

B-Engrossed
House Bill 4092

Ordered by the House March 7
Including House Amendments dated February 22 and March 7

Sponsored by Representatives NOSSE, ANDERSEN, CONRAD, SMITH G; Representatives BOWMAN, DEXTER, DIEHL, PHAM H, TRAN (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act requires the OHA to study how much money local mental health programs need to comply with state laws.

The Act requires the OHA to contract with a certain council to work with a group of people who provide mental health and substance use treatment. The Act requires the group to study the impact of state laws on the providers' ability to do their jobs. The Act requires the council to report to the legislature, by certain dates, the group's findings and any ideas for changes to state laws.

The Act goes into effect when the Governor signs it. (Flesch Readability Score: 67.2).

Requires the Oregon Health Authority to conduct a study to determine the funding required for each community mental health program to provide the services and perform the functions required by law related to individuals with behavioral health disorders in specified age groups. Requires the authority to compile a report of the findings from the study by January 1, 2025, and every five years thereafter.

Requires the authority to contract with the Oregon Council for Behavioral Health to work with a group of mental health and substance use treatment providers to study the statutory and regulatory framework for behavioral health systems and make recommendations for changes to the laws to address redundancies, contradictions and outdated language, to define and clarify the roles and responsibilities of behavioral health system partners and to ensure a regulatory framework that is better for providers and consumers of behavioral health services. Specifies the membership and duties of the group. Requires the group to submit reports to the Legislative Assembly no later than December 15, 2024, and December 15, 2025. Sunsets January 2, 2026.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to behavioral health; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) The Oregon Health Authority, in consultation with counties and com-**
5 **munity mental health programs, shall conduct a study to determine the funding required for**
6 **each community mental health program to provide the services and perform the functions**
7 **required by law related to individuals with behavioral health disorders in the following age**
8 **groups:**

9 (a) **Newborns through youth 17 years of age;**

10 (b) **Ages 18 through 25; and**

11 (c) **Ages 26 and older.**

12 (2) **The study must include, but is not limited to, the costs of providing the services and**
13 **performing the functions described in:**

14 (a) **ORS 161.315 to 161.351, 161.355 to 161.371, 161.385 to 161.395 and 161.505 to 161.585.**

15 (b) **ORS 426.005 to 426.390, 426.510 to 426.680, 426.701 and 426.702.**

16 (c) **ORS 430.021, 430.210, 430.230 to 430.236, 430.265 to 430.380, 430.397 to 430.401, 430.405 to**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 430.565 and 430.610 to 430.880 except ORS 430.630.

2 (d) ORS 430.627, 430.628, 430.629 and 430.630.

3 (3) The authority shall compile a report of the authority's findings about the costs of
4 providing the services and performing the functions described in the sections listed in:

5 (a) Subsection (2)(a), (b) and (d) of this section and make the report available on the
6 authority's website no later than January 1, 2025, and every five years thereafter; and

7 (b) Subsection (2)(c) of this section and make the report available on the authority's
8 website no later than January 1, 2026, and every five years thereafter.

9 **SECTION 2.** (1) The Oregon Health Authority shall contract with the Oregon Council for
10 Behavioral Health to convene a group of behavioral health partners to conduct a study to:

11 (a) Evaluate the provisions in ORS chapters 414 and 430, administrative rules and state
12 contracts affecting behavioral health care providers, coordinated care organizations, private
13 behavioral health care providers and community mental health programs; and

14 (b) Make recommendations for revisions to the statutes, administrative rules and con-
15 tracts.

16 (2) The study shall:

17 (a) Identify redundancies, contradictions and outdated language in the provisions in ORS
18 chapters 414 and 430 and recommend solutions that address or resolve those redundancies,
19 contradictions or outdated language to increase efficiencies in the publicly funded behavioral
20 health system to better serve Oregonians;

21 (b) Define and clarify the roles and responsibilities under ORS chapters 414 and 430 and
22 related contract expectations and deliverables of all major behavioral health system partners
23 that constitute the public behavioral health system, including but not limited to coordinated
24 care organizations, community mental health programs, behavioral health organizations,
25 county governments and the Oregon Health Authority; and

26 (c) Develop recommendations to ensure a regulatory framework that is better for the
27 population of behavioral health care consumers and the publicly funded providers needed to
28 serve the population, including by:

29 (A) Maximizing access to behavioral health services;

30 (B) Creating portability and accountability for the behavioral health workforce;

31 (C) Promoting behavioral and physical health integration; and

32 (D) Addressing the differences between the regulatory structures for privately funded
33 and publicly funded health systems in this state.

