

A-Engrossed
House Bill 4082

Ordered by the House February 17
Including House Amendments dated February 17

Sponsored by Representative GREENLICK, Senator ROBLAN, Representatives NOSSE, HAYDEN, MITCHELL, SALINAS, WILLIAMS; Representatives ALONSO LEON, DRAZAN, HELM, HOLVEY, KENY-GUYER, LIVELY, MEEK, PILUSO, REARDON, SANCHEZ, SCHOUTEN, STARK, Senator TAYLOR (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.

Establishes Behavioral Health Road Map Commission in Legislative Assembly. Specifies membership and duties.

Declares emergency, effective on passage.

A BILL FOR AN ACT

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

3 Whereas when the state closed the state psychiatric hospitals at the end of the last century, a
4 robust community-based mental health system was promised but never put into place; and

5 Whereas the behavioral health care system, which includes both mental health services and
6 substance abuse treatment services, has grown exponentially worse over time; and

7 Whereas other factors, such as an explosion in homelessness, have made the development of
8 solutions even more difficult given how intertwined are homelessness, mental health challenges and
9 substance use; and

10 Whereas individuals with co-occurring mental illness and intellectual and developmental disa-
11 bilities are frequently turned away from resources that provide appropriate mental health services
12 tailored to their unique needs; and

13 Whereas a comprehensive community-based mental health system is necessary for individuals to
14 thrive in the community, avoid crisis and have timely access to appropriate inpatient acute care
15 when needed; and

16 Whereas while the situation has become increasingly clear, comprehensive solutions have been
17 elusive; and

18 Whereas a commission will create a formal structure to guide the creation of an integrated
19 community-based behavioral health system over the next decade, to provide a mechanism to move
20 the state forward in a systematic way, to provide the structure to bring the official decision makers
21 in Oregon together with critical stakeholders to define priorities and to allocate resources within
22 a framework predicated on explicit shared decision-making processes; now, therefore,

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

24 **SECTION 1. (1) The Behavioral Health Road Map Commission is established as a joint**
25 **commission of the Legislative Assembly consisting of:**

26 **(a) The following members of the Legislative Assembly:**

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 **(A) The chairpersons of the committees and subcommittees related to behavioral health**
2 **in the House of Representatives and the Senate;**

3 **(B) The cochairpersons of the subcommittee of the Joint Committee on Ways and Means**
4 **with authority over human services agencies' budgets;**

5 **(C) One member appointed by the Minority Leader of the House of Representatives; and**

6 **(D) One member appointed by the Minority Leader of the Senate;**

7 **(b) The Director of the Oregon Health Authority, who shall serve ex officio as a nonvot-**
8 **ing member of the commission, or the director's designee;**

9 **(c) The Chief Justice of the Oregon Supreme Court or the Chief Justice's designee; and**

10 **(d) Twelve members appointed jointly by the Speaker of the House of Representatives and**
11 **the President of the Senate, who shall represent a broad range of interests in the prevention**
12 **and treatment of behavioral health disorders and in the receipt of behavioral health treat-**
13 **ment in this state.**

14 **(2) The executive committee of the commission consists of the individuals described in**
15 **subsection (1)(a), (b) and (c) of this section.**

16 **(3) The Speaker and the President shall select two members of the executive committee**
17 **to serve as cochairpersons of the commission on a rotating basis, with the duties and powers**
18 **necessary for the performance of the functions of the offices as the Speaker and the Presi-**
19 **dent determine.**

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

22 **(5) The term of a member who is a chairperson or cochairperson of a committee or**
23 **subcommittee described in subsection (1)(a)(A) or (B) of this section shall expire when the**
24 **member no longer serves as chairperson or cochairperson.**

25 **(6) A member appointed by the Minority Leader of the House or of the Senate shall serve**
26 **during the term of the appointment or until discharged by the Minority Leader of the House**
27 **or of the Senate.**

28 **(7) The term of office of each member appointed under subsection (1)(d) of this section**
29 **is four years, but a member serves at the pleasure of the Speaker and the President. A**
30 **member is eligible for reappointment.**

31 **(8) A majority of the voting members of the commission constitutes a quorum for the**
32 **transaction of business.**

33 **(9) Official action by the commission requires the approval of a majority of the voting**
34 **members of the commission.**

35 **(10) The commission shall meet at times and places specified by the call of the chair-**
36 **persons or of a majority of the voting members of the commission.**

37 **(11) The commission may adopt rules necessary for the operation of the commission.**

38 **(12) The commission has a continuing existence and may meet, act and conduct its**
39 **business during sessions of the Legislative Assembly or any recess of the Legislative As-**
40 **sembly and in the interim period between sessions.**

41 **(13) The Legislative Policy and Research Director:**

42 **(a) Shall provide staff support to the commission and may employ persons necessary for**
43 **the performance of the functions of the commission.**

44 **(b) Shall fix the duties and amounts of compensation of the employees.**

45 **(c) May contract with third parties to provide resources, data and support to the com-**

1 mission on specific topics or to conduct analyses to inform the commission's work.

