

DRAFT

SUMMARY

Establishes LGBTQIA2S+ Older Adults Commission. Designates membership, duties and functions.

Creates bill of rights for residents of skilled nursing facilities, intermediate care facilities, residential care facilities and adult foster homes who are LGBTQIA2S+.

Defines gender-related terms.

A BILL FOR AN ACT

Relating to LGBTQIA2S+ residents in long term care settings.

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

LGBTQIA2S+ OLDER ADULTS COMMISSION ESTABLISHED

SECTION 1. As used in sections 1 and 2 of this 2023 Act:

(1) “Gender expression” means an individual’s gender-related appearance and behavior, whether or not these are stereotypically associated with the sex the individual was assigned at birth.

(2) “Gender identity” means an individual’s internal, deeply held knowledge or sense of the individual’s gender, regardless of the sex the individual was assigned at birth.

(3) “Intersex” means having sexual or reproductive anatomy or a chromosomal pattern that is not consistent with typical definitions of male or female.

(4) “LGBTQIA2S+” means lesbian, gay, bisexual, transgender, questioning, queer, intersex, asexual, Two Spirit and other sexual

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 orientation, gender identity or gender expression used by an individual
2 who is not cisgender or heterosexual.

3 (5) “Queer” means having a gender expression, gender identity or
4 sexual orientation that is not cisgender or heterosexual.

5 (6) “Questioning” means exploring or being unsure about one’s own
6 sexual orientation, gender identity or gender expression.

7 (7) “Sexual orientation” means an individual’s romantic or sexual
8 attraction to other people.

9 (8) “Transgender” means having a gender identity or gender ex-
10 pression that differs from the gender identity or gender expression
11 stereotypically associated with the sex one was assigned at birth.

12 SECTION 2. (1) The LGBTQIA2S+ Older Adults Commission is es-
13 tablished. The legislative intent of the commission is to:

14 (a) Work to improve state agency interactions and communication
15 with the LGBTQIA2S+ community and state agency support of the
16 LGBTQIA2S+ community; and

17 (b) Create advocacy opportunities for, and support equity for,
18 LGBTQIA2S+ older adults throughout state government.

19 (2) The LGBTQIA2S+ Older Adults Commission consists of 15
20 members appointed as follows:

21 (a) The President of the Senate shall appoint one member from
22 among members of the Senate.

23 (b) The Speaker of the House of Representatives shall appoint one
24 member from among members of the House of Representatives.

25 (c) The Governor shall appoint 13 members after requesting and
26 considering recommendations from the Department of Human Ser-
27 vices, area agencies, as defined in ORS 410.040, organizations that work
28 with or advocate for LGBTQIA2S+ older adults and other interested
29 organizations with experience in serving older adults.

30 (3) The members of the commission who are appointed by the Gov-
31 ernor must:

1 (a) Represent the racial, ethnic, geographic, socioeconomic status,
2 educational and occupational diversity of this state;

3 (b) To the greatest extent practicable, be 55 years of age or older
4 or identify as LGBTQIA2S+;

5 (c) Have knowledge or experience in one or more of the following:

6 (A) Housing;

7 (B) Health care;

8 (C) Long term care;

9 (D) Dementia;

10 (E) Human immunodeficiency virus;

11 (F) Mental health;

12 (G) Adult protective services;

13 (H) Elder law, as a member of the Oregon State Bar;

14 (I) LGBTQIA2S+ research or public policy;

15 (J) Racial and ethnic diversity and equity; or

16 (K) A major public or private agency that has experience with or
17 knowledge of, or that advocates for the needs of, LGBTQIA2S+ older
18 adults;

19 (d) Include at least one individual who identifies as transgender;
20 and

21 (e) Be supportive of the legislative intent of the commission de-
22 scribed in subsection (1) of this section.

23 (4) The term of office of each member of the commission appointed
24 by the Governor is three years, but a member serves at the pleasure
25 of the Governor. Before the expiration of the term of a member, the
26 Governor shall appoint a successor whose term begins on January 1
27 next following. A member is eligible for reappointment. If there is a
28 vacancy for any cause, the Governor shall make an appointment to
29 become immediately effective for the unexpired term.

30 (5) Members of the Legislative Assembly appointed to the commis-
31 sion:

1 (a) Are nonvoting members of the commission and may act in an
2 advisory capacity only;

3 (b) Shall serve for two-year terms or until the end of the member's
4 term in office, whichever is earlier; and

5 (c) Are entitled to payment of compensation and expense re-
6 imbursement under ORS 171.072, payable from funds appropriated to
7 the Legislative Assembly.

8 (6) A member of the commission who is not a member of the Leg-
9 islative Assembly is entitled to compensation and expenses as provided
10 in ORS 292.495.

11 (7) The commission shall select one of its members as chairperson
12 and another as vice chairperson, for terms and with duties and powers
13 necessary for the performance of the functions of the offices as the
14 commission determines.

15 (8) A majority of the voting members of the commission constitutes
16 a quorum for the transaction of business.

17 (9) The commission shall meet at times and places specified by the
18 call of the chairperson or of a majority of the members of the com-
19 mission. The commission shall meet at least once every other month.
20 The commission may also hold fact-finding hearings or other public
21 forums as it deems necessary.

22 (10) The commission shall:

23 (a) Advise the Governor and the Director of Human Services, or the
24 director's designee, on the needs of LGBTQIA2S+ older adults.

25 (b) Recommend actions by the Governor, the Department of Human
26 Services, other governmental entities or the private sector to address
27 the needs of LGBTQIA2S+ older adults by:

28 (A) Coordinating programs for LGBTQIA2S+ older adults;

29 (B) Avoiding unnecessary duplication of services; and

30 (C) Identifying gaps in the provision of services.

