

(To Resolve Conflicts)

**C-Engrossed
House Bill 3353**

Ordered by the Senate June 29
Including House Amendments dated April 28 and June 23 and Senate
Amendments dated June 29 to resolve conflicts

Sponsored by Representative TOMEI, Senator PROZANSKI

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.

Creates Alcohol and Drug Policy Commission to replace Governor's Council on Alcohol and Drug Abuse Programs. Specifies membership and duties of commission. Requires report to Governor and to interim committee of Legislative Assembly. Sunsets provisions relating to commission on January 2, 2014.

Abolishes commission on January 2, 2014. Transfers all duties, functions and powers of commission to Department of Human Services. Transfers unexpended balances of amounts authorized to be expended by commission for biennium beginning July 1, 2013, to department.

Limits funds department may use to create commission to specified federal funds. Increases biennial limitation on expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by department for purpose of paying expenses for administrative services incurred in creating commission.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to alcohol and drug programs; creating new provisions; amending ORS 137.308, 417.775,
3 417.857, 430.270, 430.290, 430.359, 430.368, 430.535, 430.630, 430.632 and 430.640; repealing ORS
4 430.250, 430.255, 430.257, 430.258 and 430.259; limiting expenditures; and declaring an emergency.

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

6 **SECTION 1. (1) There is created the Alcohol and Drug Policy Commission, which is**
7 **charged with producing a plan for the funding and effective delivery of alcohol and drug**
8 **treatment and prevention services. The commission shall recommend:**

9 (a) **A strategy for delivering state-funded treatment and prevention services;**

10 (b) **The priority of funding for treatment and prevention services;**

11 (c) **Strategies to maximize accountability for performance of treatment and prevention**
12 **services;**

13 (d) **Methods to standardize data collection and reporting; and**

14 (e) **A strategy to consolidate treatment and prevention services and reduce the frag-**
15 **mentation in the delivery of services.**

16 (2) **The membership of the commission consists of:**

17 (a) **Sixteen members appointed by the Governor, subject to confirmation by the Senate**
18 **in the manner prescribed in ORS 171.562 and 171.565, including:**

19 (A) **An elected district attorney;**

20 (B) **An elected county sheriff;**

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 (C) A county commissioner;
- 2 (D) A representative of an Indian tribe;
- 3 (E) An alcohol or drug treatment provider;
- 4 (F) A chief of police;
- 5 (G) An alcohol or drug treatment researcher or epidemiologist;
- 6 (H) A criminal defense attorney;
- 7 (I) A judge of a circuit court, who shall be a nonvoting member;
- 8 (J) A representative of the health insurance industry;
- 9 (K) A representative of hospitals;
- 10 (L) An alcohol or treatment professional who is highly experienced in the treatment of
- 11 persons with a dual diagnosis of mental illness and substance abuse;
- 12 (M) An alcohol or drug abuse prevention representative;
- 13 (N) A consumer of alcohol or drug treatment who is in recovery;
- 14 (O) A representative of the business community; and
- 15 (P) An alcohol or drug prevention representative who specializes in youth.
- 16 (b) Two members of the Legislative Assembly appointed to the commission as nonvoting
- 17 members of the commission, acting in an advisory capacity only and including:
 - 18 (A) One member from among members of the Senate appointed by the President of the
 - 19 Senate; and
 - 20 (B) One member from among members of the House of Representatives appointed by the
 - 21 Speaker of the House of Representatives.
 - 22 (c) The following voting ex officio members:
 - 23 (A) The Governor or the Governor's designee;
 - 24 (B) The Attorney General;
 - 25 (C) The Director of Human Services;
 - 26 (D) The Director of the Department of Corrections; and
 - 27 (E) The Superintendent of Public Instruction.
 - 28 (3) The Alcohol and Drug Policy Commission shall select one of its members as chair-
 - 29 person and another as vice chairperson, for such terms and with duties and powers neces-
 - 30 sary for the performance of the functions of such offices as the commission determines.
 - 31 (4) A majority of the voting members of the commission constitutes a quorum for the
 - 32 transaction of business.
 - 33 (5) Official action of the commission requires the approval of a majority of the voting
 - 34 members on the commission.
 - 35 (6) The commission may establish a steering committee and subcommittees. These com-
 - 36 mittees may be continuing or temporary.
 - 37 (7) Each commission member appointed by the Governor serves at the pleasure of the
 - 38 Governor. If there is a vacancy for any cause, the Governor shall make an appointment to
 - 39 become immediately effective.
 - 40 (8) The Department of Human Services shall provide staff support to the commission.
 - 41 Subject to available funding, the commission may contract with a public or private entity to
 - 42 provide staff support.
 - 43 (9) Members of the commission who are not members of the Legislative Assembly are
 - 44 entitled to compensation and expenses incurred by them in the performance of their official
 - 45 duties in the manner and amounts provided for in ORS 292.495. Claims for compensation and

1 expenses shall be paid out of funds appropriated to the Department of Human Services or
2 funds appropriated to the commission for purposes of the commission.

3 **SECTION 2.** No later than October 1, 2009, the Governor shall appoint to the Alcohol and
4 Drug Policy Commission the members specified in section 1 (2)(a) of this 2009 Act.

5 **SECTION 3.** (1) No later than May 1, 2010, the Alcohol and Drug Policy Commission shall
6 report to the Governor with a specific plan for funding and more effectively delivering alco-
7 hol and drug treatment and prevention services across all human services and public safety
8 agencies.

9 (2) The report must be completed in time for the Governor's consideration in the devel-
10 opment of the Governor's budget for the biennium beginning July 1, 2011.

11 (3) No later than October 1, 2010, the commission shall report on the plan to the appro-
12 priate interim committee of the Legislative Assembly and may include recommendations to
13 the Legislative Assembly for legislative changes necessary to implement the plan.

14 (4) No later than October 1, 2012, the commission shall report to the Legislative Assem-
15 bly on the progress made to date regarding outcomes of policy changes made by the Legis-
16 lative Assembly and may make recommendations for legislative changes.

17 **SECTION 4.** (1) The Governor's Council on Alcohol and Drug Abuse Programs is abol-
18 ished. On the operative date specified in section 5 of this 2009 Act, the tenure of office of the
19 members of the Governor's Council on Alcohol and Drug Abuse Programs ceases.

20 (2) All of the duties, functions and powers of the Governor's Council on Alcohol and Drug
21 Abuse Programs are imposed upon, transferred to and vested in the Alcohol and Drug Policy
22 Commission.

23 (3) The unexpended balances of amounts authorized to be expended by the Governor's
24 Council on Alcohol and Drug Abuse Programs for the biennium beginning July 1, 2009, from
25 revenues dedicated, continuously appropriated, appropriated or otherwise made available for
26 the purpose of administering and enforcing the duties, functions and powers transferred by
27 this section are transferred to and are available for expenditure by the Alcohol and Drug
28 Policy Commission for the biennium beginning July 1, 2009, for the purpose of administering
29 and enforcing the duties, functions and powers transferred by this section.

30 (4) The expenditure classifications, if any, established by Acts authorizing or limiting
31 expenditures by the Governor's Council on Alcohol and Drug Abuse Programs remain appli-
32 cable to expenditures by the Alcohol and Drug Treatment Commission under this section.

33 **SECTION 5.** Section 4 of this 2009 Act becomes operative on the date on which a majority
34 of the members of the Alcohol and Drug Policy Commission have been appointed by the
35 Governor and confirmed by the Senate pursuant to section 1 of this 2009 Act.

36 **SECTION 6.** ORS 137.308 is amended to read:

37 137.308. (1) The county treasurer shall deposit 60 percent of the moneys received under ORS
38 137.309 (6), (8) and (9) into the general fund of the county to be used for the purpose of planning,
39 operating and maintaining county juvenile and adult corrections programs and facilities and drug
40 and alcohol programs approved by the *[Governor's Council on Alcohol and Drug Abuse Programs]*
41 **Alcohol and Drug Policy Commission**. Expenditure by the county of the funds described in this
42 subsection shall be made in a manner that is consistent with the approved community corrections
43 plan for that county; however, a county may not expend more than 50 percent of the funds on the
44 construction or operation of a county jail. Prior to budgeting the funds described in this subsection,
45 a county shall consider any comments received from, and upon request shall consult with, the gov-

1 erning body of a city that forwards assessments under ORS 137.307 (1991 Edition) concerning the
2 proposed uses of the funds.

3 (2) The county treasurer shall deposit 40 percent of the moneys received under ORS 137.309 (6),
4 (8) and (9) into the county's court facilities security account established under ORS 1.182.

5 **SECTION 7.** ORS 417.775 is amended to read:

6 417.775. (1) Under the direction of the board or boards of county commissioners, and in con-
7 junction with the guidelines set by the State Commission on Children and Families, the [*main pur-*
8 *poses of a*] local commission on children and families [*are to*] **shall** promote wellness for children of
9 all ages and their families in the county or region, if the families have given their express written
10 consent, [*to*] mobilize communities and [*to*] develop policy and oversee the implementation of a local
11 coordinated comprehensive plan described in this section. A local commission shall:

12 (a) Inform and involve citizens;

13 (b) Identify and map the range of resources in the community;

14 (c) Plan, advocate and fund research-based initiatives for children who are [*0 through*] 18 years
15 of age **or younger, including prenatal**, and their families;

16 (d) Develop local policies, priorities, outcomes and targets;

17 (e) Prioritize activities identified in the local plan and mobilize the community to take action;

18 (f) Prioritize the use of nondedicated resources;

19 (g) Monitor implementation of the local plan; and

20 (h) Monitor and evaluate the intermediate outcome targets identified in the local plan that are
21 reviewed under ORS 417.797, and report on the progress in addressing priorities and achieving out-
22 comes.

23 (2)(a) A local commission may not provide direct services for children and their families.

24 (b) Notwithstanding paragraph (a) of this subsection, a local commission may provide direct
25 services for children and their families for a period not to exceed six months if:

26 (A)(i) The local commission determines that there is an emergency;

27 (ii) A provider of services discontinues providing the services in the county or region; or

28 (iii) No provider is able to offer the services in the county or region; and

29 (B) The family has given its express written consent.

30 (3) The local commission shall lead and coordinate a process to assess needs, strengths, goals,
31 priorities and strategies, and identify county or regional outcomes to be achieved. The process shall
32 be in conjunction with other coordinating bodies for services for children and their families and
33 shall include representatives of education, mental health services, developmental disability services,
34 alcohol and drug treatment programs, public health programs, local child care resource and referral
35 agencies, child care providers, law enforcement and corrections agencies, private nonprofit entities,
36 local governments, faith-based organizations, businesses, families, youth and the local community.
37 The process shall include populations representing the diversity of the county or region.

