



OREGON PSYCHIATRIC
PHYSICIANS ASSOCIATION

Date: March 31, 2021

To: The Honorable Chair Floyd Prozanski
The Honorable Vice-Chair Kim Thatcher
Members of the Senate Judiciary Committee

From: Bennett Garner, MD, MSHA
Oregon Psychiatric Physicians Association

RE: SB 579, Guardianship Services

Chair Prozanski, Vice Chair Thatcher and Members of the Committee,

My name is Dr. Bennett Garner, I'm a board-certified child and adolescent psychiatrist with a Masters in Health Administration. I'm here to testify on behalf of the Oregon Psychiatric Physicians Association (OPPA).

OPPA supports SB 579, which directs the Oregon Public Guardian and Conservator to develop and administer a program to provide guardianship services to defendants whose criminal cases may be or have been suspended or discharged because of an inability to assist in their defense (ORS 161.370).

Most individuals deemed unable to aid and assist under ORS 161.370 suffer from anosognosia (an inability to recognize that they have a mental illness). Anosognosia is common in those with severe mental illness. For example, an estimated 50% of individuals living with schizophrenia have anosognosia. This condition makes engagement and adherence to treatment extremely challenging. In those individuals with severe mental illness who are unable to aid and assist in their defense, this percentage is even higher.

These individuals are frequently unwilling to engage in treatment but, even if they are willing, their competence to give informed consent is often questionable. In fact, since many of them will not sign consents to exchange information, connecting them with therapeutic or social services can be extremely difficult.

They also often do not agree to appropriate placements, pharmacotherapy, or other therapeutic intervention which leads not only to a high degree of recidivism resulting in frequent incarcerations, but also increases the suffering that must be endured by these individuals.

There is currently minimal funding to initiate a guardianship and then provide ongoing support if a professional guardian is necessary. Not having guardians means that we need to rely on

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involuntary commitment, which is inadequate to the task and fails to address a plethora of other issues.

SB 579 would provide funding for guardianships for those individuals described above who are some of the most vulnerable people in our state.

Thank you for the opportunity to testify. We urge your support of SB 579.