31 (c) Have access to all programs and budgets of state agencies that

1 **administer programs or offer services that affect LGBTQIA2S+ older**
2 **adults.**

3 **(d) Analyze and study the health, housing, financial, psychosocial**
4 **and long term care needs of LGBTQIA2S+ older adults.**

5 **(e) Make recommendations based on data collected under paragraph**
6 **(d) of this subsection to improve the quality of benefits and services**
7 **and improve access to benefits and services by LGBTQIA2S+ older**
8 **adults.**

9 **(f) Examine state policies and rules that impact LGBTQIA2S+ older**
10 **adults and make recommendations to ensure equity in treatment, care**
11 **and benefits and access to treatment, care and benefits.**

12 **(g) Evaluate existing data and state research, including gaps in**
13 **data, and make recommendations for improving data collection and**
14 **research to better understand the needs of LGBTQIA2S+ older adults.**

15 **(h) Assess the funding and programming needed to provide services**
16 **to the growing population of LGBTQIA2S+ older adults.**

17 **(i) Identify best practices for:**

18 **(A) Reducing and preventing abuse and exploitation of, and pro-**
19 **moting the independence and self-determination of, LGBTQIA2S+**
20 **older adults:**

21 **(B) Using person-centered approaches, care and services;**

22 **(C) Strengthening caregiving;**

23 **(D) Eliminating disparities; and**

24 **(E) Improving the quality of life for LGBTQIA2S+ older adults.**

25 **(j) Assess whether any policy or practice, or the absence of any**
26 **policy or practice, contributes to the premature admission of**
27 **LGBTQIA2S+ older adults or older adults living with human**
28 **immunodeficiency virus to institutional care.**

29 **(k) Make recommendations, if appropriate and necessary, for lower**
30 **cost home- and community-based alternatives to institutional care**
31 **that are LGBTQIA2S+ friendly.**

1 (L) Make recommendations for publicly accessible statewide sys-
2 tems to identify settings and health care providers that are
3 LGBTQIA2S+ friendly.

4 (m) Examine strategies for increasing long term care providers'
5 awareness of the caregiving needs of LGBTQIA2S+ older adults and
6 older adults living with human immunodeficiency virus and for im-
7 proving the competence of providers in addressing the needs of
8 LGBTQIA2S+ older adults and in improving access to treatment, ser-
9 vices and ongoing care, including preventive care.

10 (n) Examine the feasibility of developing statewide training curric-
11 ula to improve the competency of health care and human services
12 providers in delivering health, housing and long term support services
13 to LGBTQIA2S+ older adults.

14 (o) Make recommendations and support outreach strategies to pro-
15 vide training and other resources to long term care providers on the
16 needs of LGBTQIA2S+ communities and on the need for providers to
17 be accepting and welcoming to address the apprehension of
18 LGBTQIA2S+ older adults in utilizing long term care providers that
19 do not have a particular mission, skill set, training or culture to spe-
20 cifically support LGBTQIA2S+ patients.

21 (p) Coordinate the commission's efforts with other commissions,
22 councils and advisory groups within the department to strengthen ac-
23 tivities and avoid duplicating the efforts of other commissions, coun-
24 cils and advisory groups.

25 (q) Advise the Governor and the department on the inclusion of
26 LGBTQIA2S+ older adults in the development of Medicaid state plans,
27 federal waivers or demonstration projects and in the development of
28 key policies of the department, the Oregon Health Authority and other
29 state agencies that impact LGBTQIA2S+ older adults.

30 (11) In developing its recommendations under subsection (10) of this
31 section, the commission shall consider best policies and practices used

1 in other states and jurisdictions.

2 (12) No later than June 30 of each even-numbered year, the com-
3 mission shall submit a report on the commission's activities, findings
4 and recommendations, in the manner provided in ORS 192.245, to:

5 (a) The Governor;

6 (b) The department;

7 (c) The Chief Clerk of the House of Representatives;

8 (d) The Secretary of the Senate; and

9 (e) The interim committees of the Legislative Assembly related to
10 human services.

11 (13) In accordance with applicable provisions of ORS chapter 183,
12 the commission may adopt rules necessary for the administration of
13 this section.

14 (14)(a) The commission may establish any subcommittees the com-
15 mission considers necessary to provide technical expertise and aid and
16 advise the commission in the performance of its functions. The sub-
17 committees may be continuing, temporary, standing or ad hoc.

18 (b) The commission shall determine the representation, member-
19 ship, terms and organization of the subcommittees and shall appoint
20 the members of the subcommittees.

21 (c) Members of the subcommittees are entitled to compensation and
22 reimbursement of actual and necessary travel and other expenses
23 reasonably incurred by the subcommittee members in the performance
24 of their official duties in the manner and amount provided in ORS
25 292.495.

26 **SECTION 3.** Notwithstanding the term of office specified by section
27 2 of this 2023 Act, of the members first appointed to the LGBTQIA2S+
28 Older Adults Commission by the Governor:

29 (1) Four shall serve for terms ending December 31, 2024.

30 (2) Four shall serve for terms ending December 31, 2025.

31 (3) Five shall serve for terms ending December 31, 2026.

1 **BILL OF RIGHTS FOR LGBTQIA2S+ ADULTS**
2 **RESIDING IN NURSING FACILITIES, RESIDENTIAL**
3 **CARE FACILITIES AND ADULT FOSTER HOMES**
4 **(Skilled Nursing Facilities and Intermediate Care Facilities)**

5
6 **SECTION 4. Sections 5 to 9 of this 2023 Act are added to and made**
7 **a part of ORS 441.015 to 441.087.**

8 **SECTION 5. Definitions. As used in sections 5 to 9 of this 2023 Act:**

9 **(1) “Gender expression” means an individual’s gender-related ap-**
10 **pearance and behavior, whether or not these are stereotypically asso-**
11 **ciated with the sex the individual was assigned at birth.**

12 **(2) “Gender identity” means an individual’s internal, deeply held**
13 **knowledge or sense of the individual’s gender, regardless of the sex the**
14 **individual was assigned at birth.**

15 **(3) “Gender nonconforming” means having a gender expression that**
16 **does not conform to stereotypical expectations of one’s gender.**

17 **(4) “Gender transition” means a process by which an individual**
18 **whose gender identity differs from the sex the person was assigned at**
19 **birth begins to live according to that individual’s gender identity. The**
20 **process may include changing the individual’s clothing, appearance,**
21 **name or identification documents or undergoing medical treatments.**

22 **(5) “Harass” includes:**

23 **(a) To act in a manner that is unwanted, unwelcomed or uninvited,**
24 **that demeans, threatens or offends a resident and results in a hostile**
25 **environment for a resident.**

26 **(b) To require a resident to show identity documents in order to**
27 **gain entrance to a restroom or other area of the facility that is**
28 **available to other individuals of the same gender identity as the resi-**
29 **dent.**

30 **(6) “Intersex” means having sexual or reproductive anatomy or a**
31 **chromosomal pattern that is not consistent with typical definitions of**

1 male or female.

2 (7) “Legal representative” has the meaning given that term in ORS
3 441.600.

4 (8) “LGBTQIA2S+” means lesbian, gay, bisexual, transgender,
5 questioning, queer, intersex, asexual, Two Spirit and any other sexual
6 orientation, gender identity or gender expression used by an individual
7 who is not cisgender or heterosexual.

8 (9) “Queer” means having a gender expression, gender identity or
9 sexual orientation that is not cisgender or heterosexual.

