

A-Engrossed Senate Bill 4

Ordered by the Senate June 17
Including Senate Amendments dated June 17

Sponsored by Senator COURTNEY; Senator MANNING JR (Pre-session filed.)

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.

[Directs Oregon Health Authority to study and make recommendations for improving coordination of youth mental health services among state agencies. Requires authority to submit report on findings to interim committees of Legislative Assembly no later than September 15, 2022.]

[Sunsets January 2, 2023.]

Directs System of Care Advisory Council to appoint executive director. Authorizes executive director to employ staff. Modifies council's reporting requirements. Directs council, Department of Human Services and Oregon Health Authority to submit biennial joint report regarding expenditures on state system of care services and supports to interim committee of Legislative Assembly. Modifies council's authority and duties. Clarifies council's authority to direct expenditures of moneys appropriated or otherwise made available for purpose of supporting duties of council.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to youth with specialized needs; creating new provisions; amending ORS 418.976, 418.978,
3 418.979 and 418.983; and declaring an emergency.

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

5 **SECTION 1.** ORS 418.976 is amended to read:

6 418.976. As used in ORS 418.976 to 418.981, unless the context requires otherwise:

7 **(1) "Agency of state government" has the meaning given that term in ORS 174.111.**

8 *[(1)]* **(2)** "Cultural competence" means accepting and respecting diversity and differences in a
9 continuous process of self-assessment and reflection on one's personal and organizational percep-
10 tions of the dynamics of culture.

11 *[(2)]* **(3)** "Cultural responsiveness" means the process by which people and systems respond re-
12 spectfully and effectively to individuals of all cultures, languages, classes, races, ethnic backgrounds,
13 disabilities, religions, genders, sexual orientations and other diversity factors in a manner that re-
14 cognizes, affirms and values the worth of individuals, families and communities, and that protects
15 and preserves the dignity of each.

16 *[(3)]* **(4)** "Family" includes, with respect to a youth:

17 (a) A biological or legal parent;

18 (b) A sibling;

19 (c) An individual related by blood, marriage or adoption;

20 (d) A foster parent;

21 (e) A legal guardian;

22 (f) A caregiver;

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 (g) An individual with a significant social relationship with the youth;
- 2 (h) Any person who provides support to the youth that the youth identifies as important; and
- 3 (i) Any person identified by the youth as being family.

4 **(5) “Participating state agency” means a state officer, board, commission, department,**
5 **institution, branch or agency of state government whose costs are paid wholly or in part**
6 **from funds held in the State Treasury and who:**

7 **(a) Is identified by the System of Care Advisory Council as a provider of services and**
8 **supports that are part of the state system of care; or**

9 **(b) Provides services or resources to the council.**

10 [(4)] (6) “Services and supports” means public, private and community resources that assist
11 youth in the achievement of positive outcomes, including but not limited to education, child welfare,
12 public health, primary care, pediatric care, juvenile justice, mental health treatment, substance use
13 treatment and services for individuals with intellectual and developmental disabilities.

14 [(5)] (7) “System of care” means a coordinated network of services and supports to youth that:

15 (a) Integrates care planning and management across multiple levels of care;

16 (b) Recognizes disability as a natural and healthy part of the human experience;

17 (c) Is culturally and linguistically competent;

18 (d) Is designed to build meaningful partnerships with families and youth in the delivery and
19 management of services and the development of policy;

20 (e) Has a supportive policy and management infrastructure at the state and local levels; and

21 (f) Is community-based with relationships at the local level.

22 [(6)] (8) “Youth” means an individual 25 years of age or younger who has, or is at increased risk
23 of developing, chronic behavioral, emotional, physical or developmental conditions and is under the
24 supervision of or engaged with two or more systems of care.

25 **SECTION 2.** ORS 418.978 is amended to read:

26 418.978. (1) A commission known as the System of Care Advisory Council is established.

27 (2) The council consists of 25 members appointed as follows:

28 (a) The Chief Justice of the Supreme Court shall appoint one representative from the Judicial
29 Department.

30 (b) The Governor shall appoint:

31 (A) Two members who are representatives of the Department of Human Services with extensive
32 knowledge of systems of care, one of whom must have direct experience with intellectual and de-
33 velopmental disabilities programs.

34 (B) One member who is a representative of the Oregon Youth Authority with extensive knowl-
35 edge of systems of care.

36 (C) One member who is a representative of the Oregon Health Authority with extensive knowl-
37 edge of systems of care.

38 (D) One member who is a representative of the Department of Education.

39 (E) Two members who are representatives of coordinated care organizations meeting the criteria
40 adopted by the Oregon Health Authority under ORS 414.572, at least one of which must provide
41 services to rural communities.

42 (F) One psychiatrist, one psychologist and one pediatric physician, each of whom must have
43 clinical experience with youth.

44 (G) One member who is a representative of an entity that offers commercial insurance.

45 (H) Three members who are representatives of agencies that provide different services and

1 supports to youth and families of youth.

