

SB 1522 A STAFF MEASURE SUMMARY

Senate Committee On Human Services

Action Date: 02/14/24

Action: Do pass with amendments. Refer to Ways and Means by prior reference. (Printed A-Eng).

Vote: 4-1-0-0

Yeas: 4 - Gelser Blouin, Manning Jr, Prozanski, Weber

Nays: 1 - Robinson

Fiscal: Fiscal impact issued

Revenue: No revenue impact

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Meeting Dates: 2/7, 2/14

WHAT THE MEASURE DOES:

The measure prohibits the forceful admission of individuals into a care facility because they have an intellectual disability and prohibits public bodies from refusing services to someone with a mental illness just because they also have an intellectual disability starting July 1, 2025. The measure declares an emergency and is effective on passage.

Detailed Summary:

Repeals statutes authorizing the involuntary commitment of individuals based on an intellectual disability on July 1, 2025. Prohibits a public body from denying access to services provided to individuals with mental illness on the basis that the individual seeking services also has an intellectual disability. Requires the Department of Human Services to report to the Legislative Assembly by December 1, 2024, on its progress in planning for the elimination of civil commitment of individuals based on intellectual disabilities and its recommendations for budget or policy actions necessary to ensure that individuals with intellectual disabilities who have exceptionally high needs are ensured continued access to appropriate services and supports. Clarifies that certain provisions of the measure do not apply to an individual whose information was transmitted to the Department of State Police prior to the operative date. Declares an emergency, effective on passage.

ISSUES DISCUSSED:

- Stabilization and Crisis Unit (SACU) services and operations
- Regulations for detaining individuals in Oregon
- Co-occurring mental health conditions
- Rights of individuals for carrying firearms
- Alternatives to civil commitment for individuals with intellectual disabilities
- Barriers to services and supports for individuals with intellectual disabilities

EFFECT OF AMENDMENT:

The amendment directs the Department of Human Services to report to the legislature by December 1, 2024, on its efforts to eliminate forceful admission of individuals into care facility because they have an intellectual disability. The amendment clarifies the measure will not affect people who had their information sent to the State Police before the measure takes effect. The amendment declares an emergency and is effective on passage.

Detailed Summary:

This summary has not been adopted or officially endorsed by action of the committee.

SB 1522 A STAFF MEASURE SUMMARY

Requires the Department of Human Services to report to the Legislative Assembly by December 1, 2024, on its progress in planning for the elimination of civil commitment of individuals based on intellectual disabilities and its recommendations for budget or policy actions necessary to ensure that individuals with intellectual disabilities who have exceptionally high needs are ensured continued access to appropriate services and supports. Repeals these provisions on January 2, 2025. Clarifies that certain provisions of the measure do not apply to an individual whose information was transmitted to the Department of State Police prior to the operative date. Makes measure provisions for statute repeal operative on July 1, 2025. Declares an emergency, effective on passage.

BACKGROUND:

Oregon Revised Statutes (ORS) Chapter 427, which pertains to the care and treatment of individuals with intellectual or developmental disabilities, was adopted in different stages over time. The chapter has been subject to amendments and revisions throughout its history. However, the initial framework and subsequent significant changes occurred predominantly in the mid-20th century during the period of deinstitutionalization and the shift towards community-based care for individuals with disabilities. ORS 427.215 through 427.306 delegates certain civil commitment responsibilities to the Oregon Department of Human Services, the Office of Developmental Disabilities Services (ODDS), Community Developmental Disabilities Programs (CDDPs), and Brokerage Case Management Entities (CMEs). A person with an intellectual disability can be committed for residential care, treatment, and training if the person: experiences an intellectual disability, is determined eligible for developmental disability services, and is dangerous to self or others; or is unable to provide for their basic personal needs and is not receiving care necessary for health, safety, or habilitation, and is an adult or a minor child being committed with consent of the minor's parent or legal guardian ([ORS 427.215 Need for commitment](#) (HB 3234, 2023)). An investigator determines and recommends to the court whether the person is incapacitated and in need of a guardian or conservator ([ORS 427.105 Diagnostic evaluations](#)). Only [CDDPs](#) can complete a civil commitment investigation ([ORS 427.235 Notice to court of need for commitment](#)). If an individual receives case management from a support service brokerage, the brokerage must contact the CDDP investigator for assistance. Only a judge can determine an individual is eligible for civil commitment. The evidence standard for a commitment is "clear and convincing," which is a higher standard than other civil cases ([ORS 427.290 Determination by court of need for commitment](#) (HB 3234, 2023)). An appeal may be filed by the impacted individual or by legal counsel. If a person appeals a commitment order by the court, they can be appointed suitable legal counsel to represent them ([ORS 427.295 Appeal of commitment order](#)). The impacted person, the parents of the person, or the legal guardian of the person have the opportunity to consult with legal counsel prior to being brought before the court for a commitment hearing ([ORS 427.245 Hearing](#) (HB 3234, 2023)). Oregon's [K Plan](#) is a Medicaid state plan option authorized under the Affordable Care Act, also known as the "1915(k) State Plan" or the "Community First Choice Option". It enables states like Oregon to offer home and community-based attendant services and support, with an accompanying increase in federal medical assistance funds. These services are designed to assist Oregon residents in maintaining their independence, health, and safety by providing aid with daily activities while allowing them to remain in their homes or within their communities. Moreover, the program is cost-effective, as it replaces more expensive institutional care with comprehensive home and community-based long-term services and supports, thereby saving both state and federal funds. Beneficiaries of the K Plan in Oregon can access Medicaid-funded as well as non-Medicaid-funded home and community-based supports, along with long-term care services.