

SENATE AMENDMENTS TO SENATE BILL 973

By COMMITTEE ON JUDICIARY

April 22

1 Delete lines 4 through 7 of the printed bill and insert:

2 **“SECTION 1. (1) The Behavioral Health Justice Reinvestment Program is established in**
3 **recognition of the shortage of comprehensive community supports and services for individ-**
4 **uals with mental health or substance use disorders, leading to their involvement with the**
5 **criminal justice system, hospitalizations and institutional placements. The purpose of the**
6 **program is to address this need by awarding grants to counties and Indian tribes to establish**
7 **evidence-based programs to provide the needed supports and services.**

8 **“(2) The Behavioral Health Justice Reinvestment Grant Review Committee established in**
9 **section 3 of this 2019 Act shall adopt rules for administering the program, including rules:**

10 **“(a) Identifying the target population of people with frequent criminal justice involve-**
11 **ment and behavioral health conditions to be served by the programs funded with the grants;**

12 **“(b) Prescribing a methodology for the committee to review and approve grant applica-**
13 **tions, subject to the commission’s approval;**

14 **“(c) Establishing program or service outcome measures;**

15 **“(d) Establishing criteria for allowing a grantee to use a grant or a portion of a grant to:**

16 **“(A) Expand the workforce of providers of mental health or substance abuse services in**
17 **the community; or**

18 **“(B) Provide community housing for individuals with mental health or substance use**
19 **disorders; and**

20 **“(e) Allowing the committee to terminate an agreement with an entity that fails to meet**
21 **the grant requirements or has been found to have misused funds or committed fraud. The**
22 **ability to meet the grant requirements may be a consideration in future funding or the**
23 **amount of funding.**

24 **“(3) The committee shall allocate funds in the Behavioral Health Justice Reinvestment**
25 **Account established in section 2 of this 2019 Act to grantees. The funds may not be used for**
26 **a purpose other than the programs providing supports and services for which the grants**
27 **were awarded.**

28 **“(4) If unallocated funds remain at the conclusion of the grant acceptance period, the**
29 **committee may establish a supplemental grant period and distribute the unallocated funds**
30 **to the counties or Indian tribes that received grants.**

31 **“(5) Up to 20 percent of the funds in the account may be used for operating a statewide**
32 **program to support the design and implementation of community-based services, including**
33 **but not limited to:**

34 **“(a) Technical assistance to prospective grantees in developing proposals, particularly for**
35 **developing proposals for supportive housing;**

1 “(b) Technical assistance to grantees for troubleshooting data collection requirements
2 and sharing information with third parties as necessary for carrying out the programs;

3 “(c) Statewide training, provided in-person and remotely, for grantees and nongrantees,
4 focused on improving outcomes for the target population;

5 “(d) Making resources available to district attorneys and defense attorneys for consul-
6 tation on cases involving defendants with complex behavioral health issues;

7 “(e) Developing or strengthening a centralized system to make available to communities
8 practitioners in professional specialties for which there is a shortage, including practitioners
9 of addiction medicine and psychiatry; and

10 “(f) A one-time investment in information technology to support the data system needs
11 for the evaluation, accountability and innovation components of the program.

12 “(6)(a) The committee shall procure and enter into contracts for goods, services and
13 personal services related to the creation, operation, maintenance and management of infor-
14 mation technology systems for the purpose of carrying out this section.

15 “(b) The committee shall procure and enter into contracts for goods, services and per-
16 sonal services related to designing, developing, conducting, performing and completing re-
17 search, review, audits, statistical analyses, investigations, studies, reports and evaluations
18 for the purpose of carrying out this section.

19 “(7) Five percent of the funds in the account must be used to support outcome measures
20 or evaluation.

21 “(8) An application for a grant must be submitted by the Indian tribe or the local public
22 safety coordinating council on behalf of the county and:

23 “(a) Must include:

24 “(A) Letters of support and commitments from community leaders or organizations that
25 are not members of the local public safety coordinating council, including but not limited to:

26 “(i) Agencies working with homeless individuals;

27 “(ii) Behavioral health care providers;

28 “(iii) Coordinated care organizations; and

29 “(iv) Local hospitals.

30 “(B) For applications from counties, a report of the input from the local Indian tribes
31 and, to the extent feasible, an explanation of how the input was incorporated into the design
32 of the program, supports and services.

33 “(C) For applications from Indian tribes, a report of the input from the local public safety
34 coordinating council and, to the extent feasible, an explanation of how the input was incor-
35 porated into the design of the program, supports and services.

36 “(D) An agreement to screen all participants receiving supports and services funded by
37 the grants for potential eligibility for medical assistance and to assist eligible participants
38 to apply for medical assistance, including an agreement for a process for sharing data and
39 protecting the confidentiality of recipients among the program participants.

40 “(E) A process for program partners, participating jails and hospitals to:

41 “(i) Provide information upon admission or at intake about the potential risks and bene-
42 fits of tribal notification; and

43 “(ii) Offer tribal members the opportunity to disclose their statuses and situations to the
44 Indian tribe of their choosing.

