

B-Engrossed Senate Bill 973

Ordered by the Senate June 11
Including Senate Amendments dated April 22 and June 11

Sponsored by COMMITTEE ON JUDICIARY

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.

Establishes [*Behavioral Health Justice Reinvestment*] **Improving People's Access to Community-based Treatment, Supports and Services** Program administered by [*Behavioral Health Justice Reinvestment*] **Improving People's Access to Community-based Treatment, Supports and Services** Grant Review Committee established in Oregon Criminal Justice Commission. Specifies that purpose of program is to provide grants to counties and **Oregon's federally recognized** Indian tribes to establish evidence-based programs to provide comprehensive community supports and services to individuals with mental health or substance use disorders and reduce individuals' involvement in criminal justice system, decrease hospitalizations and decrease institutional placements. Specifies membership, duties and authority of committee.

Requires committee to administer program in which counties, **federally recognized** Indian tribes or regional consortia of counties or Indian tribes may apply for state funds for comprehensive community supports and services.

[*Requires*] **Permits** committee and Oregon Health Authority to [*jointly administer pilot project to provide technical assistance and performance*] **work together to include coordinated care organizations in Improving People's Access to Community-based Treatment, Supports and Services Program in way that provides** incentives to coordinated care organizations to [*test new strategies*] **provide comprehensive community supports and services** to reduce involvement in criminal justice system by members of coordinated care organization whose inadequately treated mental illnesses or substance use disorders are primary drivers of members' involvement in criminal justice system.

Requires Improving People's Access to Community-based Treatment, Supports and Services Grant Review Committee to appoint subcommittee to explore policy areas for further discussion during 2020 regular session of Legislative Assembly.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to behavioral health; and declaring an emergency.

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

4 **SECTION 1. (1) The Improving People's Access to Community-based Treatment, Supports**
5 **and Services Program is established in recognition of the shortage of comprehensive com-**
6 **munity supports and services for individuals with mental health or substance use disorders,**
7 **leading to their involvement with the criminal justice system, hospitalizations and institu-**
8 **tional placements. The purpose of the program is to address this need by awarding grants**
9 **to counties and Oregon's federally recognized Indian tribes to establish evidence-based and**
10 **tribal-based programs to provide the needed supports and services.**

11 **(2) The Improving People's Access to Community-based Treatment, Supports and Ser-**
12 **vices Grant Review Committee established in section 3 of this 2019 Act shall adopt rules for**
13 **administering the program, including rules:**

14 **(a) Identifying the target population of people with frequent criminal justice involvement**
15 **and behavioral health conditions to be served by the programs funded with the grants;**

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 (b) Prescribing a methodology for the committee to review and approve grant applica-
2 tions;

3 (c) Establishing program or service outcome measures;

4 (d) Establishing criteria for allowing a grantee to use a grant or a portion of a grant to:

5 (A) Expand the workforce of providers of mental health or substance abuse services in
6 the community; or

7 (B) Provide permanent, supportive housing for individuals with mental health or sub-
8 stance use disorders; and

9 (e) Allowing the committee to terminate an agreement with an entity that fails to meet
10 the grant requirements or has been found to have misused funds or committed fraud. The
11 ability to meet the grant requirements may be a consideration in future funding or the
12 amount of funding.

13 (3) The committee shall allocate funds in the Improving People's Access to Community-
14 based Treatment, Supports and Services Account established in section 2 of this 2019 Act to
15 grantees. The funds may not be used for a purpose other than the programs providing sup-
16 ports and services for which the grants were awarded.

17 (4) If unallocated funds remain at the conclusion of the grant acceptance period, the
18 committee may establish a supplemental grant period and distribute the unallocated funds
19 to the counties or Oregon's federally recognized Indian tribes that received grants.

20 (5) Up to 20 percent of the funds in the account may be used for operating a statewide
21 program to support the design and implementation of community-based services, including
22 but not limited to:

23 (a) Technical assistance to prospective grantees in developing proposals, particularly for
24 developing proposals for supportive housing;

25 (b) Technical assistance to grantees for troubleshooting data collection requirements and
26 sharing information with third parties as necessary for carrying out the programs;

27 (c) Statewide training, provided in-person and remotely, for grantees and nongrantees,
28 focused on improving outcomes for the target population;

29 (d) Making resources available to district attorneys and defense attorneys for consulta-
30 tion on cases involving defendants with complex behavioral health issues;

31 (e) Developing or strengthening a centralized system to make available to communities
32 practitioners in professional specialties for which there is a shortage, including practitioners
33 of addiction medicine and psychiatry; and

34 (f) A one-time investment in information technology to support the data system needs
35 for the evaluation, accountability and innovation components of the program.