2 (14) The commission from time to time may appoint such advisory committees consisting
3 of members of the Legislative Assembly and others as are necessary to assist the commis-
4 sion in carrying out its functions as provided by law.

5 (15)(a) A member of the commission or of an advisory committee who is a member of the
6 Legislative Assembly shall be entitled to receive the per diem specified in ORS 171.072 from
7 funds appropriated to the Legislative Assembly for each day of performance of duties as a
8 commission or an advisory committee member.

9 (b) For a member who is not a member of the Legislative Assembly, the Legislative Pol-
10 icy and Research Director may pay the actual and necessary travel and other expenses in-
11 curred in the performance of the member's official duties, as provided in ORS 292.495, to
12 ensure the member's ability to serve on the commission.

13 (16) Expenses incurred under this section are payable from funds appropriated or other-
14 wise available to the Legislative Policy and Research Committee.

15 (17) All agencies of state government, as defined in ORS 174.111, are directed to assist
16 the commission in the performance of the duties of the commission and, to the extent per-
17 mitted by laws relating to confidentiality, to furnish information and advice the members of
18 the commission consider necessary to perform their duties.

19 **SECTION 2.** The Behavioral Health Road Map Commission established in section 1 of this
20 2020 Act shall:

21 (1) Define the attributes of the ideal community-based behavioral health care system for
22 this state, including preventive, therapeutic, maintenance, peer-delivered support, crisis and
23 ancillary services provided by the system;

24 (2) Explicate the elements of the behavioral health care system as the system currently
25 exists in this state;

26 (3) Estimate current expenditures within the behavioral health care system by govern-
27 ment and private sources and identify the source of funding for the expenditures;

28 (4) Analyze and identify the components of the behavioral health care system that must
29 be added, reduced, increased or modified during the next decade to move closer to the ideal
30 community-based behavioral health care system as defined by the commission under sub-
31 section (1) of this section, including specifying the policies and fiscal priorities for the
32 changes;

33 (5) Modify the attributes of the ideal community-based mental and behavioral health care
34 system as appropriate and update the analysis performed under subsection (4) of this section
35 each biennium in time to instruct the development of:

36 (a) The Governor's budget and the budget of the chairpersons of the Joint Committee on
37 Ways and Means;

38 (b) The Governor's policy agenda and the policy agendas of the chairpersons of the
39 committees and subcommittees of the Legislative Assembly related to mental and behavioral
40 health for the next following legislative session; and

41 (c) Recommendations for revenue proposals to support the budget and policy agendas;

42 (6) Highlight the workforce needs of the ideal community-based behavioral health care
43 system and the particular needs of subgroups of Oregon residents who need behavioral
44 health care in this state;

45 (7) Create links from the Legislative Assembly to the planning and control functions of

1 the executive branch to potentiate intragovernmental collaboration;

2 (8) Define outcome measures to determine the extent to which the behavioral health care
3 system changes implemented by the Legislative Assembly at the commission's direction are
4 accomplishing the intended goals of the changes;

5 (9) Recommend specifications for data systems sufficiently robust to ensure the ability
6 of the commission to evaluate the progress of the reform measures implemented by the
7 Legislative Assembly at the commission's direction; and

8 (10) Report, no later than September 15 of each even-numbered year, to the interim
9 committees and subcommittees of the Legislative Assembly related to behavioral health
10 recommendations for legislative changes necessary to achieving the ideal community-based
11 behavioral health care system defined by the commission under subsection (1) of this section.

12 **SECTION 3.** (1) Notwithstanding section 2 (10) of this 2020 Act, the Behavioral Health
13 Road Map Commission established in section 1 of this 2020 Act shall:

14 (a) Make preliminary recommendations for the budget and policy agendas of the Gover-
15 nor and the Legislative Assembly for the 2021 regular session of the Eighty-first Legislative
16 Assembly no later than November 1, 2020.

17 (b) No later than September 15, 2022, recommend adjustments to state law and policy
18 that are necessary to set the course for implementing future recommendations of the com-
19 mission.

20 (2) The commission must be fully operational and perform all of the functions described
21 in section 2 of this 2020 Act no later than January 2, 2023.

22 **SECTION 4.** Notwithstanding the term of office specified by section 1 of this 2020 Act,
23 of the members first appointed to the Behavioral Health Road Map Commission under sec-
24 tion 1 (1)(d) of this 2020 Act:

25 (1) Three shall serve for terms ending June 30, 2021.

26 (2) Three shall serve for terms ending June 30, 2022.

27 (3) Three shall serve for terms ending June 30, 2023.

28 (4) Three shall serve for terms ending June 30, 2024.

29 **SECTION 5.** In addition to and not in lieu of any other appropriation, there is appropri-
30 ated to the Legislative Policy and Research Committee, for the biennium ending June 30,
31 2021, out of the General Fund, the amount of \$_____, which may be expended for carrying
32 out the duties and functions of the Legislative Policy and Research Director and the staff
33 of the Legislative Policy and Research Committee described in sections 1 to 3 of this 2020
34 Act.

35 **SECTION 6.** This 2020 Act being necessary for the immediate preservation of the public
36 peace, health and safety, an emergency is declared to exist, and this 2020 Act takes effect
37 on its passage.