



LPRO
LEGISLATIVE POLICY
AND RESEARCH OFFICE

TFSC Proposed Recommendations

PREPARED FOR: Task Force on Specialty Courts

DATE: October 11, 2024

BY: Jules Dellinger, Legislative Analyst

RE: Summary of Proposed Recommendations Submitted by Task Force Members

Proposed Recommendations

Study Area	Proposals (excl. crossover)	Sub-topics	Proposals (incl. crossover)	
Funding Mechanism	7	Funding Data	2	11
		Mechanism	6	
		Treatment/Services	3	
Administrative and Funding Balance	10	Oversight and Improvement	4	12
		Data Collection	4	
		Funding Balance	3	
		Statutory Foundation	1	
Eligibility Metrics	2	Assessments	1	2
		Entry Decision	1	
Accountability Mechanism	2	Program Evaluation	2	4
		Peer Review	1	
		Certification/Accreditation	1	
Total	21			



Funding Mechanisms

Sub-topic	Proposal Number	Short Title
Funding Data	Rigmaiden 1.1	Formal Cost Study
Mechanism	Sévos/Wig 2.1	Specialty Court Grant Program Application Timeline
	Sévos/Wig 5.1	Funding Methodology
	Moawad 1.1	Streamlining Funding through Accountability
Treatment Services	Sévos/Wig 1.1	OHA Billing Modifier
	Moawad 4.1	OHA/OHP Billing Code
	Sévos/Wig 4.1	Utilization Management Budget Review



Administrative and Funding Balance

Sub-topic	Proposal Number	Short Title
Oversight and Process Improvement	Garcia 2.1	Permanent Task Force
	Simmons 1.1	Creation of the Specialty Court Advisory Committee
	Moawad 5.1	Increasing Coordination
Data Collection	Wong 1.1	Funding Data Collection
	Sévos/Wig 3.1	SCMS Data Integration/Ingestion
	Moawad 2.1	SCMS Compatibility
	Simmons 2.1	Uniform Data Entry and CJC Access
Funding Balance	Rigmaiden 2.1	SCMS Funding
	Rigmaiden 3.1	General Funding for OSCA Treatment Court Team Staff
Statutory Foundation	Rigmaiden 4.1	Statutory Update of ORS 3.450 and 137.680



Eligibility Metrics

Sub-topic	Proposal Number	Short Title
Assessments	Moawad 3.1	Statewide Assessment Database
Entry Decision	Behre 1.1	Returning Court Control over Admission