38 (4) Through the process described in subsection (3) of this section, the local commission shall
39 coordinate the development of a single local plan for coordinating community programs, strategies
40 and services for children who are [*0 through*] 18 years of age **or younger, including prenatal**, and
41 their families among community groups, government agencies, private providers and other parties.
42 The local plan shall be a comprehensive area-wide service delivery plan for all services to be pro-
43 vided for children and their families in the county or region, if the families have given their express
44 written consent. The local plan shall be designed to achieve state and county or regional outcomes
45 based on state policies and guidelines and to maintain a level of services consistent with state and

1 federal requirements.

2 (5) The local commission shall prepare the local coordinated comprehensive plan and applica-
3 tions for funds to implement ORS 417.705 to 417.801 and 419A.170. The local plan, policies and pro-
4 posed service delivery systems shall be submitted to the board or boards of county commissioners
5 for approval prior to submission to the state commission. The local plan shall be based on identify-
6 ing the most effective service delivery system allowing for the continuation of current public and
7 private programs where appropriate. The local plan shall address needs, strengths and assets of all
8 children, their families and communities, including those children and their families at highest risk.

9 (6) Subject to the availability of funds:

10 (a) The local coordinated comprehensive plan shall include:

11 (A) Identification of ways to connect all state and local planning processes related to services
12 for children and their families into the local coordinated comprehensive plan to create positive
13 outcomes for children and their families; and

14 (B) Provisions for a continuum of social supports at the community level for children from the
15 prenatal stage through 18 years of age, and their families, that takes into account areas of need,
16 service overlap, asset building and community strengths as outlined in ORS 417.305 (2).

17 (b) The local coordinated comprehensive plan shall reference:

18 (A) A voluntary local early childhood system plan created pursuant to ORS 417.777;

19 (B) Local alcohol and other drug prevention and treatment plans developed pursuant to [ORS
20 430.258] **section 1 of this 2009 Act;**

21 (C) Local service plans, developed pursuant to ORS 430.630, for the delivery of mental health
22 services for children and their families;

23 (D) Local public health plans, developed pursuant to ORS 431.385, that include public health
24 issues such as prenatal care, immunizations, well-child checkups, tobacco use, nutrition, teen preg-
25 nancy, maternal and child health care and suicide prevention; and

26 (E) The local high-risk juvenile crime prevention plan developed pursuant to ORS 417.855.

27 (7) The local coordinated comprehensive plan shall include a list of staff positions budgeted to
28 support the local commission on children and families. The list shall indicate the status of each po-
29 sition as a percentage of full-time equivalency dedicated to the implementation of the local coordi-
30 nated comprehensive plan. The county board or boards of commissioners shall be responsible for
31 providing the level of staff support detailed in the local plan and shall ensure that funds provided
32 for these purposes are used to carry out the local plan.

33 (8) The local coordinated comprehensive plan shall:

34 (a) Improve results by addressing the needs, strengths and assets of all children, their families
35 and communities in the county or region, including those children and their families at highest risk;

36 (b) Improve results by identifying the methods that work best at the state and local levels to
37 coordinate resources, reduce paperwork and simplify processes, including data gathering and plan-
38 ning;

39 (c) Be based on local, state and federal resources;

40 (d) Be based on proven practices of effectiveness for the specific community;

41 (e) Contribute to a voluntary statewide system of formal and informal services and supports that
42 is provided at the community level, that is integrated in local communities and that promotes im-
43 proved outcomes for Oregon's children;

44 (f) Be presented to the citizens in each county for public review, comment and adjustment;

45 (g) Be designed to achieve outcomes based on research-identified proven practices of effective-

1 ness; and

2 (h) Address other issues, local needs or children and family support areas as determined by the
3 local commission pursuant to ORS 417.735.

4 (9) In developing the local coordinated comprehensive plan, the local commission shall:

5 (a) Secure active participation pursuant to subsection (3) of this section;

6 (b) Provide for community participation in the planning process, including media notification;

7 (c) Conduct an assessment of the community that identifies needs and strengths;

8 (d) Identify opportunities for service integration; and

9 (e) Develop a local coordinated comprehensive plan and budget to meet the priority needs of a
10 county or region.

11 (10) The state commission may disapprove the part of the local coordinated comprehensive plan
12 relating to the planning process required by this section and the voluntary local early childhood
13 system plan.

14 (11)(a) The state commission may disapprove the planning process and the voluntary local early
15 childhood system plan only upon making specific findings that the local plan substantially fails to
16 conform to the principles, characteristics and values identified in ORS 417.708 to 417.725 and 417.735
17 (4) or that the local plan fails to conform with the planning process requirements of this section.
18 The staff of the state commission shall assist the local commission in remedying the deficiencies in
19 the planning process or the voluntary local early childhood system plan. The state commission shall
20 set a date by which any deficient portions of the planning process or the voluntary local early
21 childhood system plan must be revised and resubmitted to the state commission by the local com-
22 mission.

23 (b) The state commission does not have approval authority over the following service plans
24 referenced in the local coordinated comprehensive plan:

25 (A) The local alcohol and other drug prevention and treatment plans developed pursuant to
26 [ORS 430.258] **section 1 of this 2009 Act;**

27 (B) Local service plans, developed pursuant to ORS 430.630, relating to the delivery of mental
28 health services;

29 (C) Local public health plans developed pursuant to ORS 431.385; and

30 (D) Local high-risk juvenile crime prevention plans developed pursuant to ORS 417.855.

31 (12) The state commission, the [Governor's Council on Alcohol and Drug Abuse Programs] **Al-**
32 **cohol and Drug Policy Commission**, the Department of Human Services and the Juvenile Crime
33 Prevention Advisory Committee may jointly approve the community plan that is part of the local
34 coordinated comprehensive plan, but may not jointly approve the service plans that are referenced
35 in the local plan. If the community plan is disapproved in whole, the agencies shall identify with
36 particularity the manner in which the community plan is deficient and the service plans may be
37 implemented. If only part of the community plan is disapproved, the remainder of the community
38 plan and the service plans may be implemented. The staff of the agencies shall assist the local
39 commission in remedying the disapproved portions of the community plan. The agencies shall jointly
40 set a date by which the deficient portions of the community plan shall be revised and resubmitted
41 to the agencies by the local commission. In reviewing the community plan, the agencies shall con-
42 sider the impact of state and local budget reductions on the community plan.

43 (13) If a local commission determines that the needs of the county or region it serves differ from
44 those identified by the state commission, it may ask the state commission to waive specific re-
45 quirements in its list of children's support areas. The process for granting waivers shall be devel-

1 oped by the state commission prior to the start of the review and approval process for the local
2 coordinated comprehensive plan described in ORS 417.735 (4) and shall be based primarily on a de-
3 termination of whether the absence of a waiver would prevent the local commission from best
4 meeting the needs of the county or region.

5 (14) From time to time, the local commission may amend the local coordinated comprehensive
6 plan and applications for funds to implement ORS 417.705 to 417.801 and 419A.170. The local com-
7 mission must amend the local plan to reflect current community needs, strengths, goals, priorities
8 and strategies. Amendments become effective upon approval of the board or boards of county com-
9 missioners and the state commission.

10 (15) The local commission shall keep an official record of any amendments to the local coordi-
11 nated comprehensive plan under subsection (14) of this section.

12 (16) The local commission shall provide an opportunity for public and private contractors to
13 review the components of the local coordinated comprehensive plan and any amendments to the lo-
14 cal plan, to receive notice of any component that the county or counties intend to provide through
15 a county agency and to comment publicly to the board or boards of county commissioners if they
16 disagree with the proposed service delivery plan.

17 **SECTION 8.** ORS 417.857 is amended to read:

18 417.857. (1) Deschutes County may place greater emphasis on early intervention and work with
19 younger children than required by the Juvenile Crime Prevention Advisory Committee if the county
20 has been granted a waiver pursuant to this section.

21 (2) The Juvenile Crime Prevention Advisory Committee shall develop an objective process, re-
22 view criteria and timetable for consideration of a waiver request. A waiver granted under this sec-
23 tion applies to the requirements for basic services grants described in ORS 417.850 (8) and high-risk
24 juvenile crime prevention resources managed by the State Commission on Children and Families.
25 The waiver shall be consistent with the goals of ORS 417.705 to 417.801, 417.850[,] **and** 417.855[,
26 430.250, 430.255, 430.257, 430.258 and 430.259].

27 (3) Any documentation required for a waiver under this section shall be obtained to the greatest
28 extent possible from material contained in the county's juvenile crime prevention plan and from
29 material as determined through biennial intergovernmental agreements. The Juvenile Crime Pre-
30 vention Advisory Committee may ask the county to submit additional information regarding how the
31 county intends to use crime prevention funds under the waiver.

32 (4) The Juvenile Crime Prevention Advisory Committee shall grant a waiver or continue a
33 waiver based on criteria that include:

34 (a) The rate of Oregon Youth Authority discretionary bed usage compared to other counties;

35 (b) The county's rates of first-time juvenile offenders, chronic juvenile offenders and juvenile
36 recidivism compared to other counties;

37 (c) The amount and allocation of expenditures from all funding sources for juvenile crime pre-
38 vention, including prevention and early intervention strategies, and how the requested waiver ad-
39 dresses the needs and priorities for the target population described in ORS 417.855 and for the
40 target population described in the waiver;

41 (d) Inclusion of prevention or early intervention strategies in the juvenile crime prevention plan;

42 (e) Investments in evidence-based crime prevention programs and practices;

43 (f) Support of the local public safety coordinating council, local commission on children and
44 families and board of county commissioners;

45 (g) Local integration practices including citizens, victims, courts, law enforcement, business and

1 schools;

2 (h) Identification of the risk factors for the target population described in the waiver; and

3 (i) Changes in the risk factors for the target population described in the waiver.

4 (5) The committee shall review and act on any request for a waiver within 90 days after receipt
5 of the request.

6 (6) The duration of a waiver granted under this section is four years. Before the expiration of
7 a waiver granted under this section, the county may submit a request for another waiver.

8 **SECTION 9.** ORS 430.270 is amended to read:

9 430.270. The Department of Human Services, in consultation with the [*Governor's Council on*
10 *Alcohol and Drug Abuse Programs*] **Alcohol and Drug Policy Commission**, shall take such means
11 as it considers most effective to bring to the attention of the general public, employers, the profes-
12 sional community and particularly the youth of the state, the harmful effects to the individual and
13 society of the irresponsible use of alcoholic beverages, controlled substances and other chemicals,
14 and substances with abuse potential.

15 **SECTION 10.** ORS 430.290 is amended to read:

16 430.290. (1) The objective of this section is to prevent alcoholism and drug dependency.