10 (10) “Questioning” means exploring or being unsure about one’s
11 own sexual orientation, gender identity or gender expression.

12 (11) “Resident” means a resident or a patient of a skilled nursing
13 facility or an intermediate care facility.

14 (12) “Sexual orientation” means romantic or sexual attraction to
15 other people.

16 (13) “Staff” means all individuals who are employed by or who
17 contract directly with a skilled nursing facility or an intermediate care
18 facility.

19 (14) “Transgender” means having a gender identity or gender ex-
20 pression that differs from the gender identity or gender expression
21 stereotypically associated with the sex one was assigned at birth.

22 (15) “Undesignated” means having a gender identity that is:

23 (a) Intersex;

24 (b) Agender;

25 (c) Amalgagender;

26 (d) Androgynous;

27 (e) Bigender;

28 (f) Demigender;

29 (g) Genderfluid;

30 (h) Genderqueer;

31 (i) Neutrois;

- 1 (j) Nonbinary;
- 2 (k) Pangender;
- 3 (L) Third sex;
- 4 (m) Two-spirit; or
- 5 (n) Otherwise unspecified as exclusively male or female.

6 **SECTION 6. Bill of Rights for LGBTQIA2S+ residents.** (1) The
7 **Legislative Assembly finds that LGBTQIA2S+ residents of skilled**
8 **nursing facilities and intermediate care facilities have the right to be**
9 **treated with respect and dignity and be free from discrimination based**
10 **on a resident's actual or perceived sexual orientation, gender identity,**
11 **gender expression, intersex or undesignated status or human**
12 **immunodeficiency virus status.**

13 (2) Except as provided in subsection (3) of this section, staff of a
14 skilled nursing facility or an intermediate care facility may not take
15 any of the following actions based in whole or in part on a resident's
16 actual or perceived sexual orientation, gender identity, gender ex-
17 pression, intersex or undesignated status or human immunodeficiency
18 virus status:

19 (a) Deny admission to a skilled nursing facility or an intermediate
20 care facility, transfer or refuse to transfer a resident within a facility
21 or to another facility or discharge or evict a resident from a facility;

22 (b) Deny a request by a resident to choose the resident's roommate,
23 when a resident is sharing a room;

24 (c) Assign rooms other than in accordance with a transgender or
25 undesignated resident's gender identity, unless at the request of the
26 transgender or undesignated resident;

27 (d) Prohibit a resident from using, or harass a resident who seeks
28 to use or does use, a restroom that is available to other individuals
29 of the same gender identity as the resident, regardless of whether the
30 resident is making or has made a gender transition, has taken or is
31 taking hormones, has undergone gender affirmation surgery or pre-

1 **sents as gender nonconforming;**

2 **(e) Fail to ask a resident the resident's chosen name and pronouns**
3 **or fail to use a resident's chosen name or pronouns;**

4 **(f) Deny a resident the right to wear or be dressed in clothing, ac-**
5 **cessories or cosmetics, or to engage in grooming practices, that are**
6 **permitted to any other resident;**

7 **(g) Restrict a resident's right to associate with other residents or**
8 **with visitors, including the resident's right to consensual sexual re-**
9 **lations;**

10 **(h) Deny or restrict medical or nonmedical care that is appropriate**
11 **to a resident's organs and bodily needs, or provide medical or non-**
12 **medical care that, to a similarly situated, reasonable person, unduly**
13 **demeans the resident's dignity or causes avoidable discomfort; or**

14 **(i) Refuse or willfully fail to provide any service, care or reasonable**
15 **accommodation to a resident or an applicant for services or care.**

16 **(3) The requirements of sections 5 to 9 of this 2023 Act do not apply**
17 **to the extent that compliance with the requirement is incompatible**
18 **with a health care professional's reasonable clinical judgment.**

19 **(4) A facility shall post the following notice alongside its current**
20 **nondiscrimination policy and alongside its written materials providing**
21 **notice of resident rights pursuant to ORS 441.605, in all places and on**
22 **all materials where that policy or those written materials are posted:**

23 _____
24 **(Name of facility) does not discriminate and does not permit dis-**
25 **crimination, including but not limited to bullying, abuse or**
26 **harassment, based on an individual's actual or perceived sexual ori-**
27 **entation, gender identity, gender expression, intersex status, nonbi-**
28 **nary status or human immunodeficiency virus status, or based on an**
29 **individual's association with another individual on account of that**
30 **individual's actual or perceived sexual orientation, gender identity,**
31 **gender expression, intersex status, nonbinary status or human**

1 immunodeficiency virus status. If you believe you have experienced
2 this kind of discrimination, you may file a complaint with the office
3 of the Long Term Care Ombudsman at _____ (provide current contact
4 information).

5 _____
6 (5) A facility or any individual subject to the supervision, direction
7 or control of the facility may not retaliate against a resident who ex-
8 ercises, or on whose behalf a legal representative exercises, rights
9 guaranteed by this section or by ORS 441.605, or by rules adopted by
10 the Director of Human Services pursuant to section 10 of this 2023 Act
11 or by the Department of Human Services pursuant to ORS 441.610.

12 Retaliation under this subsection includes:

13 (a) Increasing charges;

14 (b) Decreasing services, rights or privileges;

15 (c) Threatening to increase charges or decrease services, rights or
16 privileges; or

17 (d) Harassing or abusing, or threatening to harass or abuse, a res-
18 ident in any manner.

19 SECTION 7. Records. (1) A skilled nursing facility and an interme-
20 diate care facility shall ensure that resident records, including records
21 generated at the time of admission, include the resident's gender
22 identity and the resident's chosen name and pronouns, as indicated
23 by the resident.

24 (2) Unless required by state or federal law, a skilled nursing facility
25 and an intermediate care facility shall not disclose any personally
26 identifiable information regarding:

27 (a) A resident's sexual orientation;

28 (b) Whether a resident is transgender or undesignated;

29 (c) A resident's gender transition status;

30 (d) A resident's intersex status; or

31 (e) A resident's human immunodeficiency virus status.

1 (3) A skilled nursing facility and an intermediate care facility shall
2 take appropriate steps to minimize the likelihood of inadvertent or
3 accidental disclosure of information described in subsection (2) of this
4 section to other residents, visitors or facility staff, except to the min-
5 imum extent necessary for facility staff to perform their duties.

6 (4) Unless expressly authorized by the resident or the resident's le-
7 gal representative, skilled nursing facility and intermediate care fa-
8 cility staff who are not directly involved in providing direct care to a
9 resident, including but not limited to a transgender, undesignated or
10 gender nonconforming resident, shall not be present during a physical
11 examination of, or the provision of personal care to, the resident if the
12 resident is partially or fully unclothed. A facility shall use doors, cur-
13 tains, screens or other effective visual barriers to provide bodily pri-
14 vacy for all residents, including but not limited to transgender,
15 undesignated or gender nonconforming residents, whenever they are
16 partially or fully unclothed.