36 (6)(a) The committee shall procure and enter into contracts for goods, services and per-
37 sonal services related to the creation, operation, maintenance and management of informa-
38 tion technology systems for the purpose of carrying out this section.

39 (b) The committee shall procure and enter into contracts for goods, services and personal
40 services related to designing, developing, conducting, performing and completing research,
41 review, audits, statistical analyses, investigations, studies, reports and evaluations for the
42 purpose of carrying out this section.

43 (7) Three percent of the funds in the account must be used to support outcome measures,
44 evaluation or both.

45 (8) An application for a grant must be submitted by the federally recognized Indian tribe

1 or the local public safety coordinating council on behalf of the county and:

2 (a) Must include:

3 (A) Letters of support and commitments from community leaders or organizations that
4 are not members of the local public safety coordinating council, including but not limited to:

5 (i) Agencies working with homeless individuals;

6 (ii) Behavioral health care providers;

7 (iii) Coordinated care organizations; and

8 (iv) Local hospitals.

9 (B) For applications from counties, a report of the input from the local federally recog-
10 nized Indian tribes and, to the extent feasible, an explanation of how the input was incorpo-
11 rated into the design of the program, supports and services.

12 (C) For applications from federally recognized Indian tribes, a report of the input from
13 the local public safety coordinating council and, to the extent feasible, an explanation of how
14 the input was incorporated into the design of the program, supports and services.

15 (D) An agreement to screen all participants receiving supports and services funded by
16 the grants for potential eligibility for medical assistance and to assist eligible participants
17 to apply for medical assistance, including an agreement for a process for sharing data and
18 protecting the confidentiality of recipients among the program participants.

19 (E) A process for program partners, participating jails and hospitals to:

20 (i) Provide information upon admission or at intake about the potential risks and benefits
21 of tribal notification; and

22 (ii) Offer tribal members the opportunity to disclose their statuses and situations to the
23 federally recognized Indian tribe of their choosing.

24 (b) May include a request to have more flexibility in using existing state funding to pro-
25 vide supports and services that address the need described in subsection (1) of this section.

26 (9) Annually, grantees shall report to the committee and to the Oregon Health Authority
27 the medical assistance enrollment data in addition to other outcome measures or evaluation
28 metrics collected as part of the grant for participants receiving supports and services pro-
29 vided with funds from the grants.

30 **SECTION 2.** The Improving People's Access to Community-based Treatment, Supports
31 and Services Account is established in the State Treasury, separate and distinct from the
32 General Fund. All moneys in the account are continuously appropriated to the Improving
33 People's Access to Community-based Treatment, Supports and Services Grant Review Com-
34 mittee for the purpose of carrying out section 1 of this 2019 Act.

35 **SECTION 3.** (1) The Improving People's Access to Community-based Treatment, Supports
36 and Services Grant Review Committee is established in the Oregon Criminal Justice Com-
37 mission consisting of 19 members as follows:

38 (a) The Director of the Oregon Health Authority, or the director's designee.

39 (b) The Director of the Department of Corrections, or the director's designee.

40 (c) The Chief Justice of the Supreme Court, or the Chief Justice's designee.

41 (d) The executive director of the Oregon Criminal Justice Commission or the director's
42 designee.

43 (e) The Director of the Housing and Community Services Department or the director's
44 designee.

45 (f) Nine members appointed by the Governor including:

- 1 (A) A district attorney.
- 2 (B) An attorney specializing in defense of individuals with mental health or substance
3 use disorders.
- 4 (C) A chief of police.
- 5 (D) A county commissioner.
- 6 (E) A director of a hospital that provides acute mental health treatment.
- 7 (F) A representative of a community-based mental health treatment facility or a practi-
8 tioner in a community-based mental health treatment facility.
- 9 (G) A representative of a community-based substance use disorder treatment facility or
10 a practitioner in a community-based substance use disorder treatment facility.
- 11 (H) A sheriff.
- 12 (I) A representative of a federally recognized Indian tribe.
- 13 (g) One nonvoting member appointed by the President of the Senate from among mem-
14 bers of the Senate.
- 15 (h) One nonvoting member appointed by the Speaker of the House of Representatives
16 from among members of the House of Representatives.
- 17 (i) Three members of the public that represent the age demographics of the target pop-
18 ulation.
- 19 (2) A majority of the voting members of the committee constitutes a quorum for the
20 transaction of business.
- 21 (3) The directors of the Oregon Criminal Justice Commission and the Oregon Health
22 Authority or their designees shall serve as cochairpersons.
- 23 (4) If there is a vacancy for any cause, the appointing authority shall make an appoint-
24 ment to become effective immediately.
- 25 (5) The committee shall meet at times and places specified by the call of the
26 cochairpersons or a majority of the voting members of the committee.
- 27 (6) The Oregon Criminal Justice Commission shall provide staff support to the commit-
28 tee.
- 29 (7) Legislative members of the committee shall be entitled to payment of compensation
30 and expenses under ORS 171.072, payable from funds appropriated to the Legislative Assem-
31 bly.
- 32 (8) Members of the committee who are not members of the Legislative Assembly are not
33 entitled to compensation but may be reimbursed for actual and necessary travel and other
34 expenses incurred by the member in the performance of the member's official duties in the
35 manner and amount provided in ORS 292.495.
- 36 (9) All agencies of state government, as defined in ORS 174.111, are directed to assist the
37 committee in the performance of the duties of the committee and, to the extent permitted
38 by laws relating to confidentiality, to furnish information and advice that the members of
39 the committee consider necessary to perform their duties.
- 40 **SECTION 4.** (1) The Improving People's Access to Community-based Treatment, Supports
41 and Services Grant Review Committee established in section 3 of this 2019 Act shall admin-
42 ister the Improving People's Access to Community-based Treatment, Supports and Services
43 Program established in section 1 of this 2019 Act, in consultation with the Oregon Health
44 Authority.
- 45 (2) The committee shall be responsible for approving grant applications and for distrib-