17 (2) To carry out the objective of this section, the Department of Human Services shall:

18 (a) Consult with and be advised by the [*Governor's Council on Alcohol and Drug Abuse*
19 *Programs*] **Alcohol and Drug Policy Commission** and the Mental Health Advisory Board in iden-
20 tifying program priorities for the primary prevention of alcoholism and drug dependency.

21 (b) Solicit program proposals that address identified priorities from agencies, associations, indi-
22 viduals or any political subdivision of this state and award and distribute moneys under this section
23 in accordance with the provisions of this section.

24 (3) Every applicant for a grant to develop a primary prevention of alcoholism program shall be
25 assisted in its preparation by the local alcohol planning committee, if there be one, operating in the
26 area to which the application relates. Every applicant shall establish to the satisfaction of the de-
27 partment that the committee was actively involved in the development and preparation of such
28 program.

29 (4) Every grant applicant shall include the recommendations of the local alcohol planning com-
30 mittee, if there be one, operating in the area. The department shall take the recommendations of the
31 local alcohol planning committee into consideration before making or refusing a grant.

32 **SECTION 11.** ORS 430.359 is amended to read:

33 430.359. (1) Upon approval of an application, the Department of Human Services shall enter into
34 a matching fund relationship with the applicant. In all cases the amount granted by the department
35 under the matching formula shall not exceed 50 percent of the total estimated costs, as approved
36 by the department, of the alcohol and drug abuse prevention, early intervention and treatment ser-
37 vices.

38 (2) The amount of state funds shall be apportioned among the applicants according to the com-
39 munity need of the applicant for services as compared with the community needs of all applicants.
40 In evaluating the community needs of the applicant, the department, in consultation with the [*Gov-*
41 *ernor's Council on Alcohol and Drug Abuse Programs*] **Alcohol and Drug Policy Commission**, shall
42 give priority consideration to those applications that identify and include alcohol and drug abuse
43 prevention, early intervention and treatment services aimed at providing services to minorities with
44 a significant population of affected persons. The funds granted shall be distributed monthly.

45 (3) Federal funds at the disposal of an applicant for use in providing alcohol and drug abuse

1 prevention, early intervention and treatment services may be counted toward the percentage con-
2 tribution of an applicant.

3 (4) An applicant that is, at the time of a grant made under this section, expending funds appro-
4 priated by its governing body for the alcohol and drug abuse prevention, early intervention and
5 treatment services shall, as a condition to the receipt of funds under this section, maintain its fi-
6 nancial contribution to these programs at an amount not less than the preceding year. However, the
7 financial contribution requirement may be waived in its entirety or in part in any year by the De-
8 partment of Human Services because of:

9 (a) The severe financial hardship that would be imposed to maintain the contribution in full or
10 in part;

11 (b) The application of any special funds for the alcohol and drug abuse prevention, early inter-
12 vention and treatment services in the prior year when such funds are not available in the current
13 year;

14 (c) The application of federal funds, including but not limited to general revenue sharing, dis-
15 tributions from the Oregon and California land grant fund and block grant funds to the alcohol and
16 drug abuse prevention, early intervention and treatment services in the prior year when such funds
17 are not available for such application in the current year; or

18 (d) The application of fund balances resulting from fees, donations or underexpenditures in a
19 given year of the funds appropriated to counties pursuant to ORS 430.380 (2) to the alcohol and drug
20 abuse prevention, early intervention and treatment services in the prior year when such funds are
21 not available for such application in the current year.

22 (5) Any moneys received by an applicant from fees, contributions or other sources for alcohol
23 and drug abuse prevention, early intervention and treatment services for service purposes, including
24 federal funds, shall be considered a portion of an applicant's contribution for the purpose of deter-
25 mining the matching fund formula relationship. All moneys so received shall only be used for the
26 purposes of carrying out ORS 430.345 to 430.380.

27 (6) Grants made pursuant to ORS 430.345 to 430.380 shall be paid from funds specifically ap-
28 propriated therefor and shall be paid in the same manner as other claims against the state are paid.

29 **SECTION 12.** ORS 430.368 is amended to read:

30 430.368. (1) Any alcohol and drug abuse prevention, early intervention and treatment service,
31 including but not limited to minority programs, aggrieved by any final action of an applicant with
32 regard to requesting funding for the program from the Department of Human Services, may appeal
33 the applicant's action to the Director of Human Services within 30 days of the action. For the pur-
34 poses of this section "final action" means the submission of the applicant's compiled funding re-
35 quests to the department. The director shall review, in consultation with the [*Governor's Council*
36 *on Alcohol and Drug Abuse Programs*] **Alcohol and Drug Policy Commission**, all appealed actions
37 for compliance with the purposes and requirements of ORS [*430.306*] **430.315 to 430.335**, 430.338 to
38 430.380, 471.810, 473.030 and 473.050, including but not limited to ORS 430.338 (5).

39 (2) The director shall act on all appeals within 60 days of filing, or before the time of the de-
40 partment's decision on the applicant's funding request, whichever is less. The director is not re-
41 quired to follow procedures for hearing a contested case, but shall set forth written findings
42 justifying the action. The decision of the director shall be final, and shall not be subject to judicial
43 review.

44 **SECTION 13.** ORS 430.535 is amended to read:

45 430.535. (1) The Department of Human Services and the [*Governor's Council on Alcohol and Drug*

1 *Abuse Programs*] **Alcohol and Drug Policy Commission** shall, subject to the availability of funds,
2 develop bilingual forms to assist non-English-speaking persons in understanding their rights under
3 ORS 430.450 to 430.555.

4 (2) The department shall assist county mental health programs in the development of compre-
5 hensive and coordinated identification, evaluation, treatment, education and rehabilitation services
6 for the drug-dependent person. The State Plan for Drug Problems shall be consistent with such
7 system.

8 **SECTION 14.** ORS 430.630 is amended to read:

9 430.630. (1) In addition to any other requirements that may be established by rule by the De-
10 partment of Human Services and subject to the availability of funds, each community mental health
11 and developmental disabilities program shall provide the following basic services to persons with
12 mental retardation, developmental disabilities, alcoholism or drug dependence, and persons who are
13 alcohol or drug abusers:

14 (a) Outpatient services;

15 (b) Aftercare for persons released from hospitals and training centers;

16 (c) Training, case and program consultation and education for community agencies, related
17 professions and the public;

18 (d) Guidance and assistance to other human service agencies for joint development of prevention
19 programs and activities to reduce factors causing mental retardation, developmental disabilities, al-
20 cohool abuse, alcoholism, drug abuse and drug dependence; and

21 (e) Age-appropriate treatment options for older adults.

22 (2) As alternatives to state hospitalization, it is the responsibility of the community mental
23 health and developmental disabilities program to ensure that, subject to the availability of funds, the
24 following services for persons with mental retardation, developmental disabilities, alcoholism or drug
25 dependence, and persons who are alcohol or drug abusers, are available when needed and approved
26 by the Department of Human Services:

27 (a) Emergency services on a 24-hour basis, such as telephone consultation, crisis intervention
28 and prehospital screening examination;

29 (b) Care and treatment for a portion of the day or night, which may include day treatment
30 centers, work activity centers and preschool programs;

31 (c) Residential care and treatment in facilities such as halfway houses, detoxification centers
32 and other community living facilities;

33 (d) Continuity of care, such as that provided by service coordinators, community case develop-
34 ment specialists and core staff of federally assisted community mental health centers;

35 (e) Inpatient treatment in community hospitals; and

36 (f) Other alternative services to state hospitalization as defined by the department.

37 (3) In addition to any other requirements that may be established by rule of the department,
38 each community mental health and developmental disabilities program, subject to the availability
39 of funds, shall provide or ensure the provision of the following services to persons with mental or
40 emotional disturbances:

41 (a) Screening and evaluation to determine the client's service needs;

42 (b) Crisis stabilization to meet the needs of persons with acute mental or emotional disturbances,
43 including the costs of investigations and prehearing detention in community hospitals or other fa-
44 cilities approved by the department for persons involved in involuntary commitment procedures;

45 (c) Vocational and social services that are appropriate for the client's age, designed to improve

1 the client’s vocational, social, educational and recreational functioning;

2 (d) Continuity of care to link the client to housing and appropriate and available health and
3 social service needs;

4 (e) Psychiatric care in state and community hospitals, subject to the provisions of subsection (4)
5 of this section;

6 (f) Residential services;

7 (g) Medication monitoring;

8 (h) Individual, family and group counseling and therapy;

9 (i) Public education and information;

10 (j) Prevention of mental or emotional disturbances and promotion of mental health;

11 (k) Consultation with other community agencies;

12 (L) Preventive mental health services for children and adolescents, including primary prevention
13 efforts, early identification and early intervention services. Preventive services should be patterned
14 after service models that have demonstrated effectiveness in reducing the incidence of emotional,
15 behavioral and cognitive disorders in children. As used in this paragraph:

16 (A) “Early identification” means detecting emotional disturbance in its initial developmental
17 stage;

18 (B) “Early intervention services” for children at risk of later development of emotional disturb-
19 ances means programs and activities for children and their families that promote conditions, oppor-
20 tunities and experiences that encourage and develop emotional stability, self-sufficiency and
21 increased personal competence; and

22 (C) “Primary prevention efforts” means efforts that prevent emotional problems from occurring
23 by addressing issues early so that disturbances do not have an opportunity to develop; and

24 (m) Preventive mental health services for older adults, including primary prevention efforts,
25 early identification and early intervention services. Preventive services should be patterned after
26 service models that have demonstrated effectiveness in reducing the incidence of emotional and be-
27 havioral disorders and suicide attempts in older adults. As used in this paragraph:

28 (A) “Early identification” means detecting emotional disturbance in its initial developmental
29 stage;

30 (B) “Early intervention services” for older adults at risk of development of emotional disturb-
31 ances means programs and activities for older adults and their families that promote conditions,
32 opportunities and experiences that encourage and maintain emotional stability, self-sufficiency and
33 increased personal competence and that deter suicide; and

34 (C) “Primary prevention efforts” means efforts that prevent emotional problems from occurring
35 by addressing issues early so that disturbances do not have an opportunity to develop.

36 (4) A community mental health and developmental disabilities program shall assume responsi-
37 bility for psychiatric care in state and community hospitals, as provided in subsection (3)(e) of this
38 section, in the following circumstances:

39 (a) The person receiving care is a resident of the county served by the program. For purposes
40 of this paragraph, “resident” means the resident of a county in which the person maintains a current
41 mailing address or, if the person does not maintain a current mailing address within the state, the
42 county in which the person is found, or the county in which a court-committed person with a mental
43 illness has been conditionally released.