34 (3) The group conducting the study must include representatives of:

35 (a) Consumers of behavioral health services;

36 (b) Coordinated care organizations;

37 (c) Community mental health programs;

38 (d) Culturally-specific behavioral health organizations;

39 (e) Behavioral health advocacy organizations;

40 (f) County governments;

41 (g) The Mental Health Regulatory Agency;

42 (h) Behavioral health care providers that contract with the state or with local govern-
43 ments;

44 (i) Labor organizations that represent the behavioral health workforce;

45 (j) Hospitals;

1 (k) The Mental Health and Addiction Certification Board of Oregon;

2 (L) The units of the Oregon Health Authority responsible for Medicaid, behavioral health
3 services, quality, compliance and program integrity;

4 (m) The nine federally recognized tribes in Oregon; and

5 (n) The Judicial Department.

6 (4) Consumers of behavioral health services who serve on the group conducting the study
7 must be ensured a meaningful opportunity to participate in developing the group's recom-
8 mendations.

9 (5) Members of the group conducting the study who are not employed by a state agency,
10 county government or city government are entitled to a stipend and reimbursement of travel
11 or other expenses as provided in ORS 292.495. Stipends shall be paid in a manner that allows
12 the stipends to be excluded from income in determining eligibility for medical assistance, to
13 the extent practicable under federal law.

14 (6) All agencies of state government, as defined in ORS 174.111, are directed to assist the
15 group in conducting the study and, to the extent permitted by laws relating to
16 confidentiality, to furnish information and advice the members of the group consider neces-
17 sary to conduct the study and develop recommendations.

18 (7) The council shall work in partnership with two to four members of the group to
19 conduct a procurement, no later than June 30, 2024, to hire a consultant to assist the group
20 in conducting the study.

21 (8) No later than December 15, 2024, to the greatest extent practicable, the group shall
22 report the group's preliminary recommendations for legislative changes related to subsection
23 (2)(a) of this section to the interim committees of the Legislative Assembly related to be-
24 havioral health. The report need not comply with ORS 192.245.

25 (9) No later than December 15, 2025, the group shall submit a final report of the group's
26 findings and recommendations developed under subsections (1) and (2) of this section, in the
27 manner provided in ORS 192.245, to the interim committees of the Legislative Assembly re-
28 lated to behavioral health. The recommendations may include proposed legislation.

29 **SECTION 3.** Section 1 of this 2024 Act is amended to read:

30 **Sec. 1.** (1) The Oregon Health Authority, in consultation with counties and community mental
31 health programs, shall conduct a study to determine the funding required for each community mental
32 health program to provide the services and perform the functions required by law related to indi-
33 viduals with behavioral health disorders in the following age groups:

34 (a) Newborns through youth 17 years of age;

35 (b) Ages 18 through 25; and

36 (c) Ages 26 and older.

37 (2) The study must include, but is not limited to, the costs of providing the services and per-
38 forming the functions described in:

39 (a) ORS 161.315 to 161.351, 161.355 to 161.371, 161.385 to 161.395 and 161.505 to 161.585.

40 (b) ORS 426.005 to 426.390, 426.510 to 426.680, 426.701 and 426.702.

41 (c) ORS 430.021, 430.210, 430.230 to 430.236, 430.265 to 430.380, 430.397 to 430.401, 430.405 to
42 430.565 and 430.610 to 430.880 except ORS 430.630.

43 (d) ORS 430.627, 430.628, 430.629 and 430.630.

44 (3) The authority shall compile [*a report*] **reports** of the authority's findings about the costs of
45 providing the services and performing the functions described in [*the sections listed in:*]

1 *[(a) Subsection (2)(a), (b) and (d) of this section and make the report available on the authority's*
2 *website no later than January 1, 2025, and every five years thereafter; and]*

3 *[(b) Subsection (2)(c) of this section and make the report available on the authority's website no*
4 *later than January 1, 2026, and every five years thereafter]* **subsection (2) of this section every five**
5 **years and make the reports available on the authority's website.**

6 **SECTION 4. The amendments to section 1 of this 2024 Act by section 3 of this 2024 Act**
7 **become operative on January 2, 2026.**