1 uting the grant moneys in accordance with rules adopted by the committee under section 1
2 of this 2019 Act. The committee shall designate a percentage of the funds to be set aside and
3 awarded to at least one federally recognized Indian tribe.

4 (3) The committee may advocate to state agencies on behalf of grantees to reduce the
5 administrative burden of grants with similar goals, services and activities as those in the
6 Improving People’s Access to Community-based Treatment, Supports and Services Program.

7 (4) The committee shall develop additional financial requirements for a grantee’s use of
8 funds as described in subsection (3) of this section.

9 (5) The committee may determine funding priorities based on the results of the outcome
10 measures or the evaluation tools established by the quality improvement subcommittee es-
11 tablished in section 5 of this 2019 Act. The subcommittee shall develop technical assistance
12 and training strategies to support the grantees in meeting the grant outcome measurement
13 requirements.

14 (6) The committee shall establish partnerships with appropriate agencies and other enti-
15 ties to ensure that the information technology infrastructure is sufficient to efficiently col-
16 lect and analyze program data and to transfer data as needed. To the greatest extent
17 practicable, the committee shall use existing information technology systems and staff ex-
18 pertise.

19 **SECTION 5.** (1) The Improving People’s Access to Community-based Treatment, Supports
20 and Services Grant Review Committee shall establish a quality improvement subcommittee
21 to:

22 (a) Establish outcome measures or evaluation tools for programs receiving grants under
23 the Improving People’s Access to Community-based Treatment, Supports and Services Pro-
24 gram; and

25 (b) Establish a statewide system for tracking simple, clear and meaningful outcome data
26 that is timely and easily accessed to inform best practices and improve outcomes for indi-
27 vidual participants.

28 (2) Data provided to the subcommittee may be used only for statistical purposes and may
29 not be used for any other purpose. Any data received by the subcommittee that contains
30 personally identifiable information is exempt from public disclosure under ORS 192.311 to
31 192.478. The subcommittee may enter into agreements with appropriate agencies or other
32 entities to share data for specified purposes and with safeguards to restrict further disclo-
33 sure.

34 **SECTION 6.** As used in sections 1 to 6 of this 2019 Act:

35 (1) “Comprehensive community supports and services” includes:

36 (a) Community-based mental health or substance use disorder treatment programs;

37 (b) Community-based services necessary to restore a defendant’s fitness to proceed, as
38 described in ORS 161.370 (2)(a);

39 (c) Evidence-based and tribal-based programs designed to reduce hospital and jail utili-
40 zation by target populations; and

41 (d) Programs aimed at diverting individuals with nonperson criminal charges experienc-
42 ing mental illness or substance use disorders from the criminal justice system.

43 (2) “County” includes a single county or a regional consortium of counties.

44 **SECTION 7.** (1) At least once per biennium, the Improving People’s Access to
45 Community-based Treatment, Supports and Services Grant Review Committee shall, in con-

1 **junction with the Oregon Health Authority, identify:**

2 **(a) The costs to state government that were avoided as a result of the Improving People's**
3 **Access to Community-based Treatment, Supports and Services Program established in sec-**
4 **tion 1 of this 2019 Act; and**

5 **(b) Any increased costs to local governments as a result of the program.**

6 **(2) No later than January 1 of each odd-numbered year, the committee shall submit a**
7 **report to the Legislative Assembly, in the manner provided by ORS 192.245, that includes the**
8 **costs described in subsection (1) of this section and describes the methodology employed by**
9 **the committee in determining the costs.**