44 (b) The person has been hospitalized involuntarily or voluntarily, pursuant to ORS 426.130 or
45 426.220, except for persons confined to the Secure Child and Adolescent Treatment Unit at Oregon

1 State Hospital, or has been hospitalized as the result of a revocation of conditional release.

2 (c) Payment is made for the first 60 consecutive days of hospitalization.

3 (d) The hospital has collected all available patient payments and third-party reimbursements.

4 (e) In the case of a community hospital, the department has approved the hospital for the care
5 of persons with mental or emotional disturbances, the community mental health and developmental
6 disabilities program has a contract with the hospital for the psychiatric care of residents and a
7 representative of the program approves voluntary or involuntary admissions to the hospital prior to
8 admission.

9 (5) Subject to the review and approval of the department, a community mental health and de-
10 velopmental disabilities program may initiate additional services after the services defined in this
11 section are provided.

12 (6) Each community mental health and developmental disabilities program and the state hospital
13 serving the program's geographic area shall enter into a written agreement concerning the policies
14 and procedures to be followed by the program and the hospital when a patient is admitted to, and
15 discharged from, the hospital and during the period of hospitalization.

16 (7) Each community mental health and developmental disabilities program shall have a mental
17 health advisory committee, appointed by the board of county commissioners or the county court or,
18 if two or more counties have combined to provide mental health services, the boards or courts of
19 the participating counties or, in the case of a Native American reservation, the tribal council.

20 (8) A community mental health and developmental disabilities program may request and the de-
21 partment may grant a waiver regarding provision of one or more of the services described in sub-
22 section (3) of this section upon a showing by the county and a determination by the department that
23 persons with mental or emotional disturbances in that county would be better served and unneces-
24 sary institutionalization avoided.

25 (9) Each community mental health and developmental disabilities program shall cooperate fully
26 with the [*Governor's Council on Alcohol and Drug Abuse Programs*] **Alcohol and Drug Policy**
27 **Commission** in the performance of its duties.

28 (10)(a) As used in this subsection, "local mental health authority" means one of the following
29 entities:

30 (A) The board of county commissioners of one or more counties that establishes or operates a
31 community mental health and developmental disabilities program;

32 (B) The tribal council, in the case of a federally recognized tribe of Native Americans that elects
33 to enter into an agreement to provide mental health services; or

34 (C) A regional local mental health authority comprised of two or more boards of county com-
35 missioners.

36 (b) Each local mental health authority that provides mental health services shall determine the
37 need for local mental health services and adopt a comprehensive local plan for the delivery of
38 mental health services for children, families, adults and older adults that describes the methods by
39 which the local mental health authority shall provide those services. The local mental health au-
40 thority shall review and revise the local plan biennially. The purpose of the local plan is to create
41 a blueprint to provide mental health services that are directed by and responsive to the mental
42 health needs of individuals in the community served by the local plan.

43 (c) The local plan shall identify ways to:

44 (A) Coordinate and ensure accountability for all levels of care described in paragraph (e) of this
45 subsection;

- 1 (B) Maximize resources for consumers and minimize administrative expenses;
- 2 (C) Provide supported employment and other vocational opportunities for consumers;
- 3 (D) Determine the most appropriate service provider among a range of qualified providers;
- 4 (E) Ensure that appropriate mental health referrals are made;
- 5 (F) Address local housing needs for persons with mental health disorders;
- 6 (G) Develop a process for discharge from state and local psychiatric hospitals and transition
- 7 planning between levels of care or components of the system of care;
- 8 (H) Provide peer support services, including but not limited to drop-in centers and paid peer
- 9 support;
- 10 (I) Provide transportation supports; and
- 11 (J) Coordinate services among the criminal and juvenile justice systems, adult and juvenile
- 12 corrections systems and local mental health programs to ensure that persons with mental illness
- 13 who come into contact with the justice and corrections systems receive needed care and to ensure
- 14 continuity of services for adults and juveniles leaving the corrections system.
- 15 (d) When developing a local plan, a local mental health authority shall:
- 16 (A) Coordinate with the budgetary cycles of state and local governments that provide the local
- 17 mental health authority with funding for mental health services;
- 18 (B) Involve consumers, advocates, families, service providers, schools and other interested par-
- 19 ties in the planning process;
- 20 (C) Coordinate with the local public safety coordinating council to address the services de-
- 21 scribed in paragraph (c)(J) of this subsection;
- 22 (D) Conduct a population based needs assessment to determine the types of services needed lo-
- 23 cally;
- 24 (E) Determine the ethnic, age-specific, cultural and diversity needs of the population served by
- 25 the local plan;
- 26 (F) Describe the anticipated outcomes of services and the actions to be achieved in the local
- 27 plan;
- 28 (G) Ensure that the local plan coordinates planning, funding and services with:
- 29 (i) The educational needs of children, adults and older adults;
- 30 (ii) Providers of social supports, including but not limited to housing, employment, transportation
- 31 and education; and
- 32 (iii) Providers of physical health and medical services;
- 33 (H) Describe how funds, other than state resources, may be used to support and implement the
- 34 local plan;
- 35 (I) Demonstrate ways to integrate local services and administrative functions in order to support
- 36 integrated service delivery in the local plan; and
- 37 (J) Involve the local mental health advisory committees described in subsection (7) of this sec-
- 38 tion.
- 39 (e) The local plan must describe how the local mental health authority will ensure the delivery
- 40 of and be accountable for clinically appropriate services in a continuum of care based on consumer
- 41 needs. The local plan shall include, but not be limited to, services providing the following levels of
- 42 care:
- 43 (A) Twenty-four-hour crisis services;
- 44 (B) Secure and nonsecure extended psychiatric care;
- 45 (C) Secure and nonsecure acute psychiatric care;

- 1 (D) Twenty-four-hour supervised structured treatment;
- 2 (E) Psychiatric day treatment;
- 3 (F) Treatments that maximize client independence;
- 4 (G) Family and peer support and self-help services;
- 5 (H) Support services;
- 6 (I) Prevention and early intervention services;
- 7 (J) Transition assistance between levels of care;
- 8 (K) Dual diagnosis services;
- 9 (L) Access to placement in state-funded psychiatric hospital beds;
- 10 (M) Precommitment and civil commitment in accordance with ORS chapter 426; and
- 11 (N) Outreach to older adults at locations appropriate for making contact with older adults, in-
- 12 cluding senior centers, long term care facilities and personal residences.

13 (f) In developing the part of the local plan referred to in paragraph (c)(J) of this subsection, the
14 local mental health authority shall collaborate with the local public safety coordinating council to
15 address the following:

16 (A) Training for all law enforcement officers on ways to recognize and interact with persons
17 with mental illness, for the purpose of diverting them from the criminal and juvenile justice systems;

18 (B) Developing voluntary locked facilities for crisis treatment and follow-up as an alternative
19 to custodial arrests;

20 (C) Developing a plan for sharing a daily jail and juvenile detention center custody roster and
21 the identity of persons of concern and offering mental health services to those in custody;

22 (D) Developing a voluntary diversion program to provide an alternative for persons with mental
23 illness in the criminal and juvenile justice systems; and

24 (E) Developing mental health services, including housing, for persons with mental illness prior
25 to and upon release from custody.

26 (g) Services described in the local plan shall:

27 (A) Address the vision, values and guiding principles described in the Report to the Governor
28 from the Mental Health Alignment Workgroup, January 2001;

29 (B) Be provided to children, older adults and families as close to their homes as possible;

30 (C) Be culturally appropriate and competent;

31 (D) Be, for children, older adults and adults with mental health needs, from providers appropri-
32 ate to deliver those services;

33 (E) Be delivered in an integrated service delivery system with integrated service sites or pro-
34 cesses, and with the use of integrated service teams;

35 (F) Ensure consumer choice among a range of qualified providers in the community;

36 (G) Be distributed geographically;

37 (H) Involve consumers, families, clinicians, children and schools in treatment as appropriate;

38 (I) Maximize early identification and early intervention;

39 (J) Ensure appropriate transition planning between providers and service delivery systems, with
40 an emphasis on transition between children and adult mental health services;

41 (K) Be based on the ability of a client to pay;

42 (L) Be delivered collaboratively;

43 (M) Use age-appropriate, research-based quality indicators;

44 (N) Use best-practice innovations; and

45 (O) Be delivered using a community-based, multisystem approach.

1 (h) A local mental health authority shall submit to the Department of Human Services a copy
2 of the local plan and biennial revisions adopted under paragraph (b) of this subsection at time in-
3 tervals established by the department.

4 (i) Each local commission on children and families shall reference the local plan for the delivery
5 of mental health services in the local coordinated comprehensive plan created pursuant to ORS
6 417.775.

7 **SECTION 15.** (1) **The Alcohol and Drug Policy Commission is abolished. On the operative**
8 **date specified in section 26 of this 2009 Act, the tenure of office of the members of the Al-**
9 **cohol and Drug Policy Commission ceases.**

10 (2) **All of the duties, functions and powers of the Alcohol and Drug Policy Commission**
11 **are imposed upon, transferred to and vested in the Department of Human Services.**

12 (3) **The unexpended balances of amounts authorized to be expended by the Alcohol and**
13 **Drug Policy Commission for the biennium beginning July 1, 2013, from revenues dedicated,**
14 **continuously appropriated, appropriated or otherwise made available for the purpose of ad-**
15 **ministering and enforcing the duties, functions and powers transferred by this section are**
16 **transferred to and are available for expenditure by the Department of Human Services for**
17 **the biennium beginning July 1, 2013, for the purpose of administering and enforcing the du-**
18 **ties, functions and powers transferred by this section.**

19 (4) **The expenditure classifications, if any, established by Acts authorizing or limiting**
20 **expenditures by the Alcohol and Drug Policy Commission remain applicable to expenditures**
21 **by the Department of Human Services under this section.**

22 **SECTION 16.** ORS 137.308, as amended by section 6 of this 2009 Act, is amended to read:

23 137.308. (1) The county treasurer shall deposit 60 percent of the moneys received under ORS
24 137.309 (6), (8) and (9) into the general fund of the county to be used for the purpose of planning,
25 operating and maintaining county juvenile and adult corrections programs and facilities and drug
26 and alcohol programs approved by the [*Alcohol and Drug Policy Commission*] **Department of Hu-**
27 **man Services.** Expenditure by the county of the funds described in this subsection shall be made
28 in a manner that is consistent with the approved community corrections plan for that county; how-
29 ever, a county may not expend more than 50 percent of the funds on the construction or operation
30 of a county jail. Prior to budgeting the funds described in this subsection, a county shall consider
31 any comments received from, and upon request shall consult with, the governing body of a city that
32 forwards assessments under ORS 137.307 (1991 Edition) concerning the proposed uses of the funds.

33 (2) The county treasurer shall deposit 40 percent of the moneys received under ORS 137.309 (6),
34 (8) and (9) into the county's court facilities security account established under ORS 1.182.

