

Chair Barker, Members of the Committee,

For the record my name is David Sant and I serve as a Psychiatric Social Worker at the Oregon State Hospital; however it is in my capacity as Chair of NASW Oregon's Legislative Committee that I provide testimony in support of HB 4036 to you today.

When I began working at the Oregon State Hospital, I knew that with this appointment came risk. On occasion when an individual is suffering from psychosis, mania, dementia or a traumatic brain injury, they become aggressive and assaultive. When this happens, it is frequently a result of an individual's response to the stresses of their condition and staff can be injured while in the course of their duties to keep the client, their peers, and other staff safe. In these circumstances, no one is to blame, most certainly not the client being served. These are not the individuals being targeted with this legislation.

There are individuals however, who are no longer suffering from symptoms of mental illness and who become aggressive or assaultive and knowingly act to harm others. Serving under the Guilty Except for Insanity statute is not technically a conviction. Indeed, if they had chosen a different defense, had gone to prison, and had committed the same act with the same volition, they would be charged with a crime. Currently, this is not so for those under the jurisdiction of the PSRB.

When an individual knows that they face no consequences for assaulting staff, it creates an unsafe work environment and an unsafe treatment center. Protection for the people served in the state hospital system of course must remain paramount and their care should remain at the highest of standards. Treatment cannot take place when both staff and other clients are afraid of someone who volitionally and knowingly acts with violence. This legislation would allow staff and others being served to know that they have the ability to feel safe and secure when they enter the hospital's walls.

One concern of note is to ensure that this legislation is not used inappropriately to target people who are actively ill, who cannot be held to their actions, and who must continue to have the protections in place against litigation.

Thank you for your time.

Warm Regards,

David W. Sant, LMSW, CSWA
NASW Oregon
Legislative Committee-Chair