17 (5) Informed consent shall be required in relation to any
18 nontherapeutic examination or observation of, or treatment provided
19 to, a resident.

20 (6) A transgender resident shall be provided access to any assess-
21 ments, therapies and treatments related to gender transition that are
22 recommended by the resident's health care provider, including but not
23 limited to transgender-related medical care, hormone therapy and
24 supportive counseling.

25 **SECTION 8. Civil penalties.** A skilled nursing facility or an inter-
26 mediate care facility that violates the requirements of sections 5 to 9
27 of this 2023 Act or rules adopted by the Director of Human Services
28 under section 10 of this 2023 Act, or that employs a staff member who
29 violates sections 5 to 9 of this 2023 Act or rules adopted by the director
30 under section 10 of this 2023 Act, shall be subject to civil penalties or
31 other administrative action as may be provided under rules adopted

1 by the Department of Human Services. Sections 5 to 9 of this 2023 Act
2 may not be construed to limit the ability to bring any civil, criminal
3 or administrative action for conduct constituting a violation of any
4 other provision of law.

5 **SECTION 9. Training for administrators, staff and providers.** (1) A
6 skilled nursing facility and an intermediate care facility shall ensure
7 that the administrators and staff of the facility and health care pro-
8 viders associated with the facility receive training, on at least a
9 biennial basis, concerning:

10 (a) Caring for LGBTQIA2S+ older adults and older adults living
11 with human immunodeficiency virus; and

12 (b) Preventing discrimination based on sexual orientation, gender
13 identity, gender expression, intersex status, transgender status, un-
14 designated status or human immunodeficiency virus status.

15 (2) At a minimum, the training required by subsection (1) of this
16 section must include:

17 (a) The defined terms commonly associated with sexual orientation,
18 gender identity, gender expression, intersex status, transgender status,
19 undesigned status or human immunodeficiency virus;

20 (b) Best practices for communicating with or about LGBTQIA2S+
21 older adults and older adults living with human immunodeficiency vi-
22 rus, including the use of an individual's chosen name and pronouns;

23 (c) A description of the health and social challenges historically
24 experienced by LGBTQIA2S+ older adults and older adults living with
25 human immunodeficiency virus, including discrimination when seek-
26 ing or receiving care at skilled nursing facilities or intermediate care
27 facilities and the demonstrated physical and mental health effects
28 within the LGBTQIA2S+ community associated with such discrimi-
29 nation;

30 (d) Strategies to create a safe and affirming environment for
31 LGBTQIA2S+ older adults and older adults living with human

1 immunodeficiency virus, including suggested changes to skilled nurs-
2 ing facility or intermediate care facility policies and procedures,
3 forms, signage, facilitation for communication between residents and
4 their families, activities and staff training; and

5 (e) An overview of sections 5 to 9 of this 2023 Act.

6 (3) The training required by this section shall be provided by an
7 entity that has demonstrated expertise in identifying the legal, social
8 and medical challenges faced by, and creating safe and affirming en-
9 vironments for, LGBTQIA2S+ older adults and older adults living with
10 human immunodeficiency virus who reside in skilled nursing facilities
11 or intermediate care facilities in this state.

12 (4) A skilled nursing facility or intermediate care facility shall des-
13 ignate two employees, one who represents management at the facility
14 and one who represents direct care staff at the facility, to receive
15 training described in subsections (1) and (2) of this section in an in-
16 person setting. The designated employees shall serve as points of con-
17 tact for the facility regarding compliance with sections 5 to 9 of this
18 2023 Act and shall develop a general training plan for the facility. In
19 the event a designated employee ceases to be employed by the facility,
20 the facility shall designate another employee, who is representative
21 of the employee group represented by the former designee and who
22 shall complete the in-person training required by subsections (1) and
23 (2) of this section, to serve as a point of contact for the facility re-
24 garding compliance with sections 5 to 9 of this 2023 Act and have joint
25 responsibility for the facility's training plan.

26 (5) Administrators and staff members currently employed by a
27 skilled nursing facility or an intermediate care facility, and health
28 care providers associated with the facility, shall complete the training
29 required by subsections (1) and (2) of this section every two years.
30 Newly hired administrators and staff of a skilled nursing facility or
31 an intermediate care facility, and new health care providers associat-

1 ing with the facility, shall complete the training required by sub-
2 sections (1) and (2) of this section within one year after the date of
3 hire or association, unless the individual provides documentation
4 demonstrating that the individual has completed equivalent training
5 within the past two years, and every two years thereafter.

6 (6) A skilled nursing facility and an intermediate care facility shall
7 retain records documenting the completion of the training required
8 by subsections (1) and (2) of this section by each administrator and
9 staff member at the facility and by health care providers associated
10 with the facility. The records shall be made available, upon request,
11 to the Department of Human Services and the office of the Long Term
12 Care Ombudsman.

13 **SECTION 10. Rules.** The Director of Human Services shall adopt
14 rules in accordance with ORS chapter 183 as necessary to implement
15 the provisions of sections 5 to 9 of this 2023 Act.

16
17 (Residential Care Facilities)
18

19 **SECTION 11.** Sections 12 to 16 of this 2023 Act are added to and
20 made a part of ORS 443.400 to 443.455.

21 **SECTION 12. Definitions.** As used in sections 12 to 16 of this 2023
22 Act:

23 (1) “Gender expression” means an individual’s gender-related ap-
24 pearance and behavior, whether or not these are stereotypically asso-
25 ciated with the sex the individual was assigned at birth.

26 (2) “Gender identity” means an individual’s internal, deeply held
27 knowledge or sense of the individual’s gender, regardless of the sex the
28 individual was assigned at birth.

29 (3) “Gender nonconforming” means having a gender expression that
30 does not conform to stereotypical expectations of one’s gender.

31 (4) “Gender transition” means a process by which an individual

1 whose gender identity differs from the sex the person was assigned at
2 birth begins to live according to that individual's gender identity. The
3 process may include changing the individual's clothing, appearance,
4 name or identification documents or undergoing medical treatments.

5 (5) "Harass" includes:

6 (a) To act in a manner that is unwanted, unwelcomed or uninvited,
7 that demeans, threatens or offends a resident and results in a hostile
8 environment for a resident.

9 (b) To require a resident to show identity documents in order to
10 gain entrance to a restroom or other area of the facility that is
11 available to other individuals of the same gender identity as the resi-
12 dent.