35 **SECTION 17.** ORS 417.775, as amended by section 7 of this 2009 Act, is amended to read:

36 417.775. (1) Under the direction of the board or boards of county commissioners, and in con-
37 junction with the guidelines set by the State Commission on Children and Families, the local com-
38 mission on children and families shall promote wellness for children of all ages and their families
39 in the county or region, if the families have given their express written consent, mobilize commu-
40 nities and develop policy and oversee the implementation of a local coordinated comprehensive plan
41 described in this section. A local commission shall:

42 (a) Inform and involve citizens;

43 (b) Identify and map the range of resources in the community;

44 (c) Plan, advocate and fund research-based initiatives for children who are 18 years of age or
45 younger, including prenatal, and their families;

1 (d) Develop local policies, priorities, outcomes and targets;

2 (e) Prioritize activities identified in the local plan and mobilize the community to take action;

3 (f) Prioritize the use of nondedicated resources;

4 (g) Monitor implementation of the local plan; and

5 (h) Monitor and evaluate the intermediate outcome targets identified in the local plan that are
6 reviewed under ORS 417.797, and report on the progress in addressing priorities and achieving out-
7 comes.

8 (2)(a) A local commission may not provide direct services for children and their families.

9 (b) Notwithstanding paragraph (a) of this subsection, a local commission may provide direct
10 services for children and their families for a period not to exceed six months if:

11 (A)(i) The local commission determines that there is an emergency;

12 (ii) A provider of services discontinues providing the services in the county or region; or

13 (iii) No provider is able to offer the services in the county or region; and

14 (B) The family has given its express written consent.

15 (3) The local commission shall lead and coordinate a process to assess needs, strengths, goals,
16 priorities and strategies, and identify county or regional outcomes to be achieved. The process shall
17 be in conjunction with other coordinating bodies for services for children and their families and
18 shall include representatives of education, mental health services, developmental disability services,
19 alcohol and drug treatment programs, public health programs, local child care resource and referral
20 agencies, child care providers, law enforcement and corrections agencies, private nonprofit entities,
21 local governments, faith-based organizations, businesses, families, youth and the local community.
22 The process shall include populations representing the diversity of the county or region.

23 (4) Through the process described in subsection (3) of this section, the local commission shall
24 coordinate the development of a single local plan for coordinating community programs, strategies
25 and services for children who are 18 years of age or younger, including prenatal, and their families
26 among community groups, government agencies, private providers and other parties. The local plan
27 shall be a comprehensive area-wide service delivery plan for all services to be provided for children
28 and their families in the county or region, if the families have given their express written consent.
29 The local plan shall be designed to achieve state and county or regional outcomes based on state
30 policies and guidelines and to maintain a level of services consistent with state and federal re-
31 quirements.

32 (5) The local commission shall prepare the local coordinated comprehensive plan and applica-
33 tions for funds to implement ORS 417.705 to 417.801 and 419A.170. The local plan, policies and pro-
34 posed service delivery systems shall be submitted to the board or boards of county commissioners
35 for approval prior to submission to the state commission. The local plan shall be based on identify-
36 ing the most effective service delivery system allowing for the continuation of current public and
37 private programs where appropriate. The local plan shall address needs, strengths and assets of all
38 children, their families and communities, including those children and their families at highest risk.

39 (6) Subject to the availability of funds:

40 (a) The local coordinated comprehensive plan shall include:

41 (A) Identification of ways to connect all state and local planning processes related to services
42 for children and their families into the local coordinated comprehensive plan to create positive
43 outcomes for children and their families; and

44 (B) Provisions for a continuum of social supports at the community level for children from the
45 prenatal stage through 18 years of age, and their families, that takes into account areas of need,

1 service overlap, asset building and community strengths as outlined in ORS 417.305 (2).

2 (b) The local coordinated comprehensive plan shall reference:

3 (A) A voluntary local early childhood system plan created pursuant to ORS 417.777;

4 (B) Local alcohol and other drug prevention and treatment plans developed pursuant to section
5 1 of this 2009 Act;

6 (C) Local service plans, developed pursuant to ORS 430.630, for the delivery of mental health
7 services for children and their families;

8 (D) Local public health plans, developed pursuant to ORS 431.385, that include public health
9 issues such as prenatal care, immunizations, well-child checkups, tobacco use, nutrition, teen preg-
10 nancy, maternal and child health care and suicide prevention; and

11 (E) The local high-risk juvenile crime prevention plan developed pursuant to ORS 417.855.

12 (7) The local coordinated comprehensive plan shall include a list of staff positions budgeted to
13 support the local commission on children and families. The list shall indicate the status of each po-
14 sition as a percentage of full-time equivalency dedicated to the implementation of the local coordi-
15 nated comprehensive plan. The county board or boards of commissioners shall be responsible for
16 providing the level of staff support detailed in the local plan and shall ensure that funds provided
17 for these purposes are used to carry out the local plan.

18 (8) The local coordinated comprehensive plan shall:

19 (a) Improve results by addressing the needs, strengths and assets of all children, their families
20 and communities in the county or region, including those children and their families at highest risk;

21 (b) Improve results by identifying the methods that work best at the state and local levels to
22 coordinate resources, reduce paperwork and simplify processes, including data gathering and plan-
23 ning;

24 (c) Be based on local, state and federal resources;

25 (d) Be based on proven practices of effectiveness for the specific community;

26 (e) Contribute to a voluntary statewide system of formal and informal services and supports that
27 is provided at the community level, that is integrated in local communities and that promotes im-
28 proved outcomes for Oregon's children;

29 (f) Be presented to the citizens in each county for public review, comment and adjustment;

30 (g) Be designed to achieve outcomes based on research-identified proven practices of effective-
31 ness; and

32 (h) Address other issues, local needs or children and family support areas as determined by the
33 local commission pursuant to ORS 417.735.

34 (9) In developing the local coordinated comprehensive plan, the local commission shall:

35 (a) Secure active participation pursuant to subsection (3) of this section;

36 (b) Provide for community participation in the planning process, including media notification;

37 (c) Conduct an assessment of the community that identifies needs and strengths;

38 (d) Identify opportunities for service integration; and

39 (e) Develop a local coordinated comprehensive plan and budget to meet the priority needs of a
40 county or region.

41 (10) The state commission may disapprove the part of the local coordinated comprehensive plan
42 relating to the planning process required by this section and the voluntary local early childhood
43 system plan.

44 (11)(a) The state commission may disapprove the planning process and the voluntary local early
45 childhood system plan only upon making specific findings that the local plan substantially fails to

1 conform to the principles, characteristics and values identified in ORS 417.708 to 417.725 and 417.735
 2 (4) or that the local plan fails to conform with the planning process requirements of this section.
 3 The staff of the state commission shall assist the local commission in remedying the deficiencies in
 4 the planning process or the voluntary local early childhood system plan. The state commission shall
 5 set a date by which any deficient portions of the planning process or the voluntary local early
 6 childhood system plan must be revised and resubmitted to the state commission by the local com-
 7 mission.

8 (b) The state commission does not have approval authority over the following service plans
 9 referenced in the local coordinated comprehensive plan:

10 (A) The local alcohol and other drug prevention and treatment plans developed pursuant to
 11 section 1 of this 2009 Act;

12 (B) Local service plans, developed pursuant to ORS 430.630, relating to the delivery of mental
 13 health services;

14 (C) Local public health plans developed pursuant to ORS 431.385; and

15 (D) Local high-risk juvenile crime prevention plans developed pursuant to ORS 417.855.

16 (12) The state commission, [*the Alcohol and Drug Policy Commission,*] the Department of Human
 17 Services and the Juvenile Crime Prevention Advisory Committee may jointly approve the community
 18 plan that is part of the local coordinated comprehensive plan, but may not jointly approve the ser-
 19 vice plans that are referenced in the local plan. If the community plan is disapproved in whole, the
 20 agencies shall identify with particularity the manner in which the community plan is deficient and
 21 the service plans may be implemented. If only part of the community plan is disapproved, the re-
 22 mainder of the community plan and the service plans may be implemented. The staff of the agencies
 23 shall assist the local commission in remedying the disapproved portions of the community plan. The
 24 agencies shall jointly set a date by which the deficient portions of the community plan shall be re-
 25 vised and resubmitted to the agencies by the local commission. In reviewing the community plan,
 26 the agencies shall consider the impact of state and local budget reductions on the community plan.

27 (13) If a local commission determines that the needs of the county or region it serves differ from
 28 those identified by the state commission, it may ask the state commission to waive specific re-
 29 quirements in its list of children's support areas. The process for granting waivers shall be devel-
 30 oped by the state commission prior to the start of the review and approval process for the local
 31 coordinated comprehensive plan described in ORS 417.735 (4) and shall be based primarily on a de-
 32 termination of whether the absence of a waiver would prevent the local commission from best
 33 meeting the needs of the county or region.

34 (14) From time to time, the local commission may amend the local coordinated comprehensive
 35 plan and applications for funds to implement ORS 417.705 to 417.801 and 419A.170. The local com-
 36 mission must amend the local plan to reflect current community needs, strengths, goals, priorities
 37 and strategies. Amendments become effective upon approval of the board or boards of county com-
 38 missioners and the state commission.

39 (15) The local commission shall keep an official record of any amendments to the local coordi-
 40 nated comprehensive plan under subsection (14) of this section.

41 (16) The local commission shall provide an opportunity for public and private contractors to
 42 review the components of the local coordinated comprehensive plan and any amendments to the lo-
 43 cal plan, to receive notice of any component that the county or counties intend to provide through
 44 a county agency and to comment publicly to the board or boards of county commissioners if they
 45 disagree with the proposed service delivery plan.

1 **SECTION 18.** ORS 430.270, as amended by section 9 of this 2009 Act, is amended to read:

2 430.270. The Department of Human Services[, *in consultation with the Alcohol and Drug Policy*
3 *Commission,*] shall take such means as it considers most effective to bring to the attention of the
4 general public, employers, the professional community and particularly the youth of the state, the
5 harmful effects to the individual and society of the irresponsible use of alcoholic beverages, con-
6 trolled substances and other chemicals, and substances with abuse potential.

7 **SECTION 19.** ORS 430.290, as amended by section 10 of this 2009 Act, is amended to read:

8 430.290. (1) The objective of this section is to prevent alcoholism and drug dependency.

9 (2) To carry out the objective of this section, the Department of Human Services shall:

10 (a) Consult with and be advised by [*the Alcohol and Drug Policy Commission and*] the Mental
11 Health Advisory Board in identifying program priorities for the primary prevention of alcoholism
12 and drug dependency.

13 (b) Solicit program proposals that address identified priorities from agencies, associations, indi-
14 viduals or any political subdivision of this state and award and distribute moneys under this section
15 in accordance with the provisions of this section.

