



# Oregon

Tina Kotek, Governor

## Residential Facilities Ombudsman Program Office of the Long-Term Care Ombudsman

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February 15, 2024

To: Chair Kropf, members of the House Judiciary Committee

From: Toni Larson, Residential Facilities Ombudsman (RFO)  
Intellectual and Developmental Disabilities and Mental Health

RE: HB 4088 - Opposed

Esteemed members of the legislative committee. Thank you for consideration of my written testimony opposing HB 4088.

The RFO program is dedicated to enhancing the quality of life, care, and rights of individuals residing in over 2,700 adult and child foster homes, 24-hour group homes, Residential Treatment Homes, and Residential Treatment Facilities licensed for Intellectual and Developmental Disabilities or Mental Health in Oregon. Through complaint investigation and resolution, education, advocacy, and system-wide recommendations, we strive to support the rights of residents.

In our work with residents there have been too many occasions that while seeking hospital services the individual experiencing an intellectual and/or developmental disability or serious mental illness has lashed out or caused injury in a hospital or clinic setting. Unfortunately, this has occurred as they are suffering a mental health crisis or anxiety/communication related to disability. In some cases, this has resulted in jail and involuntary move out notices from homes and facilities.

Identifying these incidents as a felony will not deter these types of events for individuals experiencing serious mental illness or and intellectual or developmental disability. It will not improve hospital staff safety. HB 4088 will have an immediate and detrimental effect on individuals seeking care as it can and will prevent them from accessing future services and supports they desperately need such as housing and medical care. It criminalizes the very individuals that need and are seeking assistance.

Previous iterations of the bill included language that would have provided an exception for individuals experiencing I/DD, serious mental illness, traumatic brain injury, dementia. Unfortunately, that language and protection has been removed.

We urge the committee to reject HB 4088.