2 (I) One member who is a representative of organizations that advocate for youth.

3 (J) One member who is a representative of organizations that advocate for families of youth.

4 (K) Two members of the public, each of whom are family members of:

5 (i) Persons with intellectual or developmental disabilities or mental illness; or

6 (ii) Persons who are currently or were previously in the foster care system or the youth criminal
7 justice system.

8 (L) Two members of the public who are no more than 25 years of age and who:

9 (i) Are persons with intellectual or developmental disabilities or mental illness; or

10 (ii) Are currently or were previously a ward, youth or youth offender, as those terms are defined
11 in ORS 419A.004.

12 (M) One member who is a county juvenile department director.

13 (N) One member who is a county mental health program director.

14 (O) One member who is a member of a federally recognized Indian tribe in this state or a
15 designee of the Indian tribe.

16 (P) One member who is a representative of Oregon's federally mandated disability protection and
17 advocacy agency.

18 (3) The term of office of each member of the council is four years, but a member serves at the
19 pleasure of the appointing authority. Before the expiration of the term of a member, a successor
20 shall be appointed whose term begins on January 2 next following. A member is eligible for reap-
21 pointment to one additional term. If there is a vacancy for any cause, the appointing authority shall
22 make an appointment to become immediately effective for the unexpired term.

23 (4)(a) Members of the council who are not state employees are not entitled to compensation or
24 reimbursement for expenses and serve as volunteers on the council.

25 (b) Notwithstanding paragraph (a) of this subsection, members of the council described in sub-
26 section (2)(b)(K) and (L) of this section may be reimbursed for travel and other reasonable expenses
27 associated with serving on the council.

28 (5) Members of the council who are state employees carrying out their state employment func-
29 tions are entitled to compensation and reimbursement by their employing agencies for actual and
30 necessary travel and other expenses incurred by them in the performance of their official duties as
31 members of the council.

32 (6) The Governor shall appoint one of the members as chairperson, to serve at the pleasure of
33 the Governor. The members of the council shall elect from among themselves a vice chairperson
34 who shall preside over meetings and exercise the functions of the chairperson during the absence
35 or disability of the chairperson. The chairperson and the vice chairperson shall execute the duties
36 determined by the council to be necessary.

37 **(7) The council shall appoint an executive director who shall be in the exempt service and**
38 **who shall be responsible for the performance of duties assigned by the council. Subject to the**
39 **State Personnel Relations Law, the executive director may employ appropriate staff to carry**
40 **out the duties assigned by the council.**

41 [(7)] (8) The council shall meet at least four times per year at a place, day and hour determined
42 by the council.

43 [(8)] (9) A majority of the members of the council constitutes a quorum for the transaction of
44 business.

45 [(9) *The Oregon Health Authority, in coordination with the Department of Human Services, shall*

1 *provide staff support to the council.]*

2 **SECTION 3.** ORS 418.979 is amended to read:

3 418.979. (1) The purpose of the System of Care Advisory Council is to improve the effectiveness
4 and efficacy of state and local systems of care that provide services to youth by providing a cen-
5 tralized and impartial forum for statewide policy development and planning.

6 (2) The primary duty of the council is to develop and maintain a state system of care policy and
7 a comprehensive, long-range plan for a coordinated state system of care that encompasses public
8 health, health systems, child welfare, education, juvenile justice and services and supports for men-
9 tal and behavioral health and people with intellectual or developmental disabilities. The plan must
10 include, but need not be limited to, recommendations regarding:

11 (a) Capacity, utilization and types of state and local systems of care and services and supports;

12 (b) Implementation of in-home behavioral health services, crisis and transition services,
13 therapeutic foster care, in-home family support services and the integration of those services with
14 existing programs of residential services for individuals with behavioral health needs and intellec-
15 tual developmental disabilities;

16 (c) Appropriate use of existing systems of care and services and supports;

17 (d) Whether additional services and supports are necessary to address gaps in coverage;

18 (e) Methods for assessing the effectiveness of systems of care and services and supports in re-
19 ducing juvenile dependency or delinquency;

20 (f) Methods of reducing risk of future juvenile dependency or delinquency;

21 (g) The effective utilization of the local system of care governance structure;

22 (h) Guidelines for partner agency core values and guiding principles; and

23 (i) Guidelines that ensure cultural competence in the provision of services and supports by:

24 (A) Implementing uniform standards to allow local system of care teams to describe the cul-
25 turally responsive services and supports available in a system of care.

26 (B) Providing youth and families with understandable and effective system of care services in a
27 manner compatible with their disabilities, cultural beliefs and practices, literacy skills and language.

28 (C) Developing and implementing a process to review practices accepted by diverse communities.

29 (D) Identifying ways to continually improve culturally competent system of care services and
30 implementing a statewide system of care that reflects culturally competent practices.

31 (3) Other duties of the council are to:

32 (a) Conduct joint studies by agreement with other state agencies, boards or commissions on any
33 matter within the jurisdiction of the council;

34 (b) Provide oversight of the implementation of the services described in subsection (2)(b) of this
35 section by the Oregon Health Authority, the Oregon Youth Authority and the Department of Human
36 Services and to provide periodic updates on the agencies' implementation to the Legislative Assem-
37 bly;

38 (c) Provide recommendations to the Director of the Oregon Health Authority, the Director of
39 the Oregon Youth Authority and the Director of Human Services as necessary for the agencies to
40 maintain and strengthen the systems of care;

41 (d) Make recommendations to the Director of the Oregon Health Authority, the Director of the
42 Oregon Youth Authority and the Director of Human Services to reduce barriers to implementation
43 of systems of care;

44 (e) Continually monitor and update the Children's System Data Dashboard described in ORS
45 418.981, with a specific focus on the number of youth placed in hotels, out-of-state placements,

1 emergency department boarding, congregate care facilities, shelter care or Oregon Youth Authority
2 custody; and

3 (f) Award grants **from funds appropriated by the Legislative Assembly to the council or**
4 **from funds otherwise available from any other source**, for the purpose of supporting local sys-
5 tem of care governance and for carrying out the recommendations in the council's plan developed
6 under subsection (2) of this section.

7 (4)(a) On or before January 2 of each even-numbered year, the council shall update its plan un-
8 der subsection (2) of this section and submit the plan to an interim committee of the Legislative
9 Assembly related to youth, and to the Governor.

10 (b) On or before September 15 of each year, the council shall submit a report in the manner
11 provided in ORS 192.245[*including recommendations for legislation,*] to an interim committee of the
12 Legislative Assembly related to youth, and to the Governor, describing how the council is meeting
13 its goals[*the*] **and any** remaining barriers to access to services and supports [*and*]. **The report**
14 **may include** recommendations for legislation, **including recommendations for changes to the**
15 **council structure, composition and operating processes.**

16 (c) **On or before December 31 of each odd-numbered year, the council, the Department**
17 **of Human Services and the Oregon Health Authority shall submit a joint report in the**
18 **manner described in ORS 192.245 to an interim committee of the Legislative Assembly re-**
19 **lated to youth, describing moneys appropriated to or otherwise made available to the de-**
20 **partment, the authority or the council in the preceding biennium for the purpose of**
21 **providing, or providing access to, the services and supports described in subsection (2)(b) of**
22 **this section. The report must include an accounting of the expenditures made by the de-**
23 **partment, the authority and the council and of any moneys remaining unspent at the close**
24 **of the biennium.**

25 (5) The council may:

26 (a) Apply for and receive gifts and grants from any public or private source.

27 (b) **Submit proposals for legislative measures at the time and in the manner prescribed**
28 **in ORS 171.130 and 171.133.**

29 [(b)] (c) Adopt rules to carry out the provisions of this section.

30 (6) **The council shall submit an agency request budget at the time and in the manner**
31 **prescribed under ORS 291.208.**

32 [(6)] (7)(a) All agencies of state government[*as defined in ORS 174.111,*] are directed to assist
33 the council in the performance of the duties of the council and, to the extent permitted by laws re-
34 lating to confidentiality, to furnish information and advice **that** the members of the council consider
35 necessary to perform the duties of the council.

36 (b) **At the council's request, a participating state agency shall provide the council with**
37 **the agency's proposed budget form, prior to the agency's submission of the form to the**
38 **Oregon Department of Administrative Services under ORS 291.208, for the council's review.**
39 **The council may make recommendations to the agency or, if appropriate, the department**
40 **regarding the agency's proposed expenditures for services and supports necessary to imple-**
41 **ment the council's policy recommendations under this section.**

42 (8) **The council and participating state agencies shall, where applicable, enter into inter-**
43 **agency agreements to:**

44 (a) **Provide staff and resources to assist the council in carrying out the council's duties;**

45 (b) **Share computer systems and technologies, to the extent allowed by law;**

1 (c) Collect and analyze data related to the state system of care and the performance of
2 the council's duties; or

3 (d) Investigate the effectiveness of the council's proposals and recommendations under
4 this section.

5 (9) Moneys that are appropriated to or otherwise made available to the council or the
6 Oregon Health Authority for the purpose of supporting the duties of the council may not be
7 expended except as directed by the council.

8 SECTION 4. ORS 418.983 is amended to read:

9 418.983. (1) The System of Care Account is established in the State Treasury, separate and dis-
10 tinct from the General Fund. All moneys deposited in the account are continuously appropriated to
11 the Oregon Health Authority for the purpose of supporting the duties of the System of Care Advi-
12 sory Council established under ORS 418.978, as directed by the council.

13 (2) The authority may not expend moneys that are appropriated to or otherwise made
14 available to the authority under this section except as directed by the council.

15 SECTION 5. The reports required under ORS 418.979 (4)(c) are first due December 31,
16 2021.

17 SECTION 6. This 2021 Act being necessary for the immediate preservation of the public
18 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect
19 on its passage.
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