



Comments on SB 823 Proposed A5 Amendments

From Chris Bouneff, Executive Director, NAMI Oregon

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House Early Childhood and Human Services Committee

NAMI Oregon wishes to update its written comments for SB 823 originally submitted for a public hearing before the Senate Human Services Committee on March 27.

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.

In its original and current A-Engrossed form, NAMI Oregon remains opposed to SB 823, which makes completed abuse investigation reports publicly available to a wide array of parties. As passed, SB 823A threatens the privacy of youth and families served in psychiatric residential care without significantly advancing the state's and the public's interests to ensure accountability.

However, we indicated in our original written comments that NAMI Oregon could move to neutral on the bill if specific refinements were made around limiting who could access reports, limiting the physical release of such records, and requiring notification to the youth and family. We engaged in conversation with Sen. Gelsler Blouin in late March to address our concerns, which resulted in the proposed A5 Amendments.

Subsequent to those conversations, NAMI Oregon recently flagged an additional area of concern. Section 1, Paragraphs 4(b)(C) and 4(b)(D) permits disclosure to:

(C) A person who received or is receiving services at the state-authorized program at which the alleged abuse occurred.

(D) Parents or guardians of minor children who received or are receiving services from the state-authorized program at which the alleged abuse occurred.

Such disclosure permits a teenager, for example, to access a report about a fellow patient under (C). They would have first-hand knowledge of the victim in a report and, thus, be in a position to breach the privacy of a youth and family. We have a similar concern with (D).

NAMI Oregon would support both the adoption of the A5 Amendments and the removal of Section 1, Paragraphs 4(b)(C) and 4(b)(D). If these changes are made, NAMI Oregon would move from opposed to neutral.

NAMI Oregon shares the desire that Oregon have 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 abuse reports to inspection is problematic when considering the privacy rights of the youth and families who are the subject of such investigations. The Legislature must thread a needle to balance these two interests.

We believe the A5 Amendments and the deletion of Section 1, Paragraphs 4(b)C and 4(b)(D) sufficiently protect the privacy interests of youth and families. We thank Sen. Gelser Blouin for listening to and addressing our concerns.