

NO NEGLECT

New Oregon legislation aims to protect elderly from abuse

A new law in Oregon takes great steps for protecting the elderly from abuse and mismanagement in the state's 530-some licensed care facilities.

House Bill 3359, signed by Gov. Kate Brown in August, increases civil penalties for elder abuse by 400 to 500 percent. It also institutes a fine, capped at \$1,000, for facilities that fail to report their own abuses.

Eugene Weekly reported in May that facilities had little incentive to fix systemic problems that led to neglect and abuse because the existing fines were lower than the costs of fixing the problems ("System of Neglect," May 4).

Under the previous statutes, civil penalties for all but the most egregious abuse and neglect cases in Oregon were capped at \$500.

Lee Bliven is a local ombudsman — a volunteer who advocates for patients in long-term care facilities — and an advocate for the elderly who fought the neglect of his wife by a local facility earlier this year. "Most care facilities are receiving a minimum of \$5,000 up to, at the high end, about \$12,000" a month per resident, Bliven says, so a \$500 fine for neglect has little effect.

Increasing civil penalties for neglect in long-term care facilities will push them to adhere to guidelines, according to Bliven and other stakeholders.

The new statutes, which go into effect on Jan. 1,

clarify a set of guidelines for determining the severity of a violation, splitting violations into four levels. The highest-level violation has a civil penalty of no less than \$1,500 per violation, not to exceed \$2,500 per violation. The legislation also establishes guidelines for assessing severity that include not only the kind of harm or potential for harm, but increase the severity if the violation is part of a pattern within the facility.

The law also includes a new civil penalty of up to

surveyors, and language that shows "the intent to create a licensing structure for administrators."

Three legislators led the discussion around this bill, Steele says: Speaker Tina Kotek, Rep. Caddy McKeown and Rep. Alissa Keny-Guyer.

Steele adds that the legislators involved in the process were aware of the *EW* article about the civil penalties and it helped them understand the needed changes.

Steele says the increase in civil penalties is a key aspect of this legislation because "it's a lot cheaper to pay a \$500 fine rather than pay for full staffing for that facility." Now, he says, "You can and will be fined to a degree that would be equivalent to those staffing wages that should have been going to an additional staffing person."

Rep. Sara Gelser of Corvallis, who also worked on the bill, was pleased with the level of collaboration. She says the Oregon Healthcare Association, which represents care facilities, came to the table and was willing to discuss the issues. "You

really want to protect the client and you want the state to be a very strong consumer protection agency," she says.

Steele asks that those interested in helping the vulnerable population in retirement facilities consider becoming certified volunteer ombudsmen. "We ask for them to at least be assigned to one facility, to go at least weekly," he says.

Ombudsmen help with reporting abuse and can be an ally for residents in facilities who may not know who else to turn to. "By our estimation we need about nine more volunteers to fully serve the communities in Lane County," he says, adding that there is a training planned in Eugene for January. ■

Learn more about volunteering at oregon.gov/LTCO.



GOV. KATE BROWN SIGNS A BILL INCREASING CIVIL PENALTIES FOR ELDER ABUSE

\$1,000 for failure to report abuse to the Department of Human Services (DHS). Bliven says he hopes to see this penalty increased and used frequently. "It needs to be a high enough penalty that if they're caught, they regret it," he says. "By not self-reporting, it's going to lead to more abuse."

Fred Steele, the state's long-term care ombudsman, says the legislation "looks at improving quality of life and quality of care for those residents." He calls this bill "the most comprehensive piece of legislation related to these communities ever in Oregon."

Steele highlights sections in the bill that require more dementia-related training for those in memory care units, higher licensing fees to increase funding for DHS

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