



CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF TILLAMOOK
Tillamook County Courthouse
201 Laurel Avenue
Tillamook, OR 97141

**TESTIMONY ON HOUSE BILL 2203
BEFORE THE HOUSE COMMITTEE ON
BEHAVIORAL HEALTH AND HEALTH CARE
MARCH 18, 2025**

Chair Nosse, Vice-Chairs Javadi and Nelson, and Members of the Committee:

Thank you for the opportunity to provide this testimony. We three Amici Judges in the federal Mink/Bowman Litigation: Judge Nan Waller, Multnomah Circuit Court; Judge Jonathan Hill, Tillamook Circuit Court; and Judge Matthew Donohue, Benton Circuit Court are neutral on the bill but offer this testimony to raise concerns about section 8 of the –1 amendment.


The –1 amendment to HB 2203 offers a wide range of provisions relating to worker safety in behavioral health settings. Courts have an interest in ensuring that the behavioral health system offers services to individuals who are required to receive treatment under court order. Additionally, providing appropriate care at the appropriate time may prevent individuals from entering the criminal justice system all together. Protections for behavioral health care workers are one component of maintaining and developing the workforce needed to provide this critical service.

Section 8 of the –1 amendment would require the Oregon Health Authority to adopt rules to allow a behavioral health provider to consider a prospective resident's full history when determining whether to admit the prospective resident. Implicit in that directive is the authority to restrict admission to prospective residents whose history indicates potential safety risks to behavioral health workers.

Oregon courts are facing a substantial increase in the number of criminal cases in which the defendant lacks fitness to stand trial due to a mental disorder. If a defendant is not able to understand the case or work with their attorney or the court, the case cannot proceed unless the defendant is restored to competency. Services to restore fitness can be provided at the Oregon State Hospital or in the community. When receiving restoration services in the community, defendants are often placed in a treatment setting, such as in a residential treatment facility or a secured residential treatment facility.

Section 8 of the -1 amendment would result in a rule that authorizes facilities to deny admission to individuals based on their histories and could result in fewer placement options for all individuals with complex histories. Section 8 will also create a barrier to admission for defendants ordered to participate in community restoration based on their current charges and criminal history. When a defendant is denied admission to care that will restore their fitness, the court must determine the next appropriate action in the case. In some cases, the court may find that, in the absence of appropriate community-based care, commitment to the Oregon State Hospital is the only option. In many cases, the court's only option is to dismiss the case, which leaves criminal charges unresolved and prevents individuals from receiving needed care.

Protecting the safety of behavioral health workers is essential. Those protections should be designed and implemented in a manner that preserves access to behavioral health care. We request that you amend section 8 of the -1 amendment to preserve access to behavioral health care for court-ordered individuals.



Hon. Nan Waller
Multnomah County



Hon. Jonathan Hill
Tillamook County



Hon. Matthew Donohue
Benton County