16 (3) Every applicant for a grant to develop a primary prevention of alcoholism program shall be
17 assisted in its preparation by the local alcohol planning committee, if there be one, operating in the
18 area to which the application relates. Every applicant shall establish to the satisfaction of the de-
19 partment that the committee was actively involved in the development and preparation of such
20 program.

21 (4) Every grant applicant shall include the recommendations of the local alcohol planning com-
22 mittee, if there be one, operating in the area. The department shall take the recommendations of the
23 local alcohol planning committee into consideration before making or refusing a grant.

24 **SECTION 20.** ORS 430.359, as amended by section 11 of this 2009 Act, is amended to read:

25 430.359. (1) Upon approval of an application, the Department of Human Services shall enter into
26 a matching fund relationship with the applicant. In all cases the amount granted by the department
27 under the matching formula shall not exceed 50 percent of the total estimated costs, as approved
28 by the department, of the alcohol and drug abuse prevention, early intervention and treatment ser-
29 vices.

30 (2) The amount of state funds shall be apportioned among the applicants according to the com-
31 munity need of the applicant for services as compared with the community needs of all applicants.
32 In evaluating the community needs of the applicant, the department[, *in consultation with the Alcohol*
33 *and Drug Policy Commission,*] shall give priority consideration to those applications that identify
34 and include alcohol and drug abuse prevention, early intervention and treatment services aimed at
35 providing services to minorities with a significant population of affected persons. The funds granted
36 shall be distributed monthly.

37 (3) Federal funds at the disposal of an applicant for use in providing alcohol and drug abuse
38 prevention, early intervention and treatment services may be counted toward the percentage con-
39 tribution of an applicant.

40 (4) An applicant that is, at the time of a grant made under this section, expending funds appro-
41 priated by its governing body for the alcohol and drug abuse prevention, early intervention and
42 treatment services shall, as a condition to the receipt of funds under this section, maintain its fi-
43 nancial contribution to these programs at an amount not less than the preceding year. However, the
44 financial contribution requirement may be waived in its entirety or in part in any year by the De-
45 partment of Human Services because of:

1 (a) The severe financial hardship that would be imposed to maintain the contribution in full or
2 in part;

3 (b) The application of any special funds for the alcohol and drug abuse prevention, early inter-
4 vention and treatment services in the prior year when such funds are not available in the current
5 year;

6 (c) The application of federal funds, including but not limited to general revenue sharing, dis-
7 tributions from the Oregon and California land grant fund and block grant funds to the alcohol and
8 drug abuse prevention, early intervention and treatment services in the prior year when such funds
9 are not available for such application in the current year; or

10 (d) The application of fund balances resulting from fees, donations or underexpenditures in a
11 given year of the funds appropriated to counties pursuant to ORS 430.380 (2) to the alcohol and drug
12 abuse prevention, early intervention and treatment services in the prior year when such funds are
13 not available for such application in the current year.

14 (5) Any moneys received by an applicant from fees, contributions or other sources for alcohol
15 and drug abuse prevention, early intervention and treatment services for service purposes, including
16 federal funds, shall be considered a portion of an applicant's contribution for the purpose of deter-
17 mining the matching fund formula relationship. All moneys so received shall only be used for the
18 purposes of carrying out ORS 430.345 to 430.380.

19 (6) Grants made pursuant to ORS 430.345 to 430.380 shall be paid from funds specifically ap-
20 propriated therefor and shall be paid in the same manner as other claims against the state are paid.

21 **SECTION 21.** ORS 430.368, as amended by section 12 of this 2009 Act, is amended to read:

22 430.368. (1) Any alcohol and drug abuse prevention, early intervention and treatment service,
23 including but not limited to minority programs, aggrieved by any final action of an applicant with
24 regard to requesting funding for the program from the Department of Human Services, may appeal
25 the applicant's action to the Director of Human Services within 30 days of the action. For the pur-
26 poses of this section "final action" means the submission of the applicant's compiled funding re-
27 quests to the department. The director shall review[, *in consultation with the Alcohol and Drug*
28 *Policy Commission,*] all appealed actions for compliance with the purposes and requirements of ORS
29 430.315 to 430.335, 430.338 to 430.380, 471.810, 473.030 and 473.050, including but not limited to ORS
30 430.338 (5).

31 (2) The director shall act on all appeals within 60 days of filing, or before the time of the de-
32 partment's decision on the applicant's funding request, whichever is less. The director is not re-
33 quired to follow procedures for hearing a contested case, but shall set forth written findings
34 justifying the action. The decision of the director shall be final, and shall not be subject to judicial
35 review.

36 **SECTION 22.** ORS 430.535, as amended by section 13 of this 2009 Act, is amended to read:

37 430.535. (1) The Department of Human Services [*and the Alcohol and Drug Policy Commission*]
38 shall, subject to the availability of funds, develop bilingual forms to assist non-English-speaking
39 persons in understanding their rights under ORS 430.450 to 430.555.

40 (2) The department shall assist county mental health programs in the development of compre-
41 hensive and coordinated identification, evaluation, treatment, education and rehabilitation services
42 for the drug-dependent person. The State Plan for Drug Problems shall be consistent with such
43 system.

44 **SECTION 23.** ORS 430.630, as amended by section 14 of this 2009 Act, is amended to read:

45 430.630. (1) In addition to any other requirements that may be established by rule by the De-

1 partment of Human Services and subject to the availability of funds, each community mental health
2 and developmental disabilities program shall provide the following basic services to persons with
3 mental retardation, developmental disabilities, alcoholism or drug dependence, and persons who are
4 alcohol or drug abusers:

5 (a) Outpatient services;

6 (b) Aftercare for persons released from hospitals and training centers;

7 (c) Training, case and program consultation and education for community agencies, related
8 professions and the public;

9 (d) Guidance and assistance to other human service agencies for joint development of prevention
10 programs and activities to reduce factors causing mental retardation, developmental disabilities, al-
11 cohol abuse, alcoholism, drug abuse and drug dependence; and

12 (e) Age-appropriate treatment options for older adults.

13 (2) As alternatives to state hospitalization, it is the responsibility of the community mental
14 health and developmental disabilities program to ensure that, subject to the availability of funds, the
15 following services for persons with mental retardation, developmental disabilities, alcoholism or drug
16 dependence, and persons who are alcohol or drug abusers, are available when needed and approved
17 by the Department of Human Services:

18 (a) Emergency services on a 24-hour basis, such as telephone consultation, crisis intervention
19 and prehospital screening examination;

20 (b) Care and treatment for a portion of the day or night, which may include day treatment
21 centers, work activity centers and preschool programs;

22 (c) Residential care and treatment in facilities such as halfway houses, detoxification centers
23 and other community living facilities;

24 (d) Continuity of care, such as that provided by service coordinators, community case develop-
25 ment specialists and core staff of federally assisted community mental health centers;

26 (e) Inpatient treatment in community hospitals; and

27 (f) Other alternative services to state hospitalization as defined by the department.

28 (3) In addition to any other requirements that may be established by rule of the department,
29 each community mental health and developmental disabilities program, subject to the availability
30 of funds, shall provide or ensure the provision of the following services to persons with mental or
31 emotional disturbances:

32 (a) Screening and evaluation to determine the client's service needs;

33 (b) Crisis stabilization to meet the needs of persons with acute mental or emotional disturbances,
34 including the costs of investigations and prehearing detention in community hospitals or other fa-
35 cilities approved by the department for persons involved in involuntary commitment procedures;

36 (c) Vocational and social services that are appropriate for the client's age, designed to improve
37 the client's vocational, social, educational and recreational functioning;

38 (d) Continuity of care to link the client to housing and appropriate and available health and
39 social service needs;

40 (e) Psychiatric care in state and community hospitals, subject to the provisions of subsection (4)
41 of this section;

42 (f) Residential services;

43 (g) Medication monitoring;

44 (h) Individual, family and group counseling and therapy;

45 (i) Public education and information;

1 (j) Prevention of mental or emotional disturbances and promotion of mental health;

2 (k) Consultation with other community agencies;

3 (L) Preventive mental health services for children and adolescents, including primary prevention
4 efforts, early identification and early intervention services. Preventive services should be patterned
5 after service models that have demonstrated effectiveness in reducing the incidence of emotional,
6 behavioral and cognitive disorders in children. As used in this paragraph:

7 (A) "Early identification" means detecting emotional disturbance in its initial developmental
8 stage;

9 (B) "Early intervention services" for children at risk of later development of emotional disturb-
10 ances means programs and activities for children and their families that promote conditions, oppor-
11 tunities and experiences that encourage and develop emotional stability, self-sufficiency and
12 increased personal competence; and

13 (C) "Primary prevention efforts" means efforts that prevent emotional problems from occurring
14 by addressing issues early so that disturbances do not have an opportunity to develop; and

15 (m) Preventive mental health services for older adults, including primary prevention efforts,
16 early identification and early intervention services. Preventive services should be patterned after
17 service models that have demonstrated effectiveness in reducing the incidence of emotional and be-
18 havioral disorders and suicide attempts in older adults. As used in this paragraph:

19 (A) "Early identification" means detecting emotional disturbance in its initial developmental
20 stage;

21 (B) "Early intervention services" for older adults at risk of development of emotional disturb-
22 ances means programs and activities for older adults and their families that promote conditions,
23 opportunities and experiences that encourage and maintain emotional stability, self-sufficiency and
24 increased personal competence and that deter suicide; and

25 (C) "Primary prevention efforts" means efforts that prevent emotional problems from occurring
26 by addressing issues early so that disturbances do not have an opportunity to develop.

27 (4) A community mental health and developmental disabilities program shall assume responsi-
28 bility for psychiatric care in state and community hospitals, as provided in subsection (3)(e) of this
29 section, in the following circumstances:

30 (a) The person receiving care is a resident of the county served by the program. For purposes
31 of this paragraph, "resident" means the resident of a county in which the person maintains a current
32 mailing address or, if the person does not maintain a current mailing address within the state, the
33 county in which the person is found, or the county in which a court-committed person with a mental
34 illness has been conditionally released.

35 (b) The person has been hospitalized involuntarily or voluntarily, pursuant to ORS 426.130 or
36 426.220, except for persons confined to the Secure Child and Adolescent Treatment Unit at Oregon
37 State Hospital, or has been hospitalized as the result of a revocation of conditional release.

38 (c) Payment is made for the first 60 consecutive days of hospitalization.

39 (d) The hospital has collected all available patient payments and third-party reimbursements.

40 (e) In the case of a community hospital, the department has approved the hospital for the care
41 of persons with mental or emotional disturbances, the community mental health and developmental
42 disabilities program has a contract with the hospital for the psychiatric care of residents and a
43 representative of the program approves voluntary or involuntary admissions to the hospital prior to
44 admission.

