



TO: Senate Committee on Judiciary
FROM: Disability Rights Oregon
DATE: Month 09, 2023
RE: SB 319 and Liability Coverage for Counties and CMHPs

Chair Prozanski, Vice Chairs Thatcher, and members of the Committee,

SB 319 seeks to address a very serious concern Oregon's Counties and contracted CMHPs have regarding their ability to obtain and afford liability coverage for community restoration services provided to individual who are found unable to aid and assist in their own defense due to sever mental illness of other cognitive impairment.

Oregon desperitely needs to dramatically grow our community mental health system, and finding solutions to our over crowded state hospital is nessassary in order to protect the civil rights of individuals waiting in jail for needed treatment. Oregon CMHPs are ready to take on this nessassary work, but need the help of the state to midigate their risk exposure.

Disability Rights Oregon (DRO) supports extending indemnification to counties and contracted CMHPs for the actions that could be committed by an individual while receiving community restoration. Indemnification is a ballanced approach to removing a serious barrier deterring counties and CMHPs from expanding their community restoration programs while at the same time not denying victims needed compensation for what they have experieced.

Building out and expanding the services available in our local community restoration programs is vitally important if we are to end the revolving door many aid and assist patients experience. We must find ways of helping our severely mentally ill population find stable placements and end the cycle of arrests and hospitalization. The State must listen to the concerns CMHPs have brought forward regarding taking on serving this higher risk population and share the burden with them. The state is after all asking CMHPs to take on a greater role in serving a population that previously that State was largely responsible.

DRO does not support liability caps as a solution to this problem, nor are we comfortable with extending indemnification to private direct service providers with a history of poor service or lack of accountability. This level of protection needs to be reserved for those providers who have a proven record of providing high quality service

and a high degree of transparency and accountability. If you have any questions regarding DRO's position on SB 319 please call or email Meghan Moyer at 503-432-5777 or mmoyer@droregon.org.

About Disability Rights Oregon

Since 1977 Disability Rights Oregon has been the State's Protection and Advocacy System.¹ We are authorized by Congress to protect, advocate, and enforce the rights of people with disabilities under the U.S. Constitution and Federal and State laws, investigate abuse and neglect of people with disabilities, and "pursue administrative, legal, and other appropriate remedies".² We are also mandated to "educate policymakers" on matters related to people with disabilities.³

If you have any questions regarding DRO's position on this legislation, please call Meghan Moyer at 503-432-5777 or email her at mmoyer@droregon.org.

¹ See ORS 192.517.

² See 42 U.S.C. § 15041 et seq; 42 U.S.C. § 10801 et seq.

³ See 42 U.S. Code § 15043(a)(2)(L).