13 (6) "Intersex" means having sexual or reproductive anatomy or a
14 chromosomal pattern that is not consistent with typical definitions of
15 male or female.

16 (7) "Legal representative" has the meaning given that term in ORS
17 441.600.

18 (8) "LGBTQIA2S+" means lesbian, gay, bisexual, transgender,
19 questioning, queer, intersex, asexual, Two Spirit and any other sexual
20 orientation, gender identity or gender expression used by an individual
21 who is not cisgender or heterosexual.

22 (9) "Queer" means having a gender expression, gender identity or
23 sexual orientation that is not cisgender or heterosexual.

24 (10) "Questioning" means exploring or being unsure about one's
25 own sexual orientation, gender identity or gender expression.

26 (11) "Resident" means a resident or a patient of a residential care
27 facility.

28 (12) "Sexual orientation" means romantic or sexual attraction to
29 other people.

30 (13) "Staff" means all individuals who are employed by or who
31 contract directly with a residential care facility.

1 (14) “Transgender” means having a gender identity or gender ex-
2 pression that differs from the gender identity or gender expression
3 stereotypically associated with the sex one was assigned at birth.

4 (15) “Undesignated” means having a gender identity that is:

5 (a) Intersex;

6 (b) Agender;

7 (c) Amalgagender;

8 (d) Androgynous;

9 (e) Bigender;

10 (f) Demigender;

11 (g) Genderfluid;

12 (h) Genderqueer;

13 (i) Neutrois;

14 (j) Nonbinary;

15 (k) Pangender;

16 (L) Third sex;

17 (m) Two-spirit; or

18 (n) Otherwise unspecified as exclusively male or female.

19 SECTION 13. Bill of Rights for LGBTQIA2S+ residents. (1) The
20 Legislative Assembly finds that LGBTQIA2S+ residents of residential
21 care facilities have the right to be treated with respect and dignity and
22 be free from discrimination based on a resident’s actual or perceived
23 sexual orientation, gender identity, gender expression, intersex or un-
24 designated status or human immunodeficiency virus status.

25 (2) Except as provided in subsection (3) of this section, staff of a
26 residential care facility may not take any of the following actions
27 based in whole or in part on a resident’s actual or perceived sexual
28 orientation, gender identity, gender expression, intersex or undesignated
29 status or human immunodeficiency virus status:

30 (a) Deny admission to a residential care facility, transfer or refuse
31 to transfer a resident within a facility or to another facility or dis-

1 **charge or evict a resident from a facility;**

2 **(b) Deny a request by a resident to choose the resident's roommate,**
3 **when a resident is sharing a room;**

4 **(c) Assign rooms other than in accordance with a transgender or**
5 **undesigned resident's gender identity, unless at the request of the**
6 **transgender or undesigned resident;**

7 **(d) Prohibit a resident from using, or harass a resident who seeks**
8 **to use or does use, a restroom that is available to other individuals**
9 **of the same gender identity as the resident, regardless of whether the**
10 **resident is making or has made a gender transition, has taken or is**
11 **taking hormones, has undergone gender affirmation surgery or pre-**
12 **sents as gender nonconforming;**

13 **(e) Fail to ask a resident the resident's chosen name and pronouns**
14 **or fail to use a resident's chosen name or pronouns;**

15 **(f) Deny a resident the right to wear or be dressed in clothing, ac-**
16 **cessories or cosmetics, or to engage in grooming practices, that are**
17 **permitted to any other resident;**

18 **(g) Restrict a resident's right to associate with other residents or**
19 **with visitors, including the resident's right to consensual sexual re-**
20 **lations;**

21 **(h) Deny or restrict medical or nonmedical care that is appropriate**
22 **to a resident's organs and bodily needs, or provide medical or non-**
23 **medical care that, to a similarly situated, reasonable person, unduly**
24 **demeans the resident's dignity or causes avoidable discomfort; or**

25 **(i) Refuse or willfully fail to provide any service, care or reasonable**
26 **accommodation to a resident or an applicant for services or care.**

27 **(3) The requirements of sections 12 to 16 of this 2023 Act do not**
28 **apply to the extent that compliance with the requirement is incom-**
29 **patible with a health care professional's reasonable clinical judgment.**

30 **(4) A facility shall post the following notice alongside its current**
31 **nondiscrimination policy and alongside its written materials providing**

1 **notice of resident rights pursuant to ORS 441.605, in all places and on**
2 **all materials where that policy or those written materials are posted:**

3 _____

4 **(Name of facility) does not discriminate and does not permit dis-**
5 **crimination, including but not limited to bullying, abuse or**
6 **harassment, based on an individual's actual or perceived sexual ori-**
7 **entation, gender identity, gender expression, intersex status, nonbi-**
8 **nary status or human immunodeficiency virus status, or based on an**
9 **individual's association with another individual on account of that**
10 **individual's actual or perceived sexual orientation, gender identity,**
11 **gender expression, intersex status, nonbinary status or human**
12 **immunodeficiency virus status. If you believe you have experienced**
13 **this kind of discrimination, you may file a complaint with the office**
14 **of the Long Term Care Ombudsman at _____ (provide current contact**
15 **information).**

16 _____

17 **(5) A facility or any individual subject to the supervision, direction**
18 **or control of the facility may not retaliate against a resident who ex-**
19 **ercises, or on whose behalf a legal representative exercises, rights**
20 **guaranteed by this section or by ORS 441.605, or by rules adopted by**
21 **the Director of Human Services pursuant to section 17 of this 2023 Act**
22 **or by the Department of Human Services pursuant to ORS 441.610.**

23 **Retaliation under this subsection includes:**

24 **(a) Increasing charges;**

25 **(b) Decreasing services, rights or privileges;**

26 **(c) Threatening to increase charges or decrease services, rights or**
27 **privileges; or**

28 **(d) Harassing or abusing, or threatening to harass or abuse, a res-**
29 **ident in any manner.**

30 **SECTION 14. Records. (1) A residential care facility shall ensure**
31 **that resident records, including records generated at the time of ad-**

1 **mission, include the resident's gender identity and the resident's cho-**
2 **sen name and pronouns, as indicated by the resident.**

3 **(2) Unless required by state or federal law, a residential care facility**
4 **shall not disclose any personally identifiable information regarding:**

5 **(a) A resident's sexual orientation;**

6 **(b) Whether a resident is transgender or undesignated;**

7 **(c) A resident's gender transition status;**

8 **(d) A resident's intersex status; or**

9 **(e) A resident's human immunodeficiency virus status.**

10 **(3) A residential care facility shall take appropriate steps to mini-**
11 **mize the likelihood of inadvertent or accidental disclosure of infor-**
12 **mation described in subsection (2) of this section to other residents,**
13 **visitors or facility staff, except to the minimum extent necessary for**
14 **facility staff to perform their duties.**

