

# Senate Bill 363

Sponsored by Senator MORRISETTE (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes Consumer Advisory Council to advise Director of Human Services on provision of mental health services.

Establishes Office of Consumer Affairs in Department of Human Services to promote consumer-directed mental health services.

Establishes Office of Ombudsman for Mental Health Consumers in department to provide services to consumers of mental health or addiction services.

Appropriates moneys from General Fund to department for purposes of Act.

## A BILL FOR AN ACT

1  
2 Relating to human services; and appropriating money.

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

4 **SECTION 1. As used in sections 2 to 7 of this 2007 Act, "consumer" means a person who**  
5 **has received or is receiving mental health or addiction services.**

6 **SECTION 2. The Department of Human Services shall develop a policy that supports and**  
7 **promotes self-determination for persons receiving mental health services. The policy shall**  
8 **be designed to remove barriers that:**

9 (1) **Segregate persons with disabilities from full participation in the community in the**  
10 **most integrated setting in accordance with the United States Supreme Court decision in**  
11 **Olmstead v. L.C., 527 U.S. 581 (1999); and**

12 (2) **Prevent persons with disabilities from enjoying a meaningful life, the benefits of**  
13 **community involvement and citizen rights guaranteed by law.**

14 **SECTION 3. (1) The Director of Human Services shall establish a Consumer Advisory**  
15 **Council to advise the director on the provision of mental health services by the Department**  
16 **of Human Services. The council may review, evaluate and provide feedback on all site reviews**  
17 **related to mental health services provided by the department.**

18 (2) **The director shall appoint 15 to 25 consumers to the council. In making appointments,**  
19 **the director shall give consideration to geographic representation of the entire state.**

20 (3) **The department shall provide administrative support to the council.**

21 (4) **Members of the council are entitled to compensation and expenses as provided in ORS**  
22 **292.495.**

23 **SECTION 4. (1) The Director of Human Services shall establish within the Department**  
24 **of Human Services the Office of Consumer Affairs to facilitate, promote, monitor and provide**  
25 **training and technical assistance to consumer groups and to promote the organization and**  
26 **implementation of consumer-directed mental health services and consumer representation.**

27 (2) **In addition to the duties described in subsection (1) of this section, the Office of**  
28 **Consumer Affairs shall:**

**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 (a) Provide networking and technical assistance and regional coordination of information  
2 among consumer groups, mental health programs and government agencies;

3 (b) For publicly funded mental health programs, provide quality assurance and technical  
4 assistance oversight with respect to consumer participation;

5 (c) Evaluate the efficacy of, supporting evidence for and desirability of available mental  
6 health services with respect to the persons receiving the services;

7 (d) Monitor the delivery of peer services and peer credentialed services and evaluate the  
8 impact, relevance and efficiency of the delivery of evidence-based services in peer delivery  
9 settings;

10 (e) Evaluate and report to the director regarding the impact and efficiency of the de-  
11 partment's budget with respect to the delivery of peer services and consumer choice;

12 (f) Evaluate and report to the director regarding the effect of statutory provisions on the  
13 availability of consumer-directed mental health services and on decreasing the social stigma  
14 that may be experienced by consumers; and

15 (g) Perform other duties as the director considers necessary.

16 **SECTION 5.** (1) The Department of Human Services shall provide administrative and  
17 technical support to the Office of Consumer Affairs for purposes of evaluating and imple-  
18 menting peer-operated, evidence-based, clinical and nonclinical services provided as  
19 consumer-directed mental health services.

20 (2) The Office of Consumer Affairs shall provide oversight and assistance to the peer-  
21 operated and evidence-based services where applicable.

22 **SECTION 6.** (1) The Office of Ombudsman for Mental Health Consumers is established in  
23 the Department of Human Services. With the concurrence of the Governor and subject to  
24 the availability of funds, the Director of Human Services shall appoint the ombudsman and  
25 may terminate the ombudsman. The person appointed as ombudsman shall:

26 (a) Have experience receiving mental health services, as a consumer or as the parent of  
27 a consumer who is under 18 years of age;

28 (b) Demonstrate through prior experience a commitment to the principles of self-  
29 determination, recovery and the resiliency of consumers; and

30 (c) Meet other criteria as determined by the Office of Consumer Affairs established under  
31 section 4 of this 2007 Act, the Consumer Advisory Council established under section 3 of this  
32 2007 Act and the Governor.

33 (2) The ombudsman shall:

34 (a) Provide information and assistance to consumers; and

35 (b) Report to the Governor in writing at least once each quarter as required under ORS  
36 182.500. The report shall include a summary of the services the ombudsman provided during  
37 the quarter and the ombudsman's recommendations for improving ombudsman services.

38 **SECTION 7.** Except as otherwise provided by law, at least 20 percent of the membership  
39 of all task forces, commissions, advisory groups and committees established by a public body  
40 as defined in ORS 174.109 and relating to persons with mental health or addiction issues shall  
41 be consumers.

42 **SECTION 8.** The Department of Human Services may adopt rules to implement sections  
43 2 to 7 of this 2007 Act.

44 **SECTION 9.** There is appropriated to the Department of Human Services, for the  
45 biennium beginning July 1, 2007, out of the General Fund, the amount of \$\_\_\_\_\_ for the

1 **purpose of carrying out the provisions of sections 1 to 7 of this 2007 Act.**

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