8 **SECTION 5. Section 2 of this 2024 Act is repealed on January 2, 2026.**

9 **SECTION 6. In addition to and not in lieu of any other appropriation, there is appropri-**
10 **ated to the Oregon Health Authority, for the biennium ending June 30, 2025, out of the**
11 **General Fund, the amount of \$255,000, which shall be paid to the Oregon Council for Behav-**
12 **ioral Health for the hiring of the consultant under section 2 (7) of this 2024 Act and for the**
13 **stipends and reimbursement of travel or other expenses under section 2 (5) of this 2024 Act.**

14 **SECTION 7. Notwithstanding any other law limiting expenditures, the amount of \$45,000**
15 **is established for the biennium ending June 30, 2025, as the maximum limit for payment of**
16 **expenses from fees, moneys or other revenues, including Miscellaneous Receipts, tobacco tax**
17 **receipts, marijuana tax receipts, beer and wine tax receipts, provider taxes and Medicare**
18 **receipts, but excluding lottery funds and federal funds not described in section 2, chapter 591,**
19 **Oregon Laws 2023, collected or received by the Oregon Health Authority, for Health Systems**
20 **Division - Administration, for payment to the Oregon Council for Behavioral Health for the**
21 **hiring of the consultant under section 2 (7) of this 2024 Act and for the stipends and re-**
22 **imbursement of travel or other expenses under section 2 (5) of this 2024 Act.**

23 **SECTION 8. Notwithstanding any other provision of law, the General Fund appropriation**
24 **made to the Oregon Health Authority by section 1 (1), chapter 591, Oregon Laws 2023, for the**
25 **biennium ending June 30, 2025, for Health Systems Division -Administration, is increased by**
26 **\$1,116,812, for carrying out the provisions of section 1 of this 2024 Act.**

27 **SECTION 9. Notwithstanding any other law limiting expenditures, the limitation on**
28 **expenditures established by section 2 (1), chapter 591, Oregon Laws 2023, for the biennium**
29 **ending June 30, 2025, as the maximum limits for payment of expenses from fees, moneys or**
30 **other revenues, including Miscellaneous Receipts, tobacco tax receipts, marijuana tax re-**
31 **ceipts, beer and wine tax receipts, provider taxes and Medicare receipts, but excluding lot-**
32 **tery funds and federal funds not described in section 2, chapter 591, Oregon Laws 2023,**
33 **collected or received by the Oregon Health Authority, for Health Systems Division - Admin-**
34 **istration, is increased by \$256,051, for carrying out the provisions of section 1 of this 2024**
35 **Act.**

36 **SECTION 10. Notwithstanding any other provision of law, the General Fund appropriation**
37 **made to the Oregon Health Authority by section 1 (3), chapter 591, Oregon Laws 2023, for the**
38 **biennium ending June 30, 2025, for health policy and analytics, is increased by \$146,921, for**
39 **carrying out the provisions of section 1 of this 2024 Act.**

40 **SECTION 11. Notwithstanding any other law limiting expenditures, the limitation on**
41 **expenditures established by section 5 (3), chapter 591, Oregon Laws 2023, for the biennium**
42 **ending June 30, 2025, as the maximum limit for payment of expenses from federal funds,**
43 **excluding federal funds described in section 2, chapter 591, Oregon Laws 2023, collected or**
44 **received by the Oregon Health Authority, for health policy and analytics, is increased by**
45 **\$93,933, for carrying out the provisions of section 1 of this 2024 Act.**

1 **SECTION 12.** Notwithstanding any other provision of law, the General Fund appropriation
2 made to the Oregon Health Authority by section 1 (7), chapter 591, Oregon Laws 2023, for the
3 biennium ending June 30, 2025, for state assessments and enterprise-wide costs, is increased
4 by \$20,356, for carrying out the provisions of section 1 of this 2024 Act.

5 **SECTION 13.** Notwithstanding any other law limiting expenditures, the limitation on
6 expenditures established by section 5 (7), chapter 591, Oregon Laws 2023, for the biennium
7 ending June 30, 2025, as the maximum limit for payment of expenses from federal funds,
8 excluding federal funds described in section 2, chapter 591, Oregon Laws 2023, collected or
9 received by the Oregon Health Authority, for state assessments and enterprise-wide costs,
10 is increased by \$12,210, for carrying out the provisions of section 1 of this 2024 Act.

11 **SECTION 14.** This 2024 Act being necessary for the immediate preservation of the public
12 peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect
13 on its passage.
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