15 **(4) Unless expressly authorized by the resident or the resident's le-**
16 **gal representative, residential care facility staff who are not directly**
17 **involved in providing direct care to a resident, including but not lim-**
18 **ited to a transgender, undesignated or gender nonconforming resident,**
19 **shall not be present during a physical examination of, or the provision**
20 **of personal care to, the resident if the resident is partially or fully**
21 **unclothed. A facility shall use doors, curtains, screens or other effec-**
22 **tive visual barriers to provide bodily privacy for all residents, includ-**
23 **ing but not limited to transgender, undesignated or gender**
24 **nonconforming residents, whenever they are partially or fully un-**
25 **clothed.**

26 **(5) Informed consent shall be required in relation to any**
27 **nontherapeutic examination or observation of, or treatment provided**
28 **to, a resident.**

29 **(6) A transgender resident shall be provided access to any assess-**
30 **ments, therapies and treatments related to gender transition that are**
31 **recommended by the resident's health care provider, including but not**

1 limited to transgender-related medical care, hormone therapy and
2 supportive counseling.

3 **SECTION 15. Civil penalties.** A residential care facility that violates
4 the requirements of sections 12 to 16 of this 2023 Act or rules adopted
5 by the Director of Human Services under section 17 of this 2023 Act,
6 or that employs a staff member who violates sections 12 to 16 of this
7 2023 Act or rules adopted by the director under section 17 of this 2023
8 Act, shall be subject to civil penalties or other administrative action
9 as may be provided under rules adopted by the Department of Human
10 Services. Sections 12 to 16 of this 2023 Act may not be construed to
11 limit the ability to bring any civil, criminal or administrative action
12 for conduct constituting a violation of any other provision of law.

13 **SECTION 16. Training for administrators, staff and providers.** (1)
14 A residential care facility shall ensure that the administrators and
15 staff of the facility and health care providers associated with the fa-
16 cility receive training, on at least a biennial basis, concerning:

17 (a) Caring for LGBTQIA2S+ older adults and older adults living
18 with human immunodeficiency virus; and

19 (b) Preventing discrimination based on sexual orientation, gender
20 identity, gender expression, intersex status, transgender status, un-
21 designated status or human immunodeficiency virus status.

22 (2) At a minimum, the training required by subsection (1) of this
23 section must include:

24 (a) The defined terms commonly associated with sexual orientation,
25 gender identity, gender expression, intersex status, transgender status,
26 undesignated status or human immunodeficiency virus;

27 (b) Best practices for communicating with or about LGBTQIA2S+
28 older adults and older adults living with human immunodeficiency vi-
29 rus, including the use of an individual's chosen name and pronouns;

30 (c) A description of the health and social challenges historically
31 experienced by LGBTQIA2S+ older adults and older adults living with

1 **human immunodeficiency virus, including discrimination when seek-**
2 **ing or receiving care at residential care facilities and the demonstrated**
3 **physical and mental health effects within the LGBTQIA2S+ commu-**
4 **nity associated with such discrimination;**

5 **(d) Strategies to create a safe and affirming environment for**
6 **LGBTQIA2S+ older adults and older adults living with human**
7 **immunodeficiency virus, including suggested changes to residential**
8 **care facility policies and procedures, forms, signage, facilitation for**
9 **communication between residents and their families, activities and**
10 **staff training; and**

11 **(e) An overview of sections 12 to 16 of this 2023 Act.**

12 **(3) The training required by this section shall be provided by an**
13 **entity that has demonstrated expertise in identifying the legal, social**
14 **and medical challenges faced by, and creating safe and affirming en-**
15 **vironments for, LGBTQIA2S+ older adults and older adults living with**
16 **human immunodeficiency virus who reside in residential care facilities**
17 **in this state.**

18 **(4) A residential care facility shall designate two employees, one**
19 **who represents management at the facility and one who represents**
20 **direct care staff at the facility, to receive training described in sub-**
21 **sections (1) and (2) of this section in an in-person setting. The desig-**
22 **nated employees shall serve as points of contact for the facility**
23 **regarding compliance with sections 12 to 16 of this 2023 Act and shall**
24 **develop a general training plan for the facility. In the event a desig-**
25 **nated employee ceases to be employed by the facility, the facility shall**
26 **designate another employee, who is representative of the employee**
27 **group represented by the former designee and who shall complete the**
28 **in-person training required by subsections (1) and (2) of this section,**
29 **to serve as a point of contact for the facility regarding compliance**
30 **with sections 12 to 16 of this 2023 Act and have joint responsibility for**
31 **the facility's training plan.**

1 (5) Administrators and staff members currently employed by a res-
2 idential care facility, and health care providers associated with the
3 facility, shall complete the training required by subsections (1) and (2)
4 of this section every two years. Newly hired administrators and staff
5 of a residential care facility, and new health care providers associating
6 with the facility, shall complete the training required by subsections
7 (1) and (2) of this section within one year after the date of hire or as-
8 sociation, unless the individual provides documentation demonstrating
9 that the individual has completed equivalent training within the past
10 two years, and every two years thereafter.

11 (6) A residential care facility shall retain records documenting the
12 completion of the training required by subsections (1) and (2) of this
13 section by each administrator and staff member at the facility and by
14 health care providers associated with the facility. The records shall
15 be made available, upon request, to the Department of Human Ser-
16 vices and the office of the Long Term Care Ombudsman.

17 SECTION 17. Rules. The Director of Human Services shall adopt
18 rules in accordance with ORS chapter 183 as necessary to implement
19 the provisions of sections 12 to 16 of this 2023 Act.

20
21 (Adult Foster Homes)

22
23 SECTION 18. Sections 19 to 23 of this 2023 Act are added to and
24 made a part of ORS 443.705 to 443.825.

25 SECTION 19. Definitions. As used in sections 19 to 23 of this 2023
26 Act:

27 (1) “Gender expression” means an individual’s gender-related ap-
28 pearance and behavior, whether or not these are stereotypically asso-
29 ciated with the sex the individual was assigned at birth.

30 (2) “Gender identity” means an individual’s internal, deeply held
31 knowledge or sense of the individual’s gender, regardless of the sex the

1 individual was assigned at birth.

2 (3) “Gender nonconforming” means having a gender expression that
3 does not conform to stereotypical expectations of one’s gender.

