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STATE REPRESENTATIVE
DISTRICT 33



HOUSE OF REPRESENTATIVES

To: Members of the House Committee on Judiciary

Date: March 28, 2023

Subject: Support HB 2890

Chair Kropf, Vice Chairs Wallan and Anderson, and members of the committee:

For the record, my name is Dr. Maxine Dexter and I am honored to be the State Representative for House District 33, which includes NW & Downtown Portland, Linnton, and Cathedral Park. I respectfully submit this testimony in support of HB 2890, which will require the Department of Corrections to adopt community standards of care for our Adults in Custody (AIC), support the work of the DOC Ombudsperson, and ensure all AICs have meaningful access to personal electronic devices for uses including communicating with family and legal counsel.

When the state puts a person into custody, taking away their agency to advocate for themselves, we come to bear a higher burden of responsibility for their access to high-quality health care as protected by the 4th, 8th, and 14th Amendments to the U.S. Constitution. AICs are one of only two classes of people who The Constitution guarantees health care for, and it is important to understand that we are failing, at this time, to provide comprehensive, coordinated health care to our adults in state custody.

I also want to be clear that I believe our Department of Corrections healthcare teams are dedicated to doing well by our adults in custody. However, we as a state have not invested in the tools and systems to empower them to deliver community-level quality and coordination of care. We must do better.

In 2021, I led the effort to pass HB 3035, which, in part, established the Joint Task Force on Corrections Medical Care. The task force, of which I was a member, conducted a review of the current medical care standards of care in the department to determine whether the standards align with the right of adults in custody to community-level medical care. [The report](#), which has been submitted to OLIS, lays out nine key recommendations. HB 2890 addresses specific recommendations from the report, including supporting the work of

the DOC Ombudsperson and requiring updates from the Ombudsperson to the legislature. In addition, HB 2890 would ensure all adults in DOC custody have:

- 1) Access to mental health and substance use disorder treatment (including medication-assisted therapy) throughout the time of their incarceration; and
- 2) Meaningful and free access to electronic devices that may be used for education, access to virtual health care and mental health care, communication with family and legal counsel.

Medication-assisted therapy for treating substance use disorder is incredibly effective and clearly life-saving¹. We know very clearly from updates to the task force as well as in follow-up conversations with members of the DOC team that there simply are not sufficient resources to offer continuous medication-assisted therapy and ongoing substance use disorder therapy for all who are in state custody. We also know naloxone use and overdose risk is high for adults in custody and this cost financially as well as from a health impact perspective would be significantly improved if there was meaningful and sustained access to medication-assisted substance use disorder treatment.

My sincere thanks to the members of the Corrections Medical Care Task Force for their dedication to providing the appropriate (and constitutionally required) care for our adults in custody. I am also grateful to the members of the DOC care team, particularly Joe Bugher, who very wants the best possible care to be accessible for all AICs and is working diligently with legislators and advocates to make this a reality. Finally, I am grateful to Senator Dembrow for introducing SB 520, which addresses another recommendation of the task force, to implement a standardized, early medical release process. I hope all of us can appreciate the importance of taking these steps to ensure we are providing community-standard and constitutionally-required care, and protecting the state from further liability. I hope you will join me in support of HB 2890.

Respectfully submitted,



Representative Maxine Dexter, M.D.
House District 33 (NW & Downtown Portland, Linnton, & Cathedral Park)

¹ <https://www.ncbi.nlm.nih.gov/books/NBK541393/>