



Comments on SB 823

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Senate Human Services Committee

NAMI Oregon wishes to express its reservations about SB 823 and the Dash-2 amendments, which would subject abuse investigative reports to public inspection requests.

As background, we are the state chapter of the National Alliance on Mental Illness. We are a grassroots, membership-governed organization with 16 chapters located across the state. Our membership is almost entirely composed of individuals and families living with mental illness, including youth and families that rely on Oregon's behavioral health system that serves children and youth.

We share the desire a strong oversight process to ensure accountability when a child or youth is harmed and to deter such injuries from ever occurring. However, widely opening up redacted reports to inspection is problematic when considering the privacy rights of the youth and families who are the subject of such investigations.

The Dash-2 amendments address some concerns NAMI Oregon had with the original printed bill. However, we believe further refinement is necessary to protect the privacy of youth and families. If refinements are made, NAMI Oregon believes it would be in a position to support the legislation.

When it comes to psychiatric residential care for children, there are so few beds and providers that it's still reasonably possible to connect a youth/family to a specific report given information included in redacted reports such as date, location, circumstances, and other descriptors. It takes only one enterprising journalist or motivated member of the public to connect that information to a youth/family, thereby breaching a youth's privacy and subjecting the youth and family to the significant stigma surrounding behavioral health.

However, as stated above, NAMI Oregon also sees merit in balancing privacy rights and expectations with the need for strong oversight. In that spirit, we offer the following. In relation to psychiatric residential care for children and youth, the legislation should:

- Clearly define the word "inspect" to mean just that. An authorized party may only view the reports in a controlled environment and may not obtain a hard copy or electronic copy of the report. This would prevent reports from circulating publicly.
- Guarantee that a youth/family or their representative may obtain a copy of the final report in all circumstances.
- Further refine the list of those authorized to inspect records to individuals and entities that provide direct and ongoing regulatory oversight.

- Include a notification provision so that youth/families are informed when a final report is inspected and by whom.
- Ideally, permit families to object to inspection requests from any person or entity that doesn't exercise an ongoing and direct oversight role.

Psychiatric services for children, youth, and families carry significantly more stigma than many other health care conditions. In short, there aren't similar services or milieus to which to compare the balance between public disclosure and privacy rights. Given this, we urge that the Legislature move cautiously as it develops a framework for greater regulatory oversight.