4 (4) “Gender transition” means a process by which an individual
5 whose gender identity differs from the sex the person was assigned at
6 birth begins to live according to that individual’s gender identity. The
7 process may include changing the individual’s clothing, appearance,
8 name or identification documents or undergoing medical treatments.

9 (5) “Harass” includes:

10 (a) To act in a manner that is unwanted, unwelcomed or uninvited,
11 that demeans, threatens or offends a resident and results in a hostile
12 environment for a resident.

13 (b) To require a resident to show identity documents in order to
14 gain entrance to a restroom or other area of the facility that is
15 available to other individuals of the same gender identity as the resi-
16 dent.

17 (6) “Intersex” means having sexual or reproductive anatomy or a
18 chromosomal pattern that is not consistent with typical definitions of
19 male or female.

20 (7) “Legal representative” has the meaning given that term in ORS
21 441.600.

22 (8) “LGBTQIA2S+” means lesbian, gay, bisexual, transgender,
23 questioning, queer, intersex, asexual, Two Spirit and any other sexual
24 orientation, gender identity or gender expression used by an individual
25 who is not cisgender or heterosexual.

26 (9) “Queer” means having a gender expression, gender identity or
27 sexual orientation that is not cisgender or heterosexual.

28 (10) “Questioning” means exploring or being unsure about one’s
29 own sexual orientation, gender identity or gender expression.

30 (11) “Resident” means a resident or a patient of an adult foster
31 home.

1 (12) “Sexual orientation” means romantic or sexual attraction to
2 other people.

3 (13) “Staff” means all individuals who are employed by or who
4 contract directly with an adult foster home.

5 (14) “Transgender” means having a gender identity or gender ex-
6 pression that differs from the gender identity or gender expression
7 stereotypically associated with the sex one was assigned at birth.

8 (15) “Undesignated” means having a gender identity that is:

9 (a) Intersex;

10 (b) Agender;

11 (c) Amalgagender;

12 (d) Androgynous;

13 (e) Bigender;

14 (f) Demigender;

15 (g) Genderfluid;

16 (h) Genderqueer;

17 (i) Neutrois;

18 (j) Nonbinary;

19 (k) Pangender;

20 (L) Third sex;

21 (m) Two-spirit; or

22 (n) Otherwise unspecified as exclusively male or female.

23 **SECTION 20. Bill of Rights for LGBTQIA2S+ residents.** (1) The
24 Legislative Assembly finds that LGBTQIA2S+ residents of adult foster
25 homes have the right to be treated with respect and dignity and be free
26 from discrimination based on a resident’s actual or perceived sexual
27 orientation, gender identity, gender expression, intersex or undesign-
28 nated status or human immunodeficiency virus status.

29 (2) Except as provided in subsection (3) of this section, staff of an
30 adult foster home may not take any of the following actions based in
31 whole or in part on a resident’s actual or perceived sexual orientation,

1 **gender identity, gender expression, intersex or undesignated status or**
2 **human immunodeficiency virus status:**

3 (a) **Deny admission to an adult foster home, transfer or refuse to**
4 **transfer a resident within a facility or to another facility or discharge**
5 **or evict a resident from a facility;**

6 (b) **Deny a request by a resident to choose the resident's roommate,**
7 **when a resident is sharing a room;**

8 (c) **Assign rooms other than in accordance with a transgender or**
9 **undesignated resident's gender identity, unless at the request of the**
10 **transgender or undesignated resident;**

11 (d) **Prohibit a resident from using, or harass a resident who seeks**
12 **to use or does use, a restroom that is available to other individuals**
13 **of the same gender identity as the resident, regardless of whether the**
14 **resident is making or has made a gender transition, has taken or is**
15 **taking hormones, has undergone gender affirmation surgery or pre-**
16 **sents as gender nonconforming;**

17 (e) **Fail to ask a resident the resident's chosen name and pronouns**
18 **or fail to use a resident's chosen name or pronouns;**

19 (f) **Deny a resident the right to wear or be dressed in clothing, ac-**
20 **cessories or cosmetics, or to engage in grooming practices, that are**
21 **permitted to any other resident;**

22 (g) **Restrict a resident's right to associate with other residents or**
23 **with visitors, including the resident's right to consensual sexual re-**
24 **lations;**

25 (h) **Deny or restrict medical or nonmedical care that is appropriate**
26 **to a resident's organs and bodily needs, or provide medical or non-**
27 **medical care that, to a similarly situated, reasonable person, unduly**
28 **demeans the resident's dignity or causes avoidable discomfort; or**

29 (i) **Refuse or willfully fail to provide any service, care or reasonable**
30 **accommodation to a resident or an applicant for services or care.**

31 (3) **The requirements of sections 19 to 23 of this 2023 Act do not**

1 apply to the extent that compliance with the requirement is incom-
2 patible with a health care professional's reasonable clinical judgment.

3 (4) A facility shall post the following notice alongside its current
4 nondiscrimination policy and alongside its written materials providing
5 notice of resident rights pursuant to ORS 441.605, in all places and on
6 all materials where that policy or those written materials are posted:

7 _____
8 (Name of facility) does not discriminate and does not permit dis-
9 crimination, including but not limited to bullying, abuse or
10 harassment, based on an individual's actual or perceived sexual ori-
11 entation, gender identity, gender expression, intersex status, nonbi-
12 nary status or human immunodeficiency virus status, or based on an
13 individual's association with another individual on account of that
14 individual's actual or perceived sexual orientation, gender identity,
15 gender expression, intersex status, nonbinary status or human
16 immunodeficiency virus status. If you believe you have experienced
17 this kind of discrimination, you may file a complaint with the office
18 of the Long Term Care Ombudsman at _____ (provide current contact
19 information).

20 _____
21 (5) A facility or any individual subject to the supervision, direction
22 or control of the facility may not retaliate against a resident who ex-
23 ercises, or on whose behalf a legal representative exercises, rights
24 guaranteed by this section or by ORS 441.605, or by rules adopted by
25 the Director of Human Services pursuant to section 24 of this 2023 Act
26 or by the Department of Human Services pursuant to ORS 441.610.
27 Retaliation under this subsection includes:

- 28 (a) Increasing charges;
- 29 (b) Decreasing services, rights or privileges;
- 30 (c) Threatening to increase charges or decrease services, rights or
31 privileges; or

1 (d) Harassing or abusing, or threatening to harass or abuse, a res-
2 ident in any manner.

3 **SECTION 21. Records.** (1) An adult foster home shall ensure that
4 resident records, including records generated at the time of admission,
5 include the resident's gender identity and the resident's chosen name
6 and pronouns, as indicated by the resident.