45 (5) Subject to the review and approval of the department, a community mental health and de-

1 velopmental disabilities program may initiate additional services after the services defined in this
2 section are provided.

3 (6) Each community mental health and developmental disabilities program and the state hospital
4 serving the program’s geographic area shall enter into a written agreement concerning the policies
5 and procedures to be followed by the program and the hospital when a patient is admitted to, and
6 discharged from, the hospital and during the period of hospitalization.

7 (7) Each community mental health and developmental disabilities program shall have a mental
8 health advisory committee, appointed by the board of county commissioners or the county court or,
9 if two or more counties have combined to provide mental health services, the boards or courts of
10 the participating counties or, in the case of a Native American reservation, the tribal council.

11 (8) A community mental health and developmental disabilities program may request and the de-
12 partment may grant a waiver regarding provision of one or more of the services described in sub-
13 section (3) of this section upon a showing by the county and a determination by the department that
14 persons with mental or emotional disturbances in that county would be better served and unneces-
15 sary institutionalization avoided.

16 *[(9) Each community mental health and developmental disabilities program shall cooperate fully*
17 *with the Alcohol and Drug Policy Commission in the performance of its duties.]*

18 *[(10)(a)]* (9)(a) As used in this subsection, “local mental health authority” means one of the fol-
19 lowing entities:

20 (A) The board of county commissioners of one or more counties that establishes or operates a
21 community mental health and developmental disabilities program;

22 (B) The tribal council, in the case of a federally recognized tribe of Native Americans that elects
23 to enter into an agreement to provide mental health services; or

24 (C) A regional local mental health authority comprised of two or more boards of county com-
25 missioners.

26 (b) Each local mental health authority that provides mental health services shall determine the
27 need for local mental health services and adopt a comprehensive local plan for the delivery of
28 mental health services for children, families, adults and older adults that describes the methods by
29 which the local mental health authority shall provide those services. The local mental health au-
30 thority shall review and revise the local plan biennially. The purpose of the local plan is to create
31 a blueprint to provide mental health services that are directed by and responsive to the mental
32 health needs of individuals in the community served by the local plan.

33 (c) The local plan shall identify ways to:

34 (A) Coordinate and ensure accountability for all levels of care described in paragraph (e) of this
35 subsection;

36 (B) Maximize resources for consumers and minimize administrative expenses;

37 (C) Provide supported employment and other vocational opportunities for consumers;

38 (D) Determine the most appropriate service provider among a range of qualified providers;

39 (E) Ensure that appropriate mental health referrals are made;

40 (F) Address local housing needs for persons with mental health disorders;

41 (G) Develop a process for discharge from state and local psychiatric hospitals and transition
42 planning between levels of care or components of the system of care;

43 (H) Provide peer support services, including but not limited to drop-in centers and paid peer
44 support;

45 (I) Provide transportation supports; and

1 (J) Coordinate services among the criminal and juvenile justice systems, adult and juvenile
2 corrections systems and local mental health programs to ensure that persons with mental illness
3 who come into contact with the justice and corrections systems receive needed care and to ensure
4 continuity of services for adults and juveniles leaving the corrections system.

5 (d) When developing a local plan, a local mental health authority shall:

6 (A) Coordinate with the budgetary cycles of state and local governments that provide the local
7 mental health authority with funding for mental health services;

8 (B) Involve consumers, advocates, families, service providers, schools and other interested par-
9 ties in the planning process;

10 (C) Coordinate with the local public safety coordinating council to address the services de-
11 scribed in paragraph (c)(J) of this subsection;

12 (D) Conduct a population based needs assessment to determine the types of services needed lo-
13 cally;

14 (E) Determine the ethnic, age-specific, cultural and diversity needs of the population served by
15 the local plan;

16 (F) Describe the anticipated outcomes of services and the actions to be achieved in the local
17 plan;

18 (G) Ensure that the local plan coordinates planning, funding and services with:

19 (i) The educational needs of children, adults and older adults;

20 (ii) Providers of social supports, including but not limited to housing, employment, transportation
21 and education; and

22 (iii) Providers of physical health and medical services;

23 (H) Describe how funds, other than state resources, may be used to support and implement the
24 local plan;

25 (I) Demonstrate ways to integrate local services and administrative functions in order to support
26 integrated service delivery in the local plan; and

27 (J) Involve the local mental health advisory committees described in subsection (7) of this sec-
28 tion.

29 (e) The local plan must describe how the local mental health authority will ensure the delivery
30 of and be accountable for clinically appropriate services in a continuum of care based on consumer
31 needs. The local plan shall include, but not be limited to, services providing the following levels of
32 care:

33 (A) Twenty-four-hour crisis services;

34 (B) Secure and nonsecure extended psychiatric care;

35 (C) Secure and nonsecure acute psychiatric care;

36 (D) Twenty-four-hour supervised structured treatment;

37 (E) Psychiatric day treatment;

38 (F) Treatments that maximize client independence;

39 (G) Family and peer support and self-help services;

40 (H) Support services;

41 (I) Prevention and early intervention services;

42 (J) Transition assistance between levels of care;

43 (K) Dual diagnosis services;

44 (L) Access to placement in state-funded psychiatric hospital beds;

45 (M) Precommitment and civil commitment in accordance with ORS chapter 426; and

1 (N) Outreach to older adults at locations appropriate for making contact with older adults, in-
2 cluding senior centers, long term care facilities and personal residences.

3 (f) In developing the part of the local plan referred to in paragraph (c)(J) of this subsection, the
4 local mental health authority shall collaborate with the local public safety coordinating council to
5 address the following:

6 (A) Training for all law enforcement officers on ways to recognize and interact with persons
7 with mental illness, for the purpose of diverting them from the criminal and juvenile justice systems;

8 (B) Developing voluntary locked facilities for crisis treatment and follow-up as an alternative
9 to custodial arrests;

10 (C) Developing a plan for sharing a daily jail and juvenile detention center custody roster and
11 the identity of persons of concern and offering mental health services to those in custody;

12 (D) Developing a voluntary diversion program to provide an alternative for persons with mental
13 illness in the criminal and juvenile justice systems; and

14 (E) Developing mental health services, including housing, for persons with mental illness prior
15 to and upon release from custody.

16 (g) Services described in the local plan shall:

17 (A) Address the vision, values and guiding principles described in the Report to the Governor
18 from the Mental Health Alignment Workgroup, January 2001;

19 (B) Be provided to children, older adults and families as close to their homes as possible;

20 (C) Be culturally appropriate and competent;

21 (D) Be, for children, older adults and adults with mental health needs, from providers appropri-
22 ate to deliver those services;

23 (E) Be delivered in an integrated service delivery system with integrated service sites or pro-
24 cesses, and with the use of integrated service teams;

25 (F) Ensure consumer choice among a range of qualified providers in the community;

26 (G) Be distributed geographically;

27 (H) Involve consumers, families, clinicians, children and schools in treatment as appropriate;

28 (I) Maximize early identification and early intervention;

29 (J) Ensure appropriate transition planning between providers and service delivery systems, with
30 an emphasis on transition between children and adult mental health services;

31 (K) Be based on the ability of a client to pay;

32 (L) Be delivered collaboratively;

33 (M) Use age-appropriate, research-based quality indicators;

34 (N) Use best-practice innovations; and

35 (O) Be delivered using a community-based, multisystem approach.

36 (h) A local mental health authority shall submit to the Department of Human Services a copy
37 of the local plan and biennial revisions adopted under paragraph (b) of this subsection at time in-
38 tervals established by the department.

39 (i) Each local commission on children and families shall reference the local plan for the delivery
40 of mental health services in the local coordinated comprehensive plan created pursuant to ORS
41 417.775.

42 **SECTION 24.** ORS 430.632 is amended to read:

43 430.632. A local mental health authority shall submit to the Department of Human Services by
44 October 1 of each even-numbered year a report on the implementation of the comprehensive local
45 plan adopted under ORS 430.630 [(10)] (9).

1 **SECTION 25.** ORS 430.640 is amended to read:

2 430.640. (1) The Department of Human Services, in carrying out the legislative policy declared
3 in ORS 430.610, subject to the availability of funds shall:

4 (a) Assist Oregon counties and groups of Oregon counties in the establishment and financing
5 of community mental health and developmental disabilities programs operated or contracted for by
6 one or more counties.

7 (b) If a county declines to operate or contract for a community mental health and developmental
8 disabilities program, contract with another public agency or private corporation to provide the
9 program. The county must be provided with an opportunity to review and comment.

10 (c) In an emergency situation when no community mental health and developmental disabilities
11 program is operating within a county or when a county is unable to provide a service essential to
12 public health and safety, operate the program or service on a temporary basis.

13 (d) At the request of the tribal council of a federally recognized tribe of Native Americans,
14 contract with the tribal council for the establishment and operation of a community mental health
15 and developmental disabilities program in the same manner that the department contracts with a
16 county court or board of county commissioners.

17 (e) If a county agrees, contract with a public agency or private corporation for all services
18 within one or more of the following program areas: Mental or emotional disturbances, drug abuse,
19 mental retardation or other developmental disabilities and alcohol abuse and alcoholism.

20 (f) Approve or disapprove the biennial plan and budget information for the establishment and
21 operation of each community mental health and developmental disabilities program. Subsequent
22 amendments to or modifications of an approved plan or budget information involving more than 10
23 percent of the state funds provided for services under ORS 430.630 may not be placed in effect
24 without prior approval of the department. However, an amendment or modification affecting 10
25 percent or less of state funds for services under ORS 430.630 within the portion of the program for
26 persons with mental or emotional disturbances, or within the portion for persons with mental re-
27 tardation or developmental disabilities or within the portion for persons with alcohol or drug de-
28 pendence may be made without department approval.

29 (g) Make all necessary and proper rules to govern the establishment and operation of community
30 mental health and developmental disabilities programs, including adopting rules defining the range
31 and nature of the services which shall or may be provided under ORS 430.630.

32 (h) Collect data and evaluate services in the state hospitals in accordance with the same meth-
33 ods prescribed for community mental health and developmental disabilities programs under ORS
34 430.665.

35 (i) Develop guidelines that include, for the development of comprehensive local plans in consul-
36 tation with local mental health authorities:

37 (A) The use of integrated services;

38 (B) The outcomes expected from services and programs provided;

39 (C) Incentives to reduce the use of state hospitals;

40 (D) Mechanisms for local sharing of risk for state hospitalization;

41 (E) The provision of clinically appropriate levels of care based on an assessment of the mental
42 health needs of consumers;

43 (F) The transition of consumers between levels of care; and

44 (G) The development, maintenance and continuation of older adult mental health programs with
45 mental health professionals trained in geriatrics.

