

April 26, 2021

COMMENTS CONCERNING SB 295

State Hospital Diversions to Community-Based Care

Dear Chair Power, Vice-Chair Wallan, and Representatives Helm, Kropf, and Morgan,

Thank you for the opportunity to provide this brief written testimony about Senate Bill 295. AOC strongly supports the bill - but there is a problem - namely the transfer of liability from the State to Counties, which serves to disincentivize Counties from diverting folks from the State Hospital to Community-Based treatment. This is not a small problem. It threatens this entire program. Here is why:

- **The State Hospital is a high-risk State function with lots of potential liability.**
- **The State would like Counties to divert more people away from the State Hospital and into community-based treatment.**
- **Counties agree with the State - but there is a huge disincentive for Counties to do any diversions - because State liability would transfer to Counties.**
- **For SB 295 to work as intended, the State must retain its own liability.**

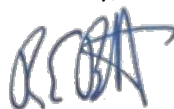
[A-Engrossed Senate Bill 198](#) attempts to accomplish that, although it is not crafted quite right. That bill also currently sits in Ways & Means with an uncertain future. As a result, AOC strongly encourages this Committee to amend SB 295 in a manner that indemnifies Counties for this transfer of liability. One possible way of doing that is to simply add the following to the end of ORS 30.285:

“(b)(A) Any person who contracts with the state or a public body to provide services pursuant to ORS 161.365 to 161.370 for the purposes of community restoration or to restore fitness to proceed.

“(B) For purposes of this paragraph, ‘person’ includes all public and private persons and entities that contract to provide services as described in this paragraph.”

Thank you again for your consideration.

Sincerely,



Rob Bovett
Legal Counsel and Legislative Director
Association of Oregon Counties

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