



Legislative Testimony

OREGON DEPARTMENT OF CORRECTIONS

March 13, 2023

The Honorable Deb Patterson, Chair
Senate Committee on Health Care

Subject: Senate Bill 520

Chair Patterson and members of the committee, my name is Joe Bugher, and I serve as the Assistant Director for the Oregon Department of Corrections (DOC) Health Services Division. I am providing testimony regarding Senate Bill (SB) 520.

What the Bill Does:

SB 520 establishes a Medical Release Advisory Committee within the State Board of Parole and Post-Prison Supervision. This Committee would review adults in custody (AICs) for early medical release from DOC facilities. The bill outlines requirements for the Board, standards by which the Committee may recommend release, and additional procedural details and criteria.

Specific to our agency, this bill requires DOC to:

- Make information about this process accessible to AICs and others via the AIC handbook and DOC website.
- Make application forms available to AICs.
- Refer AICs directly to the Committee in certain instances.
- Provide medical records to support the applications.
- Plan for the release of those AICs approved for early medical release.
- Process the release within a reasonable time.

Background Information:

House Bill 3035 from the 2021 Legislative Session created a Joint Task Force on Corrections Medical Care with the responsibility to review medical care within DOC and make recommendations. I served as Co-Chair of the Task Force. One of the recommendations which followed in their September 2022 report to the Legislature is in alignment with this bill. Specifically, the Task Force on Corrections Medical Care put forth that the Legislative Assembly should consider the creation of early medical (i.e., compassionate) release standards which could support the provision of appropriate and timely care to AICs with terminal illnesses and complex medical needs. SB 520 meets this need.

DOC is constitutionally mandated to provide medical care for our AIC population, and we strive to provide all essential care so our patients can be as healthy as possible. Over recent years, DOC has seen significant increases in our aging population. AICs over the age of 55 are now 17.4% of our total population, and this group is expected to increase in coming years. As the average age of our patients increases, their medical acuity also increases, more encounters are required by our clinicians, and their needs change.

The acuity of our patients is putting a strain on the beds we have available for their care. DOC currently has five facilities statewide that can house AICs who need infirmary level of care, with only one institution in the valley with infirmary beds for male AICs (Oregon State Penitentiary).

As our AICs are getting older, they may have mobility issues, cognitive impairments, and multiple chronic diseases. Often, infirmary beds are taken by those designated as long-term status. These patients cannot live in the general population based on their needs, so we house them in our infirmaries or mental health beds – though they do not require the level of care as an AIC who is on acute status or is a post-op patient.

We also have limitations in relation to facility infrastructure. Four of our facilities do not have healthcare on the first level of the facility. Cell doors in some facilities are not wide enough for wheelchairs or walkers to pass through, and AICs may need to navigate a steep ramp to go to the shower area. Cell structures are often not conducive to many assistive devices or ADA modifications. These issues result in not enough appropriate beds for our aging population. DOC facilities will be challenged to meet the needs of this population moving into the future. SB 520 will provide more options in support of the AICs.

The full impact of this bill is unknown until we can quantify how many AICs may be impacted. DOC doesn't expect a significant cost from the bill, and any cost avoidance would depend on the numbers of AICs granted early release and their conditions. If this bill advances, we look forward to collaborating with the Board and other DOC divisions to ensure we are positioned well to implement these changes.

Thank you for your time and consideration.

Submitted by:

Oregon Department of Corrections

Joe Bugher, Assistant Director, Health Services Division

Joe.A.Bugher@doc.oregon.gov