1 (j) Work with local mental health authorities to provide incentives for community-based care
2 whenever appropriate while simultaneously ensuring adequate statewide capacity.

3 (k) Provide technical assistance and information regarding state and federal requirements to
4 local mental health authorities throughout the local planning process required under ORS 430.630
5 [(10)] (9).

6 (L) Provide incentives for local mental health authorities to enhance or increase vocational
7 placements for adults with mental health needs.

8 (m) Develop or adopt nationally recognized system-level performance measures, linked to the
9 Oregon Benchmarks, for state-level monitoring and reporting of mental health services for children,
10 adults and older adults, including but not limited to quality and appropriateness of services, out-
11 comes from services, structure and management of local plans, prevention of mental health disorders
12 and integration of mental health services with other needed supports.

13 (n) Develop standardized criteria for each level of care described in ORS 430.630 [(10)] (9), in-
14 cluding protocols for implementation of local plans, strength-based mental health assessment and
15 case planning.

16 (o) Develop a comprehensive long-term plan for providing appropriate and adequate mental
17 health treatment and services to children, adults and older adults that is derived from the needs
18 identified in local plans, is consistent with the vision, values and guiding principles in the Report
19 to the Governor from the Mental Health Alignment Workgroup, January 2001, and addresses the
20 need for and the role of state hospitals.

21 (p) Report biennially to the Governor and the Legislative Assembly on the progress of the local
22 planning process and the implementation of the local plans adopted under ORS 430.630 [(10)(b)]
23 (9)(b) and the state planning process described in paragraph (o) of this subsection, and on the per-
24 formance measures and performance data available under paragraph (m) of this subsection.

25 (q) On a periodic basis, not to exceed 10 years, reevaluate the methodology used to estimate
26 prevalence and demand for mental health services using the most current nationally recognized
27 models and data.

28 (r) Encourage the development of regional local mental health authorities comprised of two or
29 more boards of county commissioners that establish or operate a community mental health and de-
30 velopmental disabilities program.

31 (2) The department may provide technical assistance and other incentives to assist in the plan-
32 ning, development and implementation of regional local mental health authorities whenever the de-
33 partment determines that a regional approach will optimize the comprehensive local plan described
34 under ORS 430.630 [(10)] (9).

35 (3) The enumeration of duties and functions in subsection (1) of this section shall not be deemed
36 exclusive nor construed as a limitation on the powers and authority vested in the department by
37 other provisions of law.

38 **SECTION 26. Section 15 of this 2009 Act and the amendments to ORS 137.308, 417.775,**
39 **430.270, 430.290, 430.359, 430.368, 430.535, 430.630, 430.632 and 430.640 by sections 16 to 25 of this**
40 **2009 Act become operative on January 2, 2014.**

41 **SECTION 27. ORS 430.250, 430.255, 430.257, 430.258 and 430.259 are repealed January 2,**
42 **2014.**

43 **SECTION 28. Sections 1 to 3 of this 2009 Act are repealed January 2, 2014.**

44 **SECTION 29. Notwithstanding any other law appropriating moneys or limiting expen-**
45 **ditures, in carrying out sections 1 to 3 of this 2009 Act the Department of Human Services**

1 may use only funds provided by the United States Bureau of Justice Assistance through the
2 American Recovery and Reinvestment Act of 2009 Edward Byrne Memorial Justice Assist-
3 ance Grant Program.

4 **SECTION 30.** Notwithstanding the limitation on expenditures established by section 2 (1)
5 chapter _____, Oregon Laws 2009 (Enrolled Senate Bill 5529), and any other law limiting
6 expenditures, for the biennium beginning July 1, 2009, the maximum limit for payment of
7 expenses for administrative services from fees, moneys or other revenues, including Miscel-
8 laneous Receipts, but excluding lottery funds and federal funds, collected or received by the
9 Department of Human Services, is increased by \$600,000 for the purpose of carrying out the
10 provisions of sections 1 to 3 of this 2009 Act.

11 **SECTION 31.** If House Bill 2009 becomes law, section 1 of this 2009 Act is amended to read:

12 **Sec. 1.** (1) There is created the Alcohol and Drug Policy Commission, which is charged with
13 producing a plan for the funding and effective delivery of alcohol and drug treatment and prevention
14 services. The commission shall recommend:

- 15 (a) A strategy for delivering state-funded treatment and prevention services;
- 16 (b) The priority of funding for treatment and prevention services;
- 17 (c) Strategies to maximize accountability for performance of treatment and prevention services;
- 18 (d) Methods to standardize data collection and reporting; and
- 19 (e) A strategy to consolidate treatment and prevention services and reduce the fragmentation
20 in the delivery of services.

21 (2) The membership of the commission consists of:

22 (a) Sixteen members appointed by the Governor, subject to confirmation by the Senate in the
23 manner prescribed in ORS 171.562 and 171.565, including:

- 24 (A) An elected district attorney;
- 25 (B) An elected county sheriff;
- 26 (C) A county commissioner;
- 27 (D) A representative of an Indian tribe;
- 28 (E) An alcohol or drug treatment provider;
- 29 (F) A chief of police;
- 30 (G) An alcohol or drug treatment researcher or epidemiologist;
- 31 (H) A criminal defense attorney;
- 32 (I) A judge of a circuit court, who shall be a nonvoting member;
- 33 (J) A representative of the health insurance industry;
- 34 (K) A representative of hospitals;
- 35 (L) An alcohol or treatment professional who is highly experienced in the treatment of persons
36 with a dual diagnosis of mental illness and substance abuse;
- 37 (M) An alcohol or drug abuse prevention representative;
- 38 (N) A consumer of alcohol or drug treatment who is in recovery;
- 39 (O) A representative of the business community; and
- 40 (P) An alcohol or drug prevention representative who specializes in youth.

41 (b) Two members of the Legislative Assembly appointed to the commission as nonvoting mem-
42 bers of the commission, acting in an advisory capacity only and including:

- 43 (A) One member from among members of the Senate appointed by the President of the Senate;
- 44 and
- 45 (B) One member from among members of the House of Representatives appointed by the Speaker

1 of the House of Representatives.

2 (c) The following voting ex officio members:

3 (A) The Governor or the Governor's designee;

4 (B) The Attorney General;

5 [(C) *The Director of Human Services*];

6 **(C) The Director of the Oregon Health Authority;**

7 (D) The Director of the Department of Corrections; and

8 (E) The Superintendent of Public Instruction.

9 (3) The Alcohol and Drug Policy Commission shall select one of its members as chairperson and
10 another as vice chairperson, for such terms and with duties and powers necessary for the perform-
11 ance of the functions of such offices as the commission determines.

12 (4) A majority of the voting members of the commission constitutes a quorum for the transaction
13 of business.

14 (5) Official action of the commission requires the approval of a majority of the voting members
15 on the commission.

16 (6) The commission may establish a steering committee and subcommittees. These committees
17 may be continuing or temporary.

18 (7) Each commission member appointed by the Governor serves at the pleasure of the Governor.
19 If there is a vacancy for any cause, the Governor shall make an appointment to become immediately
20 effective.

21 (8) The [*Department of Human Services*] **Oregon Health Authority** shall provide staff support
22 to the commission. Subject to available funding, the commission may contract with a public or pri-
23 vate entity to provide staff support.

24 (9) Members of the commission who are not members of the Legislative Assembly are entitled
25 to compensation and expenses incurred by them in the performance of their official duties in the
26 manner and amounts provided for in ORS 292.495. Claims for compensation and expenses shall be
27 paid out of funds appropriated to the [*Department of Human Services*] **Oregon Health Authority**
28 or funds appropriated to the commission for purposes of the commission.

29 **SECTION 32.** If House Bill 2009 becomes law, section 15 of this 2009 Act is amended to read:

30 **Sec. 15.** (1) The Alcohol and Drug Policy Commission is abolished. On the operative date spec-
31 ified in section [26] **34** of this 2009 Act, the tenure of office of the members of the Alcohol and Drug
32 Policy Commission ceases.

33 (2) All of the duties, functions and powers of the Alcohol and Drug Policy Commission are im-
34 posed upon, transferred to and vested in the [*Department of Human Services*] **Oregon Health Au-**
35 **thority.**

36 (3) The unexpended balances of amounts authorized to be expended by the Alcohol and Drug
37 Policy Commission for the biennium beginning July 1, 2013, from revenues dedicated, continuously
38 appropriated, appropriated or otherwise made available for the purpose of administering and en-
39 forcing the duties, functions and powers transferred by this section are transferred to and are
40 available for expenditure by the [*Department of Human Services*] **Oregon Health Authority** for the
41 biennium beginning July 1, 2013, for the purpose of administering and enforcing the duties, functions
42 and powers transferred by this section.

43 (4) The expenditure classifications, if any, established by Acts authorizing or limiting expen-
44 ditures by the Alcohol and Drug Policy Commission remain applicable to expenditures by the [*De-*
45 *partment of Human Services*] **Oregon Health Authority** under this section.

1 **SECTION 33. If House Bill 2009 becomes law, section 16 of this 2009 Act (amending ORS**
2 **137.308) and section 26 of this 2009 Act are repealed and ORS 137.308, as amended by section**
3 **6 of this 2009 Act, is amended to read:**

4 137.308. (1) The county treasurer shall deposit 60 percent of the moneys received under ORS
5 137.309 (6), (8) and (9) into the general fund of the county to be used for the purpose of planning,
6 operating and maintaining county juvenile and adult corrections programs and facilities and drug
7 and alcohol programs approved by the [*Alcohol and Drug Policy Commission*] **Department of Hu-**
8 **man Services and the Oregon Health Authority.** Expenditure by the county of the funds de-
9 scribed in this subsection shall be made in a manner that is consistent with the approved community
10 corrections plan for that county; however, a county may not expend more than 50 percent of the
11 funds on the construction or operation of a county jail. Prior to budgeting the funds described in
12 this subsection, a county shall consider any comments received from, and upon request shall consult
13 with, the governing body of a city that forwards assessments under ORS 137.307 (1991 Edition)
14 concerning the proposed uses of the funds.

15 (2) The county treasurer shall deposit 40 percent of the moneys received under ORS 137.309 (6),
16 (8) and (9) into the county's court facilities security account established under ORS 1.182.

17 **SECTION 34. Section 15 of this 2009 Act and the amendments to ORS 137.308, 417.775,**
18 **430.270, 430.290, 430.359, 430.368, 430.535, 430.630, 430.632 and 430.640 by sections 17 to 25 and**
19 **33 of this 2009 Act become operative on January 2, 2014.**

20 **SECTION 35. This 2009 Act being necessary for the immediate preservation of the public**
21 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
22 **on its passage.**