

Senate Bill 1097

Sponsored by Senator LIEBER

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 **as introduced**.

Provides that contract for certain services related to fitness to proceed must require provider to maintain professional and commercial liability insurance.

Appropriates moneys to Oregon Department of Administrative Services to reimburse local governments, community mental health programs and providers for payment of awards, settlements and expenses incurred in civil actions arising out of services.

Directs department to study barriers to obtaining liability insurance and report to appropriate committee or interim committee of Legislative Assembly no later than February 1, 2024.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to mental health services; and declaring an emergency.

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

4 **SECTION 1. If the Oregon Health Authority enters into a contract with a provider of**
5 **services pursuant to ORS 161.365 and 161.370, the contract must require the provider to**
6 **maintain professional and commercial liability insurance.**

7 **SECTION 2. (1) In addition to and not in lieu of any other appropriation, there is appro-**
8 **priated to the Oregon Department of Administrative Services, for the biennium beginning**
9 **July 1, 2023, out of the General Fund, the amount of \$_____, for the purpose of providing**
10 **reimbursement to local governments, community mental health programs established under**
11 **ORS 430.620 and providers for payment of awards, settlements and expenses that:**

12 (a) **Are incurred in civil actions arising out of the provision of services pursuant to ORS**
13 **161.365 and 161.370;**

14 (b) **Become payable on or after the effective date of this 2023 Act; and**

15 (c) **Exceed insurance coverage available to the local government, community mental**
16 **health program or provider.**

17 (2) **The department may not pay more than \$3,000,000 under this section for the awards,**
18 **settlements or expenses incurred by any single local government, community mental health**
19 **program or provider.**

20 **SECTION 3. (1) The Oregon Department of Administrative Services shall collaborate with**
21 **county governments and community mental health programs established under ORS 430.620**
22 **to study:**

23 (a) **Barriers that prevent local governments, community mental health programs and**
24 **providers from obtaining insurance coverage for liability arising out of the provision of ser-**
25 **vices pursuant to ORS 161.365 and 161.370.**

26 (b) **Barriers preventing the state from obtaining insurance coverage for the liability of**
27 **local governments, community mental health programs and providers arising out of the**
28 **provision of services pursuant to ORS 161.365 and 161.370.**

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 **(2)(a) No later than February 1, 2024, the department shall report to an appropriate**
2 **committee or interim committee of the Legislative Assembly.**

3 **(b) The report must include recommended solutions and a timeline for how to insure**
4 **against liability arising out of the provision of services pursuant to ORS 161.365 and 161.370**
5 **for the purposes of community restoration or to restore fitness to proceed, or other behav-**
6 **ioral health services required under a court order.**

7 **(c) The recommended solutions may include establishing an insurance pool for counties,**
8 **community mental health programs and providers.**

9 **SECTION 4.** **Section 3 of this 2023 Act is repealed on January 2, 2025.**

10 **SECTION 5.** **This 2023 Act being necessary for the immediate preservation of the public**
11 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
12 **on its passage.**

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