



Testimony

HB 2309

March 20, 2017

Presenter: Micky Logan, Legal Affairs Director, Oregon State Hospital, Oregon Health Authority

Good afternoon Chair Barker and members of the committee: I am Micky Logan, Legal Affairs Director at the Oregon State Hospital (OSH).

I am here to testify in support of HB 2309, which would allow for progress reports of defendants determined to be unable to aid and assist in their defense.

The numbers of Aid and Assist (also referred to as “.370”) patients at OSH continues to be problematic. Currently, the way that the applicable statutes and rules operate, evaluators must draft comprehensive evaluations every time they evaluate a defendant/patient, which includes an entire medical history. This is true regardless of whether the evaluation is a preliminary evaluation or a follow-up re-evaluation. This takes up a great deal of resources even though the defendant/patient may only need an updated evaluation. Moreover, we have a limited number forensically certified evaluators at OSH and an extremely large work load. In 2016, OSH’s forensic evaluators signed 1,346 evaluations, and OSH filed an average of 5.36 court-ordered evaluations each business day. Each full-time evaluator at OSH conducts on average 3 aid and assist evaluations per week, or 1 aid and assist evaluation and 1 criminal responsibility evaluation per week. This is a high but reasonable workload in comparison to other state forensic evaluation services throughout the country.

HB 2309 amends ORS 161.370 so that the first .370 evaluation must include the full medical history and a thorough evaluation, but subsequent .370 evaluations may simply be updates, or “progress reports.”

Note that this change also serves as a paperwork reduction measure.

Oregon State Hospital and the Oregon Health Authority support this bill and the - 2 amendment and request your support as well. Thank you.