

Enrolled
House Bill 4070

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Behavioral Health for Representative Tawna Sanchez)

CHAPTER

AN ACT

Relating to the Consumer Advisory Council; amending ORS 430.071 and 430.073; and prescribing an effective date.

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

SECTION 1. ORS 430.071 is amended to read:

430.071. The Oregon Health Authority shall adopt [*a policy*] **policies** that [*supports and promotes*] **support and promote independence and self-determination** for persons receiving mental health, **addiction or substance use disorder** services. The [*policy*] **policies** shall be designed to remove barriers that:

- (1) Segregate persons with disabilities from full participation in the community in the most integrated setting in accordance with the United States Supreme Court decision in *Olmstead v. L.C.*, 527 U.S. 581 (1999); and
- (2) Prevent persons with disabilities from enjoying a meaningful life, the benefits of community involvement and citizen rights guaranteed by law.

SECTION 2. ORS 430.073 is amended to read:

430.073. (1) As used in this section and ORS 430.075, “consumer” means a person who has received or is receiving mental health, [*or*] **addiction or substance use disorder** services.

(2) **Consistent with the principles embodied in ORS 430.071 to support and promote independence and self-determination for persons receiving mental health, addiction or substance use disorder services**, the Director of the Oregon Health Authority shall [*establish*] **maintain** a Consumer Advisory Council to:

- (a) Advise the director on the provision of mental health, **addiction and substance use disorder** services by the Oregon Health Authority **and operate as a representative body that facilitates input from and communication with the peer constituency of the council.**
- (b) [*The council may*] Review, evaluate and provide feedback, **as permitted by federal law**, on [*all*] **select deidentified** site [*reviews*] **review reports** related to mental health, **addiction and substance use disorder** services provided by the authority.
- (c) **Review, evaluate or publish impacts, advisories or fiscal benefit estimates for the director or the peer constituency of the council, or as public information, concerning any policy proposals developed in accordance with ORS 430.071.**
- (d) **Recommend policies in accordance with ORS 430.071.**
- (e) **Provide perspectives and experiences.**
- (f) **Communicate concerns, emergency needs or general conditions related to the delivery of mental health, addiction and substance use disorder services.**

(3) The director shall appoint 15 to 25 consumers to the council **from a list of candidates submitted by:**

(a) Existing consumers on the council; or

(b) A seven-person committee, appointed by the members of the council, consisting of individuals who represent independent consumer-run organizations, consumer-run advocacy organizations and consumer-operated advisory councils that are active or headquartered in this state.

(4) In selecting the candidates to be submitted to the director under subsection (3) of this section, the council or committee shall strive for the balance described in subsection (5) of this section and otherwise encourage outreach to new members and diverse groups in the consumer or peer community.

(5) In making appointments to the council, the director shall strive to balance the representation according to geographic areas of the state, race, ethnicity, gender identity and age.

[(4)] (6) The authority shall provide administrative support to the council.

[(5)] (7) A member of the council is entitled to compensation in an amount determined by the director and to actual and necessary travel expenses incurred by the member in the performance of the member's official duties. Claims for compensation and expenses shall be paid out of funds appropriated to the authority for purposes of the council.

SECTION 3. This 2022 Act takes effect on the 91st day after the date on which the 2022 regular session of the Eighty-first Legislative Assembly adjourns sine die.

Passed by House February 10, 2022

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate February 22, 2022

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2022

Approved:

.....M.,....., 2022

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2022

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Shemia Fagan, Secretary of State