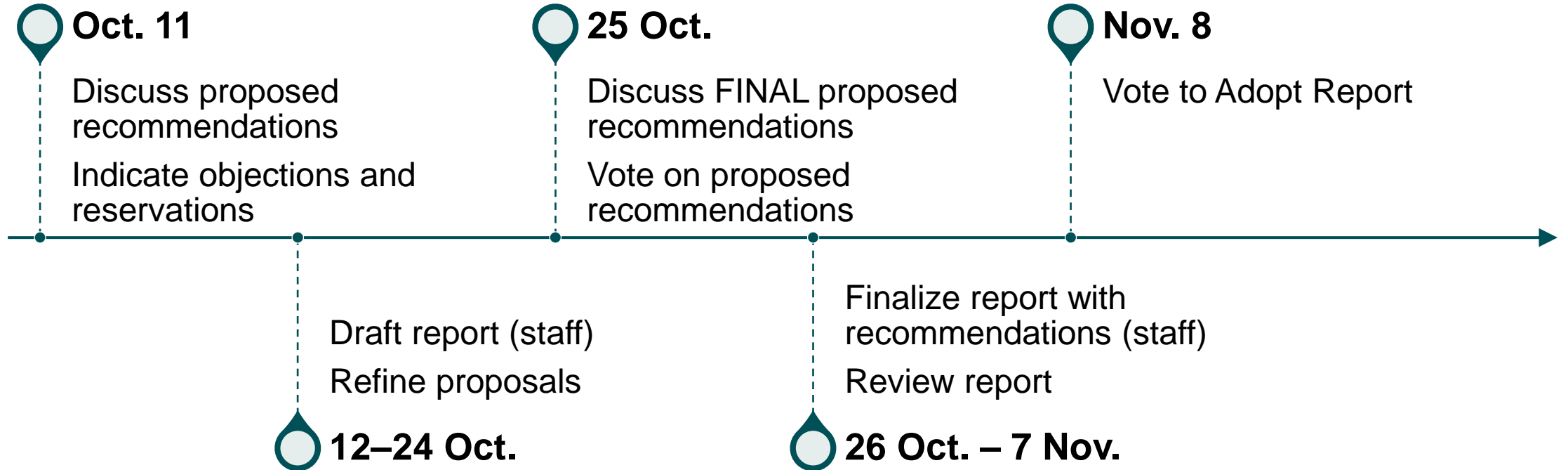


Accountability Mechanisms

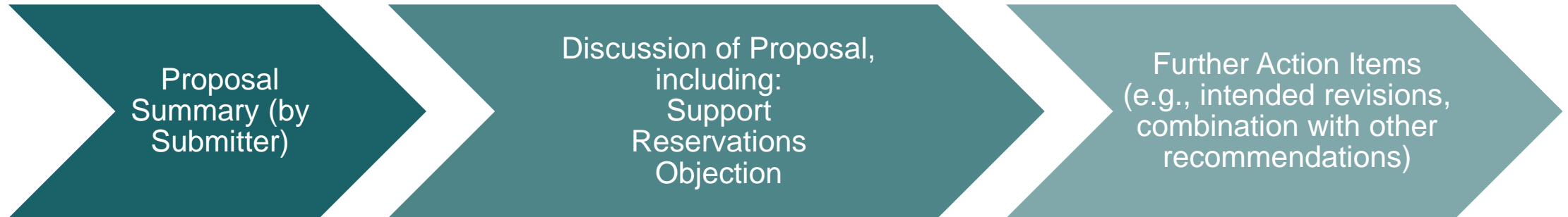
Sub-topic	Proposal Number	Short Title
Program Evaluation	Scroggin/Garcia 1.1	Third-Party Evaluations
Peer Review	Alderson 1.1	Specialty Court Board of Review



Recommendation & Report Timeline



Discussion of Proposed Task Force Recommendations



Rigmaiden 1.1: Formal Cost Study

Subtopic: Funding Data

1 of 21

The legislature should authorize, direct and fund a formal cost study in order to better understand the actual funding needed for startup and long-term maintenance of a treatment court. The study should consider various factors that affect costs, including location, program size and program type.

Enforcement: Report back to the legislature by agency directed or organization contracted to conduct study by date certain.

Reporting mechanisms: Final report, as well as possible informational hearing for legislators and statewide stake holders to receive information and ask for any clarification needed.



Sévos/Wig 2.1: Specialty Court Grant Program Application Timeline

Sub-topic: Mechanism

2 of 21

We propose that CJC reset the funding cycle (providing one-time temporary bridge funding for existing courts) so that:

1. All funding decisions have been negotiated and made prior to the award start date AND
2. The primary awardee has reasonable time to fully execute contracts with subawardees prior to the start date

Additionally, we propose that CJC evaluate a 4-year rolling grant period (similar in design to that used for M110) integrating language for each awardee that funding for each grant year is contingent upon available funding allocations for treatment courts.



Sévos/Wig 5.1: Funding Methodology

Sub-topic: Mechanism

3 of 21

We advocate that the State of Oregon explore alternative approaches for granting or contracting with treatment courts including:

- Leveraging a 4-year rolling “block grant” or other funding formula type of methodology that considers factors that impact operations such as the number of participants served, the intensity of services required, geographic location, baseline funding needs for all courts, etc.
- Transitioning CJC from the centralized role of grant and/or contract administration, which would support CJC in focusing on other essential functions
- Specifically directing funding to support court liaisons for each court (similar to how court coordinators are funded) based on numbers of treatment court participants (i.e. for every xx clients on a docket, xx FTE of a court liaison is funded)



Moawad 1.1: Streamlining Funding Through Accountability

Sub-topic: Mechanism

4 of 21

Funding at CSL, instead of requiring grants, gives all systems partners assurances that the program will not be at risk of termination and can help those system partners meaningfully invest their own time and resources into a particular court.

A “new” specialty court probably should have to go through two grant funding cycles to prove its concept, and then once the early results show the concept is working, we can switch over to the accreditation model that has been discussed in our task force meetings.

If Grant Funding remains the only way to fund our courts, then we need to figure out a way to meaningfully meld the grant process with the accreditation process: either by requiring only one on opposite years, or by making them the same process altogether.



Sévos/Wig 1.1: OHA Billing Modifier

Sub-topic:
Treatment/Services

5 of 21

We recommend that OHA add a billing modifier/enhanced rate [similar in design to the enhanced rates for Integrated Co-Occurring Disorder (ICOD) and Culturally- and Linguistically Specific Services (CLSS)] to provide uniform, consistent, appropriate funding to support behavioral health providers and the system in successfully delivering and coordinating the necessary enhanced holistic care for specialty court clients. Per the treatment court model and best clinical practices, these enhanced services and team-based care are required for all clients to actively engage in and maintain their recovery. Therefore, providers should be reimbursed at a higher rate to provide a higher level of service for these targeted populations.



Moawad 4.1: OHA/OHP Billing Code

Sub-topic:
Treatment/Services

6 of 21

Create a billing code within OHP/OHA for non-billable Specialty Court activities.



Sévos/Wig 4.1: Utilization Management Budget Review

Sub-topic:
Treatment/Services

7 of 21

We propose that CJC heavily advocate for OHA and/or the legislature to include a budget note instructing CCOs to follow the recommendations of the treatment court for prescribed treatment services including dosage, duration, intensity, and length of stay.



Garcia 2.1: Permanent Task Force

Subtopic: Oversight and
Process Improvement

8 of 21

Create a permanent Task Force on Specialty Courts.

