

Senate Bill 493

Sponsored by Senator GELSER, Representative PILUSO (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes Oregon Human Rights Commission to safeguard dignity and basic human rights of individuals with intellectual or developmental disabilities.

Requires commission to establish by rule system for statewide regional advisory committees to provide commission with information regarding rights of individuals with intellectual or developmental disabilities.

Requires commission to review and make determinations regarding allegations of violation of rights of individual with intellectual or developmental disabilities.

A BILL FOR AN ACT

1
2 Relating to the Oregon Human Rights Commission; creating new provisions; and amending ORS
3 427.109.

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

5 **SECTION 1. Sections 2 and 3 of this 2019 Act are added to and made a part of ORS**
6 **chapter 427.**

7 **SECTION 2. (1) The Oregon Human Rights Commission is established within the De-**
8 **partment of Human Services. The commission consists of nine members appointed by the**
9 **Governor for not more than two consecutive three-year terms. The purpose of the commis-**
10 **sion is to safeguard the dignity and basic human rights of individuals with intellectual or**
11 **developmental disabilities and to ensure that the individuals have an independent choice with**
12 **respect to the services that an individual receives under ORS 427.115, 427.154 or 427.160.**

13 **(2) The Governor shall appoint the following members who shall be confirmed by the**
14 **Senate in the manner prescribed in ORS 171.562 and 171.565:**

15 **(a) One member who is an individual with intellectual or developmental disabilities and**
16 **who receives services under ORS 427.115, 427.154 or 427.160.**

17 **(b) One member who is a family member of an individual with intellectual or develop-**
18 **mental disabilities.**

19 **(c) One member who is a self-advocate for the rights of individuals with intellectual or**
20 **developmental disabilities or who represents an organization that promotes disability self-**
21 **advocacy.**

22 **(d) One member who is a representative from a disabilities advocacy organization.**

23 **(e) One member who is a representative of the office of the Long Term Care Ombudsman.**

24 **(f) One member who is a service provider as defined in ORS 427.101.**

25 **(g) One member from a nonprofit law firm that provides protection and advocacy for in-**
26 **dividuals with disabilities.**

27 **(h) One member who represents the Department of Human Services.**

28 **(i) One member who is an expert regarding behavioral intervention models that have**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 been approved by the Department of Human Services.

2 (3) In making appointments, the Governor shall solicit and consider recommendations
 3 from the Oregon Council on Developmental Disabilities and Disability Rights Oregon and
 4 shall make appointments in consideration of the different geographical regions of the state.

5 (4) The commission may appoint any medical, behavioral and educational professionals
 6 as the commission deems necessary to assist the commission in an advisory capacity only.

7 (5) A majority of the members of the commission constitutes a quorum for the trans-
 8 action of business.

9 (6) Official action by the commission requires the approval of a majority of the members
 10 of the commission.

11 (7) The commission shall elect one of its members to serve as chairperson.

12 (8) If there is a vacancy for any cause, the Governor shall make an appointment to be-
 13 come immediately effective.

14 (9) The commission shall meet at times and places specified by the call of the chairperson
 15 or of a majority of the members of the commission.

16 (10) The commission shall consult with the Oregon Council on Developmental Disabilities
 17 and the Oregon Self Advocacy Coalition to avoid duplicative information and redundant pro-
 18 cesses regarding efforts to safeguard the rights of individuals with intellectual or develop-
 19 mental disabilities.

20 (11) The commission may adopt any rules the commission considers necessary for the
 21 commission to carry out its duties under this section and ORS 427.109.

22 **SECTION 3.** The Oregon Human Rights Commission shall establish by rule a statewide
 23 regional advisory committee system. At a minimum, the system shall establish a process by
 24 which the regional advisory committees may conduct informational hearings regarding the
 25 violation of the rights of individuals with intellectual or developmental disabilities and relay
 26 the information received to the commission for the commission’s consideration in adopting
 27 rules.

28 **SECTION 4.** ORS 427.109 is amended to read:

29 427.109. *[The Department of Human Services shall promote dispute resolution procedures for per-*
 30 *sons receiving developmental disability services from the department, including but not limited to*
 31 *grievance procedures, contested case hearings and mediation. An individual who files a grievance may*
 32 *also use other dispute resolution procedures.]*

33 (1) The Oregon Human Rights Commission, established under section 2 of this 2019 Act,
 34 shall, in the manner prescribed in ORS chapter 183 for contested cases, review and make
 35 determinations regarding allegations of a violation of the rights afforded to an individual
 36 under ORS 427.107. The decisions by the by the commission shall be final and are not subject
 37 to appeal.

38 (2) Commission members and staff may not make any public comment or publicly disclose
 39 any materials that relate to the personally identifiable information of an individual who
 40 brings an alleged a violation or who appear before the commission under subsection (1) of
 41 this section.