45 “(b) May include a request to have more flexibility in using existing state funding to

1 provide supports and services that address the need described in subsection (1) of this sec-
2 tion.

3 “(9) Annually, grantees shall report to the committee and to the Oregon Health Author-
4 ity the medical assistance enrollment data in addition to other outcome measures or evalu-
5 ation metrics collected as part of the grant for participants receiving supports and services
6 provided with funds from the grants.

7 “SECTION 2. The Behavioral Health Justice Reinvestment Account is established in the
8 State Treasury, separate and distinct from the General Fund. All moneys in the account are
9 continuously appropriated to the Behavioral Health Justice Reinvestment Grant Review
10 Committee for the purpose of carrying out section 1 of this 2019 Act.

11 “SECTION 3. (1) The Behavioral Health Justice Reinvestment Grant Review Committee
12 is established in the Oregon Criminal Justice Commission consisting of 19 members as fol-
13 lows:

14 “(a) The Director of the Oregon Health Authority, or the director’s designee.

15 “(b) The Director of the Department of Corrections, or the director’s designee.

16 “(c) The Chief Justice of the Supreme Court, or the Chief Justice’s designee.

17 “(d) The executive director of the Oregon Criminal Justice Commission or the director’s
18 designee.

19 “(e) The Director of the Housing and Community Services Department or the director’s
20 designee.

21 “(f) Nine members appointed by the Governor including:

22 “(A) A district attorney.

23 “(B) An attorney specializing in defense of individuals with mental health or substance
24 use disorders.

25 “(C) A chief of police.

26 “(D) A county commissioner.

27 “(E) A director of a hospital that provides acute mental health treatment.

28 “(F) A representative of a community-based mental health treatment facility or a prac-
29 titioner in a community-based mental health treatment facility.

30 “(G) A representative of a community-based substance use disorder treatment facility
31 or a practitioner in a community-based substance use disorder treatment facility.

32 “(H) A sheriff.

33 “(I) A representative of an Indian tribe.

34 “(g) One nonvoting member appointed by the President of the Senate from among mem-
35 bers of the Senate.

36 “(h) One nonvoting member appointed by the Speaker of the House of Representatives
37 from among members of the House of Representatives.

38 “(i) Three members of the public that represent the age demographics of the target
39 population.

40 “(2) A majority of the voting members of the committee constitutes a quorum for the
41 transaction of business.

42 “(3) The directors of the Oregon Criminal Justice Commission and the Oregon Health
43 Authority or their designees shall serve as cochairpersons.

44 “(4) If there is a vacancy for any cause, the appointing authority shall make an appoint-
45 ment to become effective immediately.

1 “(5) The committee shall meet at times and places specified by the call of the chairperson
2 or a majority of the voting members of the committee.

3 “(6) The Oregon Criminal Justice Commission shall provide staff support to the commit-
4 tee.

5 “(7) Legislative members of the committee shall be entitled to payment of compensation
6 and expenses under ORS 171.072, payable from funds appropriated to the Legislative Assem-
7 bly.

8 “(8) Members of the committee who are not members of the Legislative Assembly are
9 not entitled to compensation but may be reimbursed for actual and necessary travel and
10 other expenses incurred by the member in the performance of the member’s official duties
11 in the manner and amount provided in ORS 292.495.

12 “(9) All agencies of state government, as defined in ORS 174.111, are directed to assist
13 the committee in the performance of the duties of the committee and, to the extent per-
14 mitted by laws relating to confidentiality, to furnish information and advice that the mem-
15 bers of the committee consider necessary to perform their duties.

16 “SECTION 4. (1) The Behavioral Health Justice Reinvestment Grant Review Committee
17 established in section 3 of this 2019 Act shall administer the Behavioral Health Justice Re-
18 investment Program established in section 1 of this 2019 Act, in consultation with the Oregon
19 Health Authority.

20 “(2) The committee shall be responsible for approving grant applications and for distrib-
21 uting the grant moneys in accordance with rules adopted by the committee under section 1
22 of this 2019 Act. The committee shall designate a percentage of the funds to be set aside and
23 awarded to at least one Indian tribe.

24 “(3) The committee may advocate to state agencies on behalf of grantees to reduce the
25 administrative burden of grants with similar goals, services and activities as those in the
26 Behavioral Health Justice Reinvestment Program.

27 “(4) The committee shall develop additional financial requirements for a grantee’s use
28 of funds as described in subsection (3) of this section.

29 “(5) The committee may determine funding priorities based on the results of the outcome
30 measures or the evaluation tools established by the quality improvement subcommittee. The
31 subcommittee shall develop technical assistance and training strategies to support the
32 grantees in meeting the grant outcome measurement requirements.

33 “(6) The committee shall establish partnerships with appropriate agencies and other en-
34 tities to ensure that the information technology infrastructure is sufficient to efficiently
35 collect and analyze program data and to transfer data as needed. To the greatest extent
36 practicable, the committee shall use existing information technology systems and staff ex-
37 pertise.

