



TO: House Committee on Behavioral Health and Health Care  
FROM: Disability Rights Oregon  
DATE: March 13, 2023  
RE: HB 2544- appropriation for licensed residential facilities

Chair Nosse, Vice Chairs Goodwin and Nelson, and members of the Committee,

Disability Rights Oregon supports House Bill 2544 which requires the appropriation of money for licensed residential facilities serving individuals with substance use disorders or mental health concerns. This bill is a critical piece in solving Oregon's mental health crisis.

As you may know, individuals who are not able to aid and assist in their own defense must be sent to the Oregon State Hospital to be restored to participate in their defense. For individuals who have committed misdemeanors, they are sent to the Oregon state hospital for 90 days. For individuals whose committed felonies, the amount of time is six months. Those individuals that used to spend inordinate amounts of time at the Oregon State Hospital are now being released back to jail and are languishing there without support, treatment or appropriate mental health services. Why is this happening? It is happening because there is a severe lack of resources in the community for people to be placed. The community has a great need for a continuum of supports for people with mental health challenges.

The lack of appropriate community mental health residential placements also affects people who are determined by the court to be Guilty Except for Insanity. Often, people are sentenced to a much longer time in the Oregon State Hospital than they would have been sentenced if they were not found to be "insane". The saddest, most heartbreaking outcome is for those individuals who serve their time, or are restored in their mental health and could be safely placed in the community but are forced to languish for years and years or sometimes decades due to the lack of community resources.

I have met with individuals who have tremendous stress on their continued recovery because they are so far away from their families. Languishing in the Oregon State Hospital is truly heartbreaking. One gentleman who is on the autism spectrum was a victim of this turmoil. While stuck at the hospital, his placement to a community setting fell through and this shattered his opportunity to be closer to his family with his support of people who love him nearby. It is so terrible that individuals who served out their sentences for guilty but insane will often be civilly committed to the Oregon state

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hospital because there is lack of an appropriate placement in the community. Staff at the Oregon State Hospital can't even attempt to discharge these individuals because there are no community placements available that would be safe and secure. So instead, our clients suffer.

I assert to you not only is this outrageous and deeply disturbing, it is in violation of federal law. The Americans with Disabilities Act <sup>1</sup> requires that state and local governments administer programs in the most integrated setting appropriate for the needs of individuals with disabilities. The 2008 landmark case of Olmstead <sup>2</sup> held that it is a violation of the Americans with Disabilities Act to treat people experiencing mental illness in segregated settings when they could be served in a more integrated setting in their community.

Oregon's disinvestment in the mental health system is seen not only in those that are trapped in our Oregon State Hospital without any other services, it is seen on our sidewalks, hidden in our parks and experienced in our families. We must effectively address the crisis at the Oregon State Hospital, the crisis in our jails and the crisis on our streets by investing the resources necessary to meet the needs of individuals with severe and persistent mental illness in our communities. Supporting HB 2544 is a necessary step.

### **About Disability Rights Oregon**

Since 1977 Disability Rights Oregon has been the State's Protection and Advocacy System. <sup>3</sup>We are authorized by Congress to protect, advocate, and enforce the rights of people with disabilities under the U.S. Constitution and Federal and State laws, investigate abuse and neglect of people with disabilities, and "pursue administrative, legal, and other appropriate remedies". We are also mandated to "educate policymakers" on matters related to people with disabilities.

**If you have any questions regarding DRO's position on this legislation, please call Meghan Moyer at 503-432-5777 or email her at [mmoyer@droregon.org](mailto:mmoyer@droregon.org).**

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<sup>1</sup> 42 U.S.C. § 12131-12134.

<sup>2</sup> Olmstead v. L.C., 527 U.S. 581 (1999).

<sup>3</sup> See ORS 192.517.

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