7 (2) Unless required by state or federal law, an adult foster home
8 shall not disclose any personally identifiable information regarding:

9 (a) A resident's sexual orientation;

10 (b) Whether a resident is transgender or undesignated;

11 (c) A resident's gender transition status;

12 (d) A resident's intersex status; or

13 (e) A resident's human immunodeficiency virus status.

14 (3) An adult foster home shall take appropriate steps to minimize
15 the likelihood of inadvertent or accidental disclosure of information
16 described in subsection (2) of this section to other residents, visitors
17 or facility staff, except to the minimum extent necessary for facility
18 staff to perform their duties.

19 (4) Unless expressly authorized by the resident or the resident's le-
20 gal representative, adult foster home staff who are not directly in-
21 volved in providing direct care to a resident, including but not limited
22 to a transgender, undesignated or gender nonconforming resident,
23 shall not be present during a physical examination of, or the provision
24 of personal care to, the resident if the resident is partially or fully
25 unclothed. A facility shall use doors, curtains, screens or other effec-
26 tive visual barriers to provide bodily privacy for all residents, includ-
27 ing but not limited to transgender, undesignated or gender
28 nonconforming residents, whenever they are partially or fully un-
29 clothed.

30 (5) Informed consent shall be required in relation to any
31 nontherapeutic examination or observation of, or treatment provided

1 to, a resident.

2 (6) A transgender resident shall be provided access to any assess-
3 ments, therapies and treatments related to gender transition that are
4 recommended by the resident's health care provider, including but not
5 limited to transgender-related medical care, hormone therapy and
6 supportive counseling.

7 **SECTION 22. Civil penalties.** An adult foster home that violates the
8 requirements of sections 19 to 23 of this 2023 Act or rules adopted by
9 the Director of Human Services under section 24 of this 2023 Act, or
10 that employs a staff member who violates sections 19 to 23 of this 2023
11 Act or rules adopted by the director under section 24 of this 2023 Act,
12 shall be subject to civil penalties or other administrative action as
13 may be provided under rules adopted by the Department of Human
14 Services. Sections 19 to 23 of this 2023 Act may not be construed to
15 limit the ability to bring any civil, criminal or administrative action
16 for conduct constituting a violation of any other provision of law.

17 **SECTION 23. Training for administrators, staff and providers.** (1)
18 An adult foster home shall ensure that the administrators and staff
19 of the facility and health care providers associated with the facility
20 receive training, on at least a biennial basis, concerning:

21 (a) Caring for LGBTQIA2S+ older adults and older adults living
22 with human immunodeficiency virus; and

23 (b) Preventing discrimination based on sexual orientation, gender
24 identity, gender expression, intersex status, transgender status, un-
25 designated status or human immunodeficiency virus status.

26 (2) At a minimum, the training required by subsection (1) of this
27 section must include:

28 (a) The defined terms commonly associated with sexual orientation,
29 gender identity, gender expression, intersex status, transgender status,
30 undesignated status or human immunodeficiency virus;

31 (b) Best practices for communicating with or about LGBTQIA2S+

1 **older adults and older adults living with human immunodeficiency vi-**
2 **rus, including the use of an individual’s chosen name and pronouns;**

3 **(c) A description of the health and social challenges historically**
4 **experienced by LGBTQIA2S+ older adults and older adults living with**
5 **human immunodeficiency virus, including discrimination when seek-**
6 **ing or receiving care at adult foster homes and the demonstrated**
7 **physical and mental health effects within the LGBTQIA2S+ commu-**
8 **nity associated with such discrimination;**

9 **(d) Strategies to create a safe and affirming environment for**
10 **LGBTQIA2S+ older adults and older adults living with human**
11 **immunodeficiency virus, including suggested changes to adult foster**
12 **home policies and procedures, forms, signage, facilitation for commu-**
13 **nication between residents and their families, activities and staff**
14 **training; and**

15 **(e) An overview of sections 19 to 23 of this 2023 Act.**

16 **(3) The training required by this section shall be provided by an**
17 **entity that has demonstrated expertise in identifying the legal, social**
18 **and medical challenges faced by, and creating safe and affirming en-**
19 **vironments for, LGBTQIA2S+ older adults and older adults living with**
20 **human immunodeficiency virus who reside in adult foster homes in**
21 **this state.**

22 **(4) An adult foster home shall designate two employees, one who**
23 **represents management at the facility and one who represents direct**
24 **care staff at the facility, to receive training described in subsections**
25 **(1) and (2) of this section in an in-person setting. The designated em-**
26 **ployees shall serve as points of contact for the facility regarding**
27 **compliance with sections 19 to 23 of this 2023 Act and shall develop a**
28 **general training plan for the facility. In the event a designated em-**
29 **ployee ceases to be employed by the facility, the facility shall designate**
30 **another employee, who is representative of the employee group re-**
31 **presented by the former designee and who shall complete the in-person**

1 **training required by subsections (1) and (2) of this section, to serve as**
2 **a point of contact for the facility regarding compliance with sections**
3 **19 to 23 of this 2023 Act and have joint responsibility for the facility’s**
4 **training plan.**

5 **(5) Administrators and staff members currently employed by an**
6 **adult foster home, and health care providers associated with the fa-**
7 **cility, shall complete the training required by subsections (1) and (2)**
8 **of this section every two years. Newly hired administrators and staff**
9 **of an adult foster home, and new health care providers associating**
10 **with the facility, shall complete the training required by subsections**
11 **(1) and (2) of this section within one year after the date of hire or as-**
12 **sociation, unless the individual provides documentation demonstrating**
13 **that the individual has completed equivalent training within the past**
14 **two years, and every two years thereafter.**

15 **(6) An adult foster home shall retain records documenting the**
16 **completion of the training required by subsections (1) and (2) of this**
17 **section by each administrator and staff member at the facility and by**
18 **health care providers associated with the facility. The records shall**
19 **be made available, upon request, to the Department of Human Ser-**
20 **vices and the office of the Long Term Care Ombudsman.**

21 **SECTION 24. Rules. The Director of Human Services shall adopt**
22 **rules in accordance with ORS chapter 183 as necessary to implement**
23 **the provisions of sections 19 to 23 of this 2023 Act.**

24

25

APPLICABILITY

26

27 **SECTION 25. The training described in sections 9, 16 and 23 of this**
28 **2023 Act must be first completed no later than six months after the**
29 **effective date of this 2023 Act.**

30

31

CAPTIONS

1 **SECTION 26. The unit and section captions used in this 2023 Act**
2 **are provided only for the convenience of the reader and do not become**
3 **part of the statutory law of this state or express any legislative intent**
4 **in the enactment of this 2023 Act.**

5
