

Tina Kotek, Governor

February 6, 2025

Senator Lisa Reynolds, Chair
Senator Dick Anderson, Vice-Chair
Senate Committee on Early Childhood and Behavioral Health
900 Court Street NE
State Capitol
Salem, OR 97301

SUBJECT: February 4 Committee Questions

Dear Chair, Vice-Chair and Committee Members:

Please find below information requested by members of the Senate Committee on Early Childhood and Behavioral Health at the February 4 Informational Meeting on Oregon State Hospital (OSH).

• **How have the Mink lawsuit and contempt actions impacted OSH's budget?**

The Mink order has been in place since 2002 and has contributed significantly to the shift in types of patient commitments over the past two decades. As mentioned during the presentation, monthly aid and assist orders have more than doubled over the last decade. In 2019, Disability Rights Oregon and Metropolitan Public Defenders filed a motion against Oregon Health Authority (OHA) and OSH in federal court to force OSH to comply with the 2002 Mink injunction, which requires OSH to admit defendants under aid and assist orders within seven calendar days of the court order.

Impacts to OSH's budget include contempt fines, expenses paid to the Department of Justice, and accommodating staffing and other recommendations for improving the capacity issues and the bottleneck of the population under aid and assist orders at the hospital. While there are some costs directly associated with the litigation that OSH is able to quantify, the overall budget impact is unknown because OSH is unable to monetize all of the aspects that have surrounded this

issue over the past two decades and to disaggregate them from other efforts to upgrade the work of the hospital. In addition, OSH does not know what the court order, post motion, may require in the future that could result in additional impact to the agency.

Expenses paid to the Department of Justice have increased from the 2021-2023 biennium to the current biennium. The increase is due to OSH expenses for the neutral court expert fees and ongoing work with the plaintiffs and the neutral court expert to change programs and processes to try to remediate the admissions requirements that are putting OSH out of compliance with Mink.

Additional expenses have also occurred with operating the last two units at the Junction City campus. These efforts included:

- Opening of two cottages, totaling 16 beds, on the Junction City campus to act as additional Residential Treatment Facility (RTF) beds; filling these with stable patients allowed the hospital units to accept additional patients under aid and assist orders. This resulted in budgetary funding in the 2020 Second Special Session for 33 positions, some of which were placed in Salem to accommodate additional workload (for example, four Clinical Psychologists for forensic evaluations and a manger to support admissions).
- The Junction City cottages were discontinued at the beginning of the 2021-2023 biennium, as the last two Junction City units were operationalized at SRTF level of care. The positions associated with the cottages were transitioned into the hospital as the last two units opened, with an additional 82 positions requested to staff the larger units within the hospital at 25 beds each.
- Eight of these 82 positions were placed in Salem to support the unit openings, which consisted of two additional psychologists to perform forensic evaluations and several operational support staff for the position increase, such as human resources and timekeepers.
- The Legislatively Approved Budget for the new units opening 50 beds and the cottage closure of 16 beds totaled 110 positions. (2021-2023 LAB).

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OSH is only one area that has been impacted by this litigation. The rest of OHA and the Behavioral Health system more broadly have also had to implement changes, notably with increased costs and workload to county behavioral health services. It is through the efforts happening across the agency, and around the state, that OSH finds itself better positioned to serve its patient population.

Please do not hesitate to reach out if there are any further questions. Thank you.

Sincerely,



Sara Walker, MD

OSH Chief Medical Officer & Interim Superintendent