10 **(3) Annually, the committee shall submit a report, in the manner provided in ORS**
11 **192.245, on the outcome measures or the results of evaluations of the program to the interim**
12 **committees of the Legislative Assembly related to health and the judiciary and to the Gov-**
13 **ernor.**

14 **SECTION 8. (1) The Improving People's Access to Community-based Treatment, Supports**
15 **and Services Grant Review Committee established in section 3 of this 2019 Act shall admin-**
16 **ister a program in which Oregon counties, Oregon's federally recognized Indian tribes or**
17 **regional consortia of counties or Indian tribes may apply to the committee for state funds**
18 **for the investments made by the counties, Indian tribes or consortia in comprehensive**
19 **community supports and services for the target population of the Improving People's Access**
20 **to Community-based Treatment, Supports and Services Program, for the purpose of en-**
21 **hancing or sustaining the supports and services.**

22 **(2) The committee shall establish priorities for the funds based on specified factors such**
23 **as the size of the population of a county, the utilization of the Oregon State Hospital by the**
24 **residents of the county and the availability of permanent, supportive housing units.**

25 **(3) The committee may provide enhanced funds to encourage regional program projects.**

26 **(4) The local investments matched by state funds may not be used to supplant existing**
27 **sources of funding that could be used to provide supports and services to the target popu-**
28 **lation, including but not limited to:**

29 **(a) Medical assistance funding;**

30 **(b) Federal grants;**

31 **(c) Local funding;**

32 **(d) State grants or other state funding; or**

33 **(e) Other third-party sources of funding to reimburse the cost of the supports and ser-**
34 **vices.**

35 **(5) The county, tribal or regional investment used to leverage a state match may include:**

36 **(a) County government or tribal funds.**

37 **(b) Financial commitments by entities other than counties or Oregon's federally recog-**
38 **nized tribes that are specifically designated for providing Improving People's Access to**
39 **Community-based Treatment, Supports and Services Program supports and services.**

40 **(c) The value of newly dedicated or donated real estate or other tangible property, in-**
41 **cluding but not limited to:**

42 **(A) Land;**

43 **(B) Buildings;**

44 **(C) Remodeling costs that address the needs identified by the Improving People's Access**
45 **to Community-based Treatment, Supports and Services Program;**

1 (D) Donated program space;

2 (E) Vehicles; or

3 (F) Interest on loans specific to housing, treatment facilities or related construction for
4 the target population.

5 **SECTION 9.** The Improving People’s Access to Community-based Treatment, Supports
6 and Services Grant Review Committee established in section 3 of this 2019 Act and the
7 Oregon Health Authority may work together to include coordinated care organizations in the
8 Improving People’s Access to Community-based Treatment, Supports and Services Program,
9 as permitted by state and federal law, in a way that provides incentives for coordinated care
10 organizations to provide comprehensive community supports and services, as defined in sec-
11 tion 6 of this 2019 Act, to their members who have mental health or substance use disorders
12 and be appropriately reimbursed for the costs of the supports and services.

13 **SECTION 10.** The Improving People’s Access to Community-based Treatment, Supports
14 and Services Grant Review Committee shall appoint a subcommittee to explore policy areas
15 for further discussion during the 2020 regular session of the Eightieth Legislative Assembly.
16 The policy areas may include but need not be limited to diversion, laws and other programs
17 or projects intended to prevent the incarceration of individuals with mental health or sub-
18 stance use disorders.

19 **SECTION 11.** In addition to and not in lieu of any other appropriation, there is appro-
20 priated to the Oregon Criminal Justice Commission, for the biennium beginning July 1, 2019,
21 out of the General Fund, the amount of \$10,639,462, which may be expended as follows:

22 (1) \$639,462 may be expended for the administration of the Improving People’s Access to
23 Community-based Treatment, Supports and Services Program established in section 1 of this
24 2019 Act; and

25 (2) \$10,000,000 shall be deposited in the Improving People’s Access to Community-based
26 Treatment, Supports and Services Account established in section 2 of this 2019 Act to be
27 disbursed as provided in section 1 of this 2019 Act.

28 **SECTION 12.** Notwithstanding any other law limiting expenditures, the limitation on
29 expenditures established by section 2, chapter __, Oregon Laws 2019 (Enrolled Senate Bill
30 5506), for the biennium beginning July 1, 2019, as the maximum limit for payment of expenses
31 from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery
32 funds and federal funds, collected or received by the Oregon Criminal Justice Commission,
33 is increased by \$10,000,000 for carrying out sections 1 to 9 of this 2019 Act.

34 **SECTION 13.** Section 10 of this 2019 Act is repealed on January 2, 2021.

35 **SECTION 14.** This 2019 Act being necessary for the immediate preservation of the public
36 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect
37 on its passage.

38