

Enrolled Senate Bill 31

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CHAPTER

AN ACT

Relating to persons with disabilities.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section and section 2 of this 2019 Act, “highly vulnerable adult” means a person with a disability who is:

- (a) At least 18 years of age;
- (b) At imminent risk of serious harm; and
- (c) Unable to independently protect the person from the harm due to the effects of the person’s disability.

(2) The Oregon Public Guardian and Conservator appointed under ORS 125.678 may establish county or regional high-risk teams that may consist of, but not be limited to, the following:

- (a) The Oregon Public Guardian and Conservator.
- (b) The Department of Human Services or a designee of the Department of Human Services.
- (c) The Oregon Health Authority or a designee of the Oregon Health Authority.
- (d) Representatives of:
 - (A) Local hospitals.
 - (B) Local crisis response teams.
 - (C) Homeless services programs.
 - (D) Veterans’ services programs.
 - (E) Organizations designated by the Department of Human Services as area agencies on aging.
 - (F) Any other agency or nonprofit organization that provides services to highly vulnerable adults.

(3) The Oregon Public Guardian and Conservator may establish a statewide high-risk team that may consist of, but not be limited to, representatives of the following:

- (a) The Department of Human Services, including developmental disabilities programs and adult abuse prevention programs within the department.
- (b) The Oregon Health Authority.
- (c) The Oregon State Hospital.
- (d) The Department of Veterans’ Affairs.

(e) Any other statewide agency or program that has direct contact with highly vulnerable adults or that provides services addressing serious safety concerns of highly vulnerable adults.

(4) The Oregon Public Guardian and Conservator may delegate the responsibility to develop a high-risk team under this section to a designee or administrator who is or will be a member of the high-risk team pursuant to a written agreement.

(5) A high-risk team shall discuss situations where highly vulnerable adults are at risk of harm, or are currently experiencing harm, and identify the available options for addressing the safety risk, focusing on the least restrictive alternatives.

(6) Each high-risk team shall develop a written protocol establishing the purpose of the team, potential membership within each community and confidentiality procedures consistent with section 2 of this 2019 Act.

SECTION 2. (1) As used in this section, “personal representative” and “protected health information” have the meanings given those terms in ORS 192.556.

(2) All information and records acquired by a high-risk team established under section 1 of this 2019 Act in the exercise of its duties are confidential and may be disclosed only when necessary to carry out the purposes of the high-risk team.

(3) A member agency of a high-risk team or a member of a high-risk team may use or disclose protected health information without obtaining an authorization from a highly vulnerable adult or a personal representative of the highly vulnerable adult if the member agency believes in good faith that the use or disclosure is necessary to prevent or lessen a serious threat to the health or safety of any person or the public. A member agency may only disclose personal health information under this subsection to a person who is reasonably able to prevent or lessen the threat, including the target of the threat.

Passed by Senate March 21, 2019

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House April 30, 2019

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2019

Approved:

.....M.,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2019

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Bev Clarno, Secretary of State