



Legislative Fiscal Office
 82nd Oregon Legislative Assembly
 2024 Regular Session

Prepared by: MaryMichelle Sosne
 Reviewed by: John Borden, John Terpening, Gregory Jolivette, Matt Stayner
 Date: February 22, 2024

Bill Title: Relating to individuals with intellectual disabilities; declaring an emergency.

Government Unit(s) Affected: Department of Human Services, District Attorneys, Oregon Health Authority, Public Defense Commission, Department of Justice, Judicial Department, Department of State Police

Summary of Fiscal Impact

2023-25 Biennium	General Fund	Lottery Funds	Other Funds	Federal Funds	Total Funds	Positions	FTE
Oregon Health Authority	\$ -	\$ -	\$ -	\$ -	\$ -	-	-
Total Fiscal Impact	\$ -	\$ -	\$ -	\$ -	\$ -	-	-

2025-27 Biennium	General Fund	Lottery Funds	Other Funds	Federal Funds	Total Funds	Positions	FTE
Oregon Health Authority	\$ 2,349,066	\$ -	\$ -	\$ -	\$ 2,349,066	-	-
Total Fiscal Impact	\$ 2,349,066	\$ -	\$ -	\$ -	\$ 2,349,066	-	-

- As the measure is operative July 1, 2025, there is no fiscal impact for the 2023-25 biennium.

Measure Description

The measure repeals statutes related to civil commitments for individuals with intellectual disabilities. The measure prohibits public bodies from denying services to an individual with a mental illness based on a co-occurring intellectual disability. The Department of Human Services (DHS) must report to the interim human services committees on the elimination of civil commitment for individuals with intellectual disabilities and provide policy and budget recommendations.

Fiscal Analysis

The fiscal impact of the measure is estimated to be \$2,349,066 General Fund for the 2025-27 biennium. Costs are attributed to the transfer of DHS’ projected caseload increase of 12 for the 2025-27 biennium to the Oregon Health Authority (OHA). There is no fiscal impact for the 2023-25 biennium as the provisions of the measure become operative on July 1, 2025.

Oregon Health Authority

There is no fiscal impact on OHA for the 2023-25 biennium. For the 2025-27 biennium, the estimated fiscal impact of the measure on OHA is \$2,349,066 General Funds. Based on caseload projections, up to 12 individuals with intellectual disabilities that also have co-occurring mental health disorders are anticipated to require civil commitment in 2025-27.

Department of Human Services

The measure has no fiscal impact on DHS for the 2023-25 biennium and a nominal decrease is expenditures in the 2025-27 biennium. DHS will continue to deliver services and supports to civilly committed individuals with

intellectual disabilities, and the associated costs are not entirely mitigated by the transfer of the civil commitment process to OHA.

Other Entities

The measure has a minimal fiscal impact on the Department of Justice and no fiscal impact on District Attorneys, the Department of Justice, the Oregon State Police, or the Public Defense Services Commission.

Background

Civil commitments are court-ordered treatments for individuals with mental health or intellectual disabilities, requiring them to receive necessary treatment. The primary reasons for a civil commitment referral are being a danger to oneself or being unable to provide for their basic needs due to their mental or intellectual disability. Under certain circumstances, a judge may offer the option to receive voluntary treatment in the community, avoiding the civil commitment.

Currently, DHS manages civil commitments for individuals with intellectual disabilities, with services provided through the Medicaid-funded home and community-based services system. However, a conflict exists between the civil commitment statute and federal guidelines governing the treatment of individuals with intellectual disabilities. Federal guidelines require that home and community-based services should afford individuals control over their schedule and activities, and permit freedom of movement.

OHA manages civil commitments for individuals with a mental health diagnosis. Funding for these services are directed to counties, which provide community-based support for individuals with a mental health diagnosis via Mental Health Service Element 24 and The Choice Model, a program within OHA that provides mental health support while allowing independence and reducing the reliance on long-term institutional care.

As of January 2024, DHS had 19 civil commitments; 18 of these individuals had a co-occurring mental health diagnosis. The proposed measure may not lead to a reduction in involuntary commitments for individuals with intellectual disabilities. Instead, these individuals would likely be civilly committed due to their mental health diagnosis. DHS advises that most individuals with intellectual disabilities (and no mental health diagnosis) or their guardians opt for voluntary treatment, and civil commitments are infrequently sought for these individuals.

Relevant Dates

By December 1, 2024, DