

Requested by Senator COURTNEY

**PROPOSED AMENDMENTS TO
SENATE BILL 4**

1 In line 2 of the printed bill, before the period insert “; creating new pro-
2 visions; amending ORS 418.976, 418.978, 418.979 and 418.983; and declaring an
3 emergency”.

4 Delete lines 4 through 8 and insert:

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
7 otherwise:

8 **“(1) ‘Agency of state government’ has the meaning given that term**
9 **in ORS 174.111.**

10 “[1] **(2) ‘Cultural competence’** means accepting and respecting diversity
11 and differences in a continuous process of self-assessment and reflection on
12 one’s personal and organizational perceptions of the dynamics of culture.

13 “[2] **(3) ‘Cultural responsiveness’** means the process by which people and
14 systems respond respectfully and effectively to individuals of all cultures,
15 languages, classes, races, ethnic backgrounds, disabilities, religions, genders,
16 sexual orientations and other diversity factors in a manner that recognizes,
17 affirms and values the worth of individuals, families and communities, and
18 that protects and preserves the dignity of each.

19 “[3] **(4) ‘Family’** includes, with respect to a youth:

20 “(a) A biological or legal parent;

21 “(b) A sibling;

- 1 “(c) An individual related by blood, marriage or adoption;
2 “(d) A foster parent;
3 “(e) A legal guardian;
4 “(f) A caregiver;
5 “(g) An individual with a significant social relationship with the youth;
6 “(h) Any person who provides support to the youth that the youth iden-
7 tifies as important; and
8 “(i) Any person identified by the youth as being family.

9 **“(5) ‘Participating state agency’ means a state officer, board, com-
10 mission, department, institution, branch or agency of state govern-
11 ment whose costs are paid wholly or in part from funds held in the
12 State Treasury and who:**

13 **“(a) Is identified by the System of Care Advisory Council as a pro-
14 vider of services and supports that are part of the state system of care;
15 or**

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

17 “[4] **(6) ‘Services and supports’** means public, private and community
18 resources that assist youth in the achievement of positive outcomes, includ-
19 ing but not limited to education, child welfare, public health, primary care,
20 pediatric care, juvenile justice, mental health treatment, substance use
21 treatment and services for individuals with intellectual and developmental
22 disabilities.

23 “[5] **(7) ‘System of care’** means a coordinated network of services and
24 supports to youth that:

25 **“(a) Integrates care planning and management across multiple levels of
26 care;**

27 **“(b) Recognizes disability as a natural and healthy part of the human
28 experience;**

29 **“(c) Is culturally and linguistically competent;**

30 **“(d) Is designed to build meaningful partnerships with families and youth**

1 in the delivery and management of services and the development of policy;
2 “(e) Has a supportive policy and management infrastructure at the state
3 and local levels; and

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

5 “[6] (8) ‘Youth’ means an individual 25 years of age or younger who has,
6 or is at increased risk of developing, chronic behavioral, emotional, physical
7 or developmental conditions and is under the supervision of or engaged with
8 two or more systems of care.

9 **“SECTION 2.** ORS 418.978 is amended to read:

10 “418.978. (1) A commission known as the System of Care Advisory Council
11 is established.

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

13 “(a) The Chief Justice of the Supreme Court shall appoint one represen-
14 tative from the Judicial Department.

15 “(b) The Governor shall appoint:

16 “(A) Two members who are representatives of the Department of Human
17 Services with extensive knowledge of systems of care, one of whom must
18 have direct experience with intellectual and developmental disabilities pro-
19 grams.

20 “(B) One member who is a representative of the Oregon Youth Authority
21 with extensive knowledge of systems of care.

22 “(C) One member who is a representative of the Oregon Health Authority
23 with extensive knowledge of systems of care.

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

25 “(E) Two members who are representatives of coordinated care organiza-
26 tions meeting the criteria adopted by the Oregon Health Authority under
27 ORS 414.572, at least one of which must provide services to rural communi-
28 ties.

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

1 “(G) One member who is a representative of an entity that offers com-
2 mercial insurance.

3 “(H) Three members who are representatives of agencies that provide
4 different services and supports to youth and families of youth.

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

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

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

10 “(i) Persons with intellectual or developmental disabilities or mental ill-
11 ness; or

12 “(ii) Persons who are currently or were previously in the foster care sys-
13 tem or the youth criminal justice system.

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

16 “(i) Are persons with intellectual or developmental disabilities or mental
17 illness; or

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

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

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

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

24 “(P) One member who is a representative of Oregon’s federally mandated
25 disability protection and advocacy agency.

26 “(3) The term of office of each member of the council is four years, but
27 a member serves at the pleasure of the appointing authority. Before the ex-
28 piration of the term of a member, a successor shall be appointed whose term
29 begins on January 2 next following. A member is eligible for reappointment
30 to one additional term. If there is a vacancy for any cause, the appointing

1 authority shall make an appointment to become immediately effective for the
2 unexpired term.

3 “(4)(a) Members of the council who are not state employees are not enti-
4 tled to compensation or reimbursement for expenses and serve as volunteers
5 on the council.

6 “(b) Notwithstanding paragraph (a) of this subsection, members of the
7 council described in subsection (2)(b)(K) and (L) of this section may be re-
8 imbursed for travel and other reasonable expenses associated with serving
9 on the council.

