

Sunday, March 17, 2019

Oregon Senate Judiciary Committee

Oregon State Capitol

900 Court St SE

Calem, OR 97301

RE: SB763 Testimony against the passage of the bill

Chair Prozanski and members of the committee,

Thank you for the opportunity to address the committee on this serious issue. Civil Commitment is a massive component of the state's obligation to protect residents suffering from serious mental health crisis. Hundreds of Oregonians appear before courts across the state every year under investigation as an alleged mentally ill person. As a former pre commitment investigator and current 5 year veteran mental health examiner, I have a first-hand experience with this process. I have assisted in pursuing multiple civil commitments and I see a valuable role for this legal process in our mental health "toolbox". In opposition to some of my colleagues, I would like to assure you that the process and standards for assessing immanent risk are completely adequate. One must remember that in pursuing treatment, the process removes of a person's right to choose that treatment and strips them of their freedom of movement, among other civil liberties. The current legal standard is absolutely in balance with the severity of these restrictions.

More importantly, the reality of this legislation is that it will do little to solve the current mental health crisis. Further it stands a serious risk of exacerbating an already extreme crisis of institutionalization.

In the state's consent decree with the Federal Department of Justice we have been sternly warned about the state's reliance on the use of institutional care. While we have adopted a state Medicaid plan that targets Home and Community Based Services we have failed to adequately fund these services. Conservatively, the state spends approximately 60% of its overall budget for mental health supports on the Oregon State Hospital's two sites. Furthermore, we have not invested seriously in the expansion of housing, vocational, day activity, co-occurring treatment, and ongoing case management supports that make up the suite of community based care residents need. Without the needed community based services, the development of a more liberal admittance rate to the state hospital's civil commitment units will simply stave off a crisis of services for 180 days, the current length of a civil commitment. More than this, it will give a false sense that this solution can keep people safe, when that is in no way an accurate truth. This bill serves only to assuage the concerns of health systems and community partners who wish those struggling with mental health issues off the streets and out of emergency rooms – safely beyond sight in an institution. This is not the service and care our neighbors deserve and my profession demands. I implore you to decline to advance this legislation that poses a serious risk to the rights of Oregonians.

Best,  
Joseph M. Leykam, LCSW  
Mental Health Counselor