

DRAFT

SUMMARY

Authorizes county governing body to establish multidisciplinary elderly or vulnerable person fatality review team to assist local organizations and agencies in identifying and reviewing fatalities involving abuse or neglect of elderly or vulnerable persons.

Authorizes Department of Human Services to form statewide interdisciplinary team to review elderly or vulnerable person fatality cases, identify trends, make recommendations to multidisciplinary elderly or vulnerable person fatality review teams and conduct reviews in cases involving multiple jurisdictions or when county does not have multidisciplinary elderly or vulnerable person fatality review team.

A BILL FOR AN ACT

Relating to vulnerable person fatality review teams.

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

SECTION 1. As used in sections 1 to 3 of this 2016 Act:

(1) “Elderly or vulnerable person” means:

(a) A person 65 years of age or older;

(b) A financially incapable person;

(c) An incapacitated person; or

(d) A person with a disability who is susceptible to force, threat, duress, coercion, persuasion or physical or emotional injury because of the person’s physical or mental impairment.

(2) “Financially incapable” has the meaning given that term in ORS 125.005.

(3) “Incapacitated” has the meaning given that term in ORS 125.005.

(4) “Neglect” means self-neglect or failure to provide basic care or

1 services that are necessary to maintain the health or safety of an el-
2 derly or vulnerable person.

3 (5) "Person with a disability" means a person with a physical or
4 mental impairment that:

5 (a) Is likely to continue without substantial improvement for no
6 fewer than 12 months or to result in death; and

7 (b) Prevents performance of substantially all the ordinary duties
8 of occupations in which an individual not having the physical or
9 mental impairment is capable of engaging, having due regard to the
10 training, experience and circumstances of the person with the physical
11 or mental impairment.

12 SECTION 2. (1) A governing body of a county may establish a
13 multidisciplinary elderly or vulnerable person fatality review team to
14 assist local organizations and agencies in identifying and reviewing
15 fatalities involving the abuse or neglect of an elderly or vulnerable
16 person.

17 (2) The purpose of an elderly or vulnerable person fatality review
18 team is to review fatalities involving the abuse or neglect of elderly
19 or vulnerable persons and to make recommendations to prevent such
20 fatalities by:

21 (a) Improving communication between public and private organiza-
22 tions and agencies;

23 (b) Determining the number of elderly or vulnerable person
24 fatalities occurring in the team's county and the factors associated
25 with those fatalities;

26 (c) Identifying ways in which community response might have in-
27 tervened to prevent a fatality;

28 (d) Providing accurate information about elderly or vulnerable per-
29 son abuse or neglect to the community; and

30 (e) Generating recommendations for improving community re-
31 sponse to and prevention of elderly or vulnerable person abuse or

1 **neglect and fatalities.**

2 **(3) An elderly or vulnerable person fatality review team shall in-**
3 **clude but is not limited to the following members, if available:**

4 **(a) Elderly or vulnerable person program service staff or other ad-**
5 **vocates for elderly or vulnerable persons;**

6 **(b) Medical personnel with expertise in the field of abuse or neglect**
7 **of elderly or vulnerable persons;**

8 **(c) Local health department staff;**

9 **(d) The local district attorney or the district attorney's designees;**

10 **(e) Law enforcement personnel;**

11 **(f) Civil legal services attorneys;**

12 **(g) Protective services workers;**

13 **(h) Community corrections professionals;**

14 **(i) Judges, court administrators or their representatives;**

15 **(j) Perpetrator treatment providers;**

16 **(k) A survivor of elderly or vulnerable person abuse or neglect; and**

17 **(L) Medical examiners or other experts in the field of forensic**
18 **pathology.**

19 **(4) Other individuals may, with the unanimous consent of an elderly**
20 **or vulnerable person fatality review team, be included in the team on**
21 **an ad hoc basis.**

22 **(5) Upon formation and before reviewing its first case, an elderly**
23 **or vulnerable person fatality review team shall adopt a written proto-**
24 **col for review of fatalities involving the abuse or neglect of an elderly**
25 **or vulnerable person. The protocol must be designed to facilitate**
26 **communication among organizations and agencies involved in elderly**
27 **or vulnerable person abuse or neglect cases. The protocol must have**
28 **as one of its goals the identification and prevention of incidents of**
29 **elderly or vulnerable person fatalities. The protocol must define pro-**
30 **cedures for case review and preservation of confidentiality, and must**
31 **identify team members.**

(6) Consistent with recommendations provided by the statewide interdisciplinary team under section 3 of this 2016 Act, an elderly or vulnerable person fatality review team shall provide the statewide interdisciplinary team with information regarding elderly and vulnerable person fatalities.

