



Legislative Testimony

OREGON DEPARTMENT OF CORRECTIONS

February 8, 2017

The Honorable Sara Gelser, Chair
Senate Committee on Human Services
900 Court St. NE
Salem, OR 97301

RE: Senate Bill 17

Chair Gelser and members of the Committee, I am Joe DaFoe, Health Services Administrator for the Oregon Department of Corrections (DOC). I am here to testify in support of SB 17 and answer any questions.

What the Bill Does:

SB 17 amends statute to remove the superintendent's authority and duty to designate a chief medical officer for their respective institution.

Background Information:

Current statute authorizes the superintendent to designate a physician licensed by the Oregon Medical Board to serve as chief medical officer, who is directly responsible to the superintendent for the administration of medical treatment programs at the institution and assume such other responsibilities are assigned by the superintendent.

Within the department, this task falls to the medical director, rather than the facility superintendent. This has resulted in a recent Court of Appeals decision that invalidated Oregon Administrative Rule (OAR) 291-124-0016(2).

Although statute exists that grants the DOC director authority to delegate responsibilities and authority, ORS 179.360(1)(f) specifically requires the superintendent to appoint the chief medical officer for the superintendent's institution, which takes priority over the broad authority of the director.

Issues Addressed by the Bill:

If passed, this legislation would allow the chief medical officer to designate a licensed physician to serve as chief medical officer for treatment programs at institutions, which will bring statute in line with DOC's current practices, rule, and Health Services Policy, by repealing section (1)(f) of ORS 179.360 in its entirety.

Requested Action:

For the reasons explained above, the department asks this committee to vote SB 17 out of committee with a do pass recommendation.

Thank you for your time and consideration. I am happy to answer any question you may have.

Submitted by:

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