Specialty Courts are longstanding robust critical functions of our local public safety response to addiction and mental health care. The Task Force is recommending the creation of a permanent Task Force on Specialty Courts or a Chief Justice Advisory Committee on Specialty Courts. The purpose of this group of appointed specialty court professionals would be to continue the work of the current Governor's Task Force on Specialty Courts, but to do so, in more comprehensive and in-depth manner.

The Task Force will provide recommendations for legislative policies, funding, and provide information related to outcomes.



Simmons 1.1: Creation of the Specialty Court Advisory Committee

Subtopic: Oversight and
Process Improvement

9 of 21

Create a multi-disciplinary Specialty Court Advisory Committee, which reports to the Chief Justice of the Oregon Supreme Court, to allow OJD and community partners to regularly study and provide ongoing and timely information and recommendations to the Chief Justice, to include policy and legislative proposals and regular reporting regarding the state of treatment courts in Oregon.



Moawad 5.1: Increasing Coordination

Oversight and Process
Improvement

10 of 21

Continue to work toward a less siloed approach to providing services to Specialty Court participants.



Wong 1.1: Funding Data Collection

Subtopic: Data Collection

11 of 21

This proposal recommends 1) using standardized definitions to 2) collect Specialty Court operation costs every two years, starting in the 2025-2027 grant cycle.

This recommendation proposes requiring a summary of the anticipated average annual cost of operating specialty courts as part of CJC's Specialty Court grant application process in addition to the budget submission for requested grant funds. This includes in-kind contributions. Each application will be asked to provide the anticipated total cost using a standardized definition key.

Information will be collected by Specialty Court teams during the grant application budget process and inputted into the grant application for Specialty Court funding during each new budget cycle (usually two years). That data will be collected by CJC to monitor total operating costs versus grant-requested costs. This ensures that each funded specialty court will provide the requested data (versus the hit or miss responses from surveys or informal requests) using a standardized method across jurisdictions.



Sévos/Wig 3.1: SCMS Data Integration/ Ingestion

Subtopic: Data Collection

12 of 21

We recommend the including the following items in a plan of action:

- Engage with a technology consultant who can help evaluate system capabilities and guide activities
- Survey treatment court partners to determine what primary data platforms are being used for their work (including, but not limited to various platforms for court operations, managing individuals on parole or probation, electronic health records, and case management)
- Determine how data from these primary systems can be ingested by SCMS (through secure file transfer or other method/s)
- Select a pilot project that would minimally include ingestion of EHR data from a treatment provider/s and ingestion of data from parole/probation platform



Moawad 2.1: SCMS Compatibility

Subtopic: Data Collection

13 of 21

Improve or replace SCMS so that it is compatible with our treatment providers' reporting.



Simmons 2.1: Uniform Data Entry and CJC Access

Subtopic: Data Collection

14 of 21

The Legislature should require all treatment courts within the state, regardless of funding source, to enter data into a uniform data entry program (currently identified as SCMS) and require CJC to have access to deidentified data from all treatment courts, regardless of funding source, for the purposes of analysis recommendations, and training.



Rigmaiden 2.1: SCMS Funding

Subtopic: Data Collection

15 of 21

The legislature should give funding to OJD for the cost of SCMS and its improvement/expansion.



Rigmaiden 3.1: General Funding for OSCA Treatment Court Team Staff

Subtopic: Data Collection

16 of 21

The Legislature should provide general funding for the Treatment Court Team members in the Oregon State Court Administrator's office who are currently grant funded and limited duration.



Rigmaiden 4.1: Statutory Update of ORS 3.450 and 137.680

Subtopic: Statutory
Foundation

17 of 21

The legislature should give funding to OJD for the cost of SCMS and its improvement/expansion.



Moawad 3.1: Statewide Assessment Database

Subtopic: Assessments

18 of 21

Create a statewide assessment database.



Behre 1.1: Returning Court Control over Admissions

Subtopic: Entry Decision

19 of 21

Give specialty court judges discretion to determine who enters their specialty court.



Scroggin/ Garcia 1.1: Third Party Evaluations

Subtopic: Program
Evaluation

20 of 21

Specialty Court Third Party Evaluation. Provide funding and require all specialty court programs receive a third-party process evaluation to ensure adherence to the National and Oregon Specialty Court Standards.

The Task Force is recommending a one time funding request that will create a baseline standard and expectation of all specialty courts in Oregon. This will inform the legislature and professionals of the strengths and areas needed for improvement. It will also serve as a guide for future budget builds and program budget requests.



Alderson 1.1: Specialty Court Board of Review

Subtopic: Peer Review

21 of 21

Create a Specialty Court board of review.

The Task Force on Specialty Courts recommends the Oregon State Legislature create a Specialty Court board of review. This Board will comprise Specialty Court administrators and professionals associated with specialty Courts. The purpose of this board is to provide peer review oversight to ensure that Specialty Courts use best practices and evidence-based guidelines and to support Specialty Courts in meeting the needs of the community they serve.