(7) To ensure consistent and uniform results, elderly or vulnerable person fatality review teams may collect and summarize data to show the statistical occurrence of elderly or vulnerable person fatalities in the team's county.

(8) An elderly or vulnerable person fatality review team shall have access to and subpoena power to obtain all medical records, hospital records and records maintained by any state, county or local agency, including, but not limited to, police investigative data, coroner or medical examiner investigative data and social services records, as necessary to complete an elderly or vulnerable person fatality review.

(9) Each organization or agency represented on an elderly or vulnerable person fatality review team may share with other members of the team information concerning the victim who is the subject of the review. Any information shared between team members is confidential.

(10) An individual who is a member of an organization or agency that is represented on an elderly or vulnerable person fatality review team is not required to disclose information. The intent of this section and section 3 of this 2016 Act is to allow the voluntary disclosure of information.

(11) An oral or written communication or a document related to an elderly or vulnerable person fatality review that is shared within or produced by an elderly or vulnerable person fatality review team, and all information and records acquired by the team in the exercise of its duties, are confidential, not subject to disclosure and not discoverable by a third party. An oral or written communication or a document

provided by a third party to a team is confidential, not subject to disclosure and not discoverable by a third party. All information and records acquired by a team in the exercise of its duties are confidential and may be disclosed only as necessary to carry out the purposes of the fatality review. However, recommendations of a team upon the completion of a review may be disclosed without personal identifiers at the discretion of two-thirds of the members of the team.

(12) Notwithstanding subsection (11) of this section, information, documents and records otherwise available from other sources are not immune from discovery or introduction into evidence solely because the information, documents or records were presented to or reviewed by an elderly or vulnerable person fatality review team.

(13) ORS 192.610 to 192.690 do not apply to meetings of an elderly or vulnerable person fatality review team.

(14) Each elderly or vulnerable person fatality review team shall develop written agreements signed by member organizations and agencies that specify the organizations' and agencies' understanding of and agreement with the principles outlined in this section.

SECTION 3. (1) The Department of Human Services may form a statewide interdisciplinary team to meet twice a year to review elderly or vulnerable person fatality cases, identify elderly or vulnerable person abuse or neglect trends, make recommendations and take actions involving statewide issues.

(2) The statewide interdisciplinary team may recommend specific cases to a multidisciplinary elderly or vulnerable person fatality review team established under section 2 of this 2016 Act for review under that section.

(3) The statewide interdisciplinary team shall provide recommendations to multidisciplinary elderly or vulnerable person fatality review teams established under section 2 of this 2016 Act in the development of protocols. The recommendations must be designed to

1 **facilitate communication among organizations and agencies involved**
2 **in elderly or vulnerable person fatality cases so that incidents of el-**
3 **derly or vulnerable person abuse or neglect and fatalities related to**
4 **elderly or vulnerable person abuse or neglect are identified and pre-**
5 **vented. The recommendations must include procedures relevant for**
6 **both urban and rural counties.**

7 **(4) The statewide interdisciplinary team may identify and review**
8 **cases involving elderly or vulnerable person fatalities where the events**
9 **surrounding the fatality occurred across multiple counties or juris-**
10 **dictions or where a multidisciplinary elderly or vulnerable person**
11 **fatality review team has not been established in a county by the local**
12 **governing body. When the statewide interdisciplinary team undertakes**
13 **a fatality review under this subsection, the principles, purposes and**
14 **confidentiality provisions contained in section 2 of this 2016 Act apply.**