglect with life-threatening issues. Second priority is to individuals who are in danger of a recurrence of abuse, or to replace an abusive or exploitive fiduciary.

Senate Bill 57 modifies the operational statutes of the OPGC. The measure requires the Office, rather than an individual within the office, be named as a fiduciary. SB 57 modifies the oversight function of the Long Term Care Ombudsman, which currently acts to provide direction, supervision, and control, over the OPGC. In SB 57, the relationship changes to one of advice and support. Additionally, the measure allows the OPGC to set up bank accounts for protected person and to manage the moneys within those accounts on behalf of protected persons. SB 57 requires a background check on all employees, volunteers, or contractors of the OPGC.