



September 2014

## Inside this Brief

- **Oregon Elder Abuse Prevention Work Group**
- **Legislation**
- **Staff and Agency Contacts**

Legislative Committee Services  
State Capitol Building  
Salem, Oregon 97301  
(503) 986-1813

Background Brief on ...

# Elder Abuse

In 2011, the Oregon Department of Human Services (**DHS**) received over 28,000 reports of abuse or neglect of vulnerable adults, of which 11,600 were investigated and over 1,600 were substantiated as some form of abuse. Elder abuse can include the misuse of an elderly person's money, theft, fraud, neglect, abandonment, abusive language, physical or sexual abuse, withholding of food or medication, or abandonment. Elder abuse can happen in any setting: residential facilities, foster homes, or in the elder's home.

Over 20 percent of Oregon's population is over the age of 60, with that number projected to grow to 23 percent by 2030<sup>1</sup>. According to 2012 figures from the Bureau of Labor Statistics, home health aides and personal care aides have among the largest projected demand of all occupations, with a 48 percent increase in demand by 2022.<sup>2</sup> Formal and informal long term-care of the elderly currently composes 1.3 percent of the national Gross Domestic Product (**GDP**). That number is projected to increase up to 3.3 percent of GDP by 2050.<sup>3</sup>

## Oregon Elder Abuse Prevention Work Group

House Bill 2325 (2011) created the Oregon Elder Abuse Work Group (**Work Group**). The charge of the Work Group was to make recommendations on:

- the definition of "elder abuse;"
- the criminal background check system and its role in prevention and investigation of elder abuse; and
- the process of investigating elder abuse and the reporting systems.

The Work Group reported back to the Legislative Assembly and included recommendations for legislation and the continuation of the Work Group.

<sup>1</sup> US Census Projections, 2009. See link:

[http://www.aoa.gov/AoARoot/AoA\\_Programs/HPW/Behavioral/docs2/Oregon.pdf](http://www.aoa.gov/AoARoot/AoA_Programs/HPW/Behavioral/docs2/Oregon.pdf)

<sup>2</sup> Link: <http://www.bls.gov/news.release/ecopro.t04.htm>

<sup>3</sup> Link: <http://www.cbo.gov/publication/44363>

Throughout the years, the Work Group's membership has expanded. Currently, the Work Group has 22 members:

- 2 Representatives
- 2 Senators
- Long-Term Care Ombudsman
- 3 long-term care providers
- 2 members of law enforcement
- 2 members of DHS
- 2 members representing elderly consumers
- Officer of bank and officer of credit union
- Attorney General designee
- 2 attorneys who practice in elder law and criminal defense
- Oregon Patient Safety Commission
- Union rep for health care workers
- Governor's Commission on Senior Services

### **Elder Abuse Legislation**

In 2012, House Bill 4084 extended the time for prosecution for theft, robbery, forgery, and identify theft when the victim is an elderly person to up to six years after the commission of the crime and prevented the setting aside of conviction for criminal mistreatment if victim was over 65 years of age. Additionally, it required health care providers to provide law enforcement with protected medical records if notice was given of investigation of elder abuse. The measure specified that the release of records did not require consent of elderly person or any fiduciary. House Bill 4084 allowed law enforcement to access banking or financial records with a subpoena and without the consent of the person or fiduciary.

Additionally, it prohibited employment of persons convicted of child neglect, forgery, or animal abuse in residential facilities or adult foster homes and created a five-year waiting period before employment in adult foster homes or residential facilities for those convicted of theft, computer crimes, indecency, and invasion of personal privacy.

House Bill 2205 (2013) expanded the list of mandatory reporters of elder abuse to include members of the Legislature, attorneys, dentists, optometrists, and chiropractors. The measure

required the Oregon State Bar to develop training requirements for all active members on duty to report abuse of persons 65 years of age or older.

Most recently, in 2014, House Bill 4151 required that the Department of Human Services complete elder abuse investigations within 120 days of opening the investigation. DHS is also directed to standardize reporting and investigation protocols, and to standardize coordination with local law enforcement. The measure creates a registry for long-term care workers who have completed and passed the required background checks. House Bill 4151 broadened the definition of neglect so that it now means, "failure to provide basic care or services that are necessary to maintain the health or safety of an elderly person." Finally, the bill modifies the definition of sexual abuse to mean any sexual contact between an employee of a residential facility or a person providing services in the residential facility and a resident. Sexual abuse does not include consensual sexual contact between an elderly person and a paid caregiver.

Senate Bill 1577 (2014) created the "Silver Alert" program requirement in response to the dangers posed to elders who may wander away from their home or facility. The measure required the Department of State Police and all sheriffs and municipal police departments to adopt written policies relating to missing vulnerable adults and specifies procedural requirements for investigating reports on missing vulnerable adults.

In the same session, House Bill 4114 authorized circuit courts to develop a program for utilizing court appointed special advocates to investigate and report on guardianships. Currently, courts have limited contact with persons subject to guardianship. By using specially trained volunteer advocates, the courts may investigate how particular guardianships are functioning and have an avenue for improving the guardianship experience.

Lastly, Senate Bill 1553 (2014) created the Oregon Public Guardian to serve as guardian for individuals who do not have relatives or friends willing or able to assume duties of guardianship or conservatorship and who lack the financial resources to obtain these services. The Public Guardian will be within the Office of the Long-Term Care Ombudsman. The selection process for the first Public Guardian of Oregon began in June, 2014.

**Additional Resources:**

[Aging and Disability Resource Connection](#)

Statewide Abuse Reporting Hotline:  
(855) 503-SAFE (7233)

**Staff and Agency Contacts:**

Channa Newell  
Legislative Committee Services  
(503) 986-1525  
[channa.newell@state.or.us](mailto:channa.newell@state.or.us)

Agency:  
[Department of Human Services—Aging and People with Disabilities](#)  
(503) 945-5811

*Committee Services provides centralized, non-partisan research and issue analysis for the Legislative Branch. Committee Services does not provide legal advice. Background Briefs are intended to give the reader a general understanding of a subject, and are based on information which is current as of the date of publication. Legislative, executive, and judicial actions subsequent to publication may affect the timeliness of the information.*