



**Oregon
Family Support
Network**



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Comments on SB 823-2

From Sandy Bumpus, Executive Director, NAMI Oregon

March 22, 2023 Senate Human Services Committee

Dear Senator Gelsler Blouin and Members of the Committee:

Oregon Family Support Network, Inc. (OFSN), wishes to express its reservations about SB 823 and the Dash-2 amendments, which would subject abuse investigative reports to public inspection requests.

As background, we are a 501(c)3 non-profit organization, also known as a Family Run Organization supporting parents and direct caregivers raising children/youth experiencing significant and complex mental, emotional and behavioral health disabilities. OFSN serves families across the state, which includes 1:1/group direct supports, training and workforce development for families, Family Support Specialists, a subcategory of Peer Support workers as defined in the Traditional Health Worker Rule – OAR 410.180.300, and community providers throughout the state. Our staff is almost entirely composed of parents and direct caregivers working in a peer support work environment. The families we serve significantly rely on Oregon’s behavioral health system serving children and youth. We share the desire for a strong oversight process to ensure accountability when a child or youth is harmed and to deter such injuries from ever occurring.

However, widely opening up redacted reports to inspection is problematic when considering the privacy rights of the youth and families who are the subject of such investigations. The Dash-2 amendments address some concerns OFSN had with the original printed bill. However, we believe further refinement is necessary to protect the privacy of youth and families. If refinements are made, OFSN believes it would be in a position to support the legislation.

When it comes to psychiatric residential care for children, there are so few beds and providers that it’s still reasonably possible to connect a youth/family to a specific report given information included in redacted reports such as date, location, circumstances, and other descriptors. It takes only one enterprising journalist or motivated member of the public to connect that information to a youth/family, thereby breaching a youth’s privacy and subjecting the youth and family to the significant stigma surrounding behavioral health. However, as stated above, OFSN also sees merit in balancing privacy rights and expectations with the need for strong oversight. In that spirit, we offer the following.

In relation to psychiatric residential care for children and youth, the legislation should:

- Clearly define the word “inspect” to mean just that. An authorized party may only view the reports in a controlled environment and may not obtain a hard copy or electronic copy of the report. This would prevent reports from circulating publicly.
- Guarantee that a youth/family or their representative may obtain a copy of the final report in all circumstances.
- Further refine the list of those authorized to inspect records to individuals and entities that provide direct and ongoing regulatory oversight.

- Include a notification provision so that youth/families are informed when a final report is inspected and by whom.
- Ideally, permit families to object to inspection requests from any person or entity that doesn't exercise an ongoing and direct oversight role. Psychiatric services for children, youth, and families carry significantly more stigma than many other health care conditions. In short, there aren't similar services or milieus to which to compare the balance between public disclosure and privacy rights. Given this, we urge that the Legislature move cautiously as it develops a framework for greater regulatory oversight.
- Notify individuals who made the initial allegation of abuse or neglect when the final report is inspected, and by whom. This is to minimize the potential retaliation against parents and direct caregivers when they are the ones who made the allegation of abuse or neglect – regardless of the outcome of the investigation.

Should these provisions be added to the bill, OFSN would be in a good position to support it.