38 “SECTION 5. The Behavioral Health Justice Reinvestment Grant Review Committee shall
39 establish a quality improvement subcommittee to:

40 “(1) Establish outcome measures or evaluation tools for programs receiving grants under
41 the Behavioral Health Justice Reinvestment Program;

42 “(2) Establish a statewide system for tracking simple, clear and meaningful outcome data
43 that is timely and easily accessed to inform best practices and improve outcomes for indi-
44 vidual participants; and

45 “(3) Establish or utilize an existing institutional review board to ensure that data col-

1 lected is handled appropriately and is maintained in compliance with state and federal pri-
2 vacy laws.

3 **“SECTION 6. As used in sections 1 to 6 of this 2019 Act:**

4 **“(1) ‘Comprehensive community supports and services’ includes:**

5 **“(a) Community-based mental health or substance use disorder treatment programs;**

6 **“(b) Community-based services necessary to restore a defendant’s fitness to proceed, as
7 described in ORS 161.370 (2)(a);**

8 **“(c) Evidence-based programs designed to reduce hospital and jail utilization by target
9 populations; and**

10 **“(d) Programs aimed at diverting individuals with nonperson criminal charges experi-
11 encing mental illness or substance use disorders from the criminal justice system.**

12 **“(2) ‘County’ includes a single county or a regional consortium of counties.**

13 **“SECTION 7. (1) At least once per biennium, the Behavioral Health Justice Reinvestment
14 Grant Review Committee shall, in conjunction with the Oregon Health Authority, identify:**

15 **“(a) The costs to state government that were avoided as a result of the Behavioral Health
16 Justice Reinvestment Program established in section 1 of this 2019 Act; and**

17 **“(b) Any increased costs to local governments as a result of the program.**

18 **“(2) No later than January 1 of each odd-numbered year, the committee shall submit a
19 report to the Legislative Assembly, in the manner provided by ORS 192.245, that includes the
20 costs described in subsection (1) of this section and describes the methodology employed by
21 the committee in determining the costs.**

22 **“(3) Annually, the committee shall submit a report, in the manner provided in ORS
23 192.245, on the outcome measures or the results of evaluations of the program to the interim
24 committees of the Legislative Assembly related to health and the judiciary and to the Gov-
25 ernor.**

26 **“SECTION 8. (1) The Behavioral Health Justice Reinvestment Grant Review Committee
27 established in section 3 of this 2019 Act shall administer a program in which Oregon counties,
28 Indian tribes or regional consortia of counties or Indian tribes may apply to the committee
29 for state funds for the investments made by the counties, Indian tribes or consortia in
30 comprehensive community supports and services for the target population of the Behavioral
31 Health Justice Reinvestment Program, for the purpose of enhancing or sustaining the sup-
32 ports and services.**

33 **“(2) The committee shall establish priorities for the funds based on specified factors such
34 as the size of the population of a county, the utilization of the Oregon State Hospital by the
35 residents of the county and the availability of housing units.**

36 **“(3) The committee may provide enhanced funds to encourage regional program projects.**

37 **“(4) The local investments matched by state funds may not be used to supplant existing
38 sources of funding that could be used to provide supports and services to the target popu-
39 lation, including but not limited to:**

40 **“(a) Medical assistance funding;**

41 **“(b) Federal grants;**

42 **“(c) Local funding;**

43 **“(d) State grants or other state funding; or**

44 **“(e) Other third-party sources of funding to reimburse the cost of the supports and ser-
45 vices.**

1 “(5) The county, tribal or regional investment used to leverage a state match may in-
2 clude:

3 “(a) County government or tribal funds.

4 “(b) Financial commitments by entities other than counties or tribes that are specifically
5 designated for providing Behavioral Health Justice Reinvestment Program supports and
6 services.

7 “(c) The value of newly dedicated or donated real estate or other tangible property, in-
8 cluding but not limited to:

9 “(A) Land;

10 “(B) Buildings;

11 “(C) Remodeling costs that address the needs identified by the Behavioral Health Justice
12 Reinvestment Program;

13 “(D) Donated program space;

14 “(E) Vehicles; or

15 “(F) Interest on loans specific to housing, treatment facilities or related construction for
16 the target population.

17 “SECTION 9. The Behavioral Health Justice Reinvestment Grant Review Committee and
18 the Oregon Health Authority shall jointly administer a pilot project providing technical as-
19 sistance and performance incentives to coordinated care organizations that:

20 “(1) Test new strategies to reduce the involvement in the criminal justice system and
21 improve the health outcomes of members of the coordinated care organization:

22 “(a) Who are in the target population of the Behavioral Health Justice Reinvestment
23 Program established in section 1 of this 2019 Act; and

24 “(b) Whose inadequately treated mental illness or substance use disorder is a primary
25 driver of the member’s involvement in the criminal justice system.

26 “(2) Agree to accept financial responsibility for primary and behavioral health care pro-
27 vided in one or more jails in this state.”.

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