10 “(5) Members of the council who are state employees carrying out their
11 state employment functions are entitled to compensation and reimbursement
12 by their employing agencies for actual and necessary travel and other ex-
13 penses incurred by them in the performance of their official duties as mem-
14 bers of the council.

15 “(6) The Governor shall appoint one of the members as chairperson, to
16 serve at the pleasure of the Governor. The members of the council shall elect
17 from among themselves a vice chairperson who shall preside over meetings
18 and exercise the functions of the chairperson during the absence or disability
19 of the chairperson. The chairperson and the vice chairperson shall execute
20 the duties determined by the council to be necessary.

21 “(7) **The council shall appoint an executive director who shall be in**
22 **the exempt service and who shall be responsible for the performance**
23 **of duties assigned by the council. Subject to the State Personnel Re-**
24 **lations Law, the executive director may employ appropriate staff to**
25 **carry out the duties assigned by the council.**

26 “[7] (8) The council shall meet at least four times per year at a place,
27 day and hour determined by the council.

28 “[8] (9) A majority of the members of the council constitutes a quorum
29 for the transaction of business.

30 “[9] *The Oregon Health Authority, in coordination with the Department*

1 *of Human Services, shall 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
4 improve the effectiveness and efficacy of state and local systems of care that
5 provide services to youth by providing a centralized and impartial forum for
6 statewide policy development and planning.

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

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

16 “(b) Implementation of in-home behavioral health services, crisis and
17 transition services, therapeutic foster care, in-home family support services
18 and the integration of those services with existing programs of residential
19 services for individuals with behavioral health needs and intellectual devel-
20 opmental disabilities;

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

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

24 “(e) Methods for assessing the effectiveness of systems of care and ser-
25 vices and supports in reducing juvenile dependency or delinquency;

26 “(f) Methods of reducing risk of future juvenile dependency or delin-
27 quency;

28 “(g) The effective utilization of the local system of care governance
29 structure;

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

1 “(i) Guidelines that ensure cultural competence in the provision of ser-
2 vices and supports by:

3 “(A) Implementing uniform standards to allow local system of care teams
4 to describe the culturally responsive services and supports available in a
5 system of care.

6 “(B) Providing youth and families with understandable and effective sys-
7 tem of care services in a manner compatible with their disabilities, cultural
8 beliefs and practices, literacy skills and language.

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

11 “(D) Identifying ways to continually improve culturally competent system
12 of care services and implementing a statewide system of care that reflects
13 culturally competent practices.

14 “(3) Other duties of the council are to:

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

17 “(b) Provide oversight of the implementation of the services described in
18 subsection (2)(b) of this section by the Oregon Health Authority, the Oregon
19 Youth Authority and the Department of Human Services and to provide pe-
20 riodic updates on the agencies’ implementation to the Legislative Assembly;

21 “(c) Provide recommendations to the Director of the Oregon Health Au-
22 thority, the Director of the Oregon Youth Authority and the Director of
23 Human Services as necessary for the agencies to maintain and strengthen the
24 systems of care;

25 “(d) Make recommendations to the Director of the Oregon Health Au-
26 thority, the Director of the Oregon Youth Authority and the Director of
27 Human Services to reduce barriers to implementation of systems of care;

28 “(e) Continually monitor and update the Children’s System Data
29 Dashboard described in ORS 418.981, with a specific focus on the number of
30 youth placed in hotels, out-of-state placements, emergency department

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

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

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

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

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

1 “(5) The council may:

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

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

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

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

9 “[~~(6)~~] (7)(a) All agencies of state government[, *as defined in ORS*
10 *174.111,*] are directed to assist the council in the performance of the duties
11 of the council and, to the extent permitted by laws relating to
12 confidentiality, to furnish information and advice **that** the members of the
13 council consider necessary to perform the duties of the council.

14 **“(b) At the council’s request, a participating state agency shall
15 provide the council with the agency’s proposed budget form, prior to
16 the agency’s submission of the form to the Oregon Department of
17 Administrative Services under ORS 291.208, for the council’s review.
18 The council may make recommendations to the agency or, if appro-
19 priate, the department regarding the agency’s proposed expenditures
20 for services and supports necessary to implement the council’s policy
21 recommendations under this section.**

22 **“(8) The council and participating state agencies shall, where ap-
23 plicable, enter into interagency agreements to:**

24 **“(a) Provide staff and resources to assist the council in carrying out
25 the council’s duties;**

26 **“(b) Share computer systems and technologies, to the extent al-
27 lowed by law;**

28 **“(c) Collect and analyze data related to the state system of care and
29 the performance of the council’s duties; or**

30 **“(d) Investigate the effectiveness of the council’s proposals and**

1 **recommendations under this section.**

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

6 **“SECTION 4. ORS 418.983 is amended to read:**

7 **“418.983. (1) The System of Care Account is established in the State**
8 **Treasury, separate and distinct from the General Fund. All moneys depos-**
9 **ited in the account are continuously appropriated to the Oregon Health Au-**
10 **thority for the purpose of supporting the duties of the System of Care**
11 **Advisory Council established under ORS 418.978, as directed by the council.**

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

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

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

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