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**NAIFA Position for SB 95**

1. SB 95 should be a bill for voluntary reporting of financial exploitation. With that in mind the following changes are recommended:
   1. The bill should create an easy to use system for reporting to DCBS.
   2. Training on how to detect and report financial exploitation should be required for first time licensing.
   3. Training on how to detect and report financial exploitation should be required as continuing education to maintain licenses.
   4. Potential conflicts with new DOL rules need to be considered and worked out.
   5. Companies could be required to report instead of individuals.
2. If the SB95 is to remain a mandatory reporting bill, the following issues should be considered and amendments to the bill to address these issues adopted.
   1. Training of qualified individuals will be required so that they will understand the new requirements.
      1. The implementation date for the bill should be delayed until January 2019 to allow for curriculum development.
      2. No penalties should be imposed until January 2020 to allow time for agents to be trained in recognizing and reporting suspected elder abuse.
   2. Federal DOL rules may conflict with the bill as drafted. The bill must show how qualified individuals are to comply with any conflicting rules.
3. Specific, Section by Section issues.
   1. Section 1
      1. (2)(b) person with disability definition should be changed to ORS 410.040(7) and ORS 410.715
      2. (3) Does this definition include a situation when someone is “taking advantage” of a family member with the person’s consent? If so, that should be changed.
      3. (3)(b) “omission” should not be included
   2. Section 2
      1. Is “reasonable cause” the correct evidentiary standard to use?
      2. “shall promptly notify” needs a definition.
      3. The reporting requirement in should be changed to a single agency, in writing and the agency must be DCBS.
      4. (2) Includes “must” and “if known”. This creates confusion and is potential trap for qualified individuals.
   3. Section 4
      1. How is the qualified individual to know who may be the “…third party that is suspected of actual or attempted financial exploitation or other abuse.”
   4. Section 6
      1. (1)(b)(A) What if the only party authorized to transact business is the party suspected of exploitation?
      2. (1)(b)(B) Reporting only to DCBS.
      3. (1)(b)(C) This section requires companies to become investigators. They may not be experts in this area. Also any reporting should only be to DCBS.
   5. Section 9
      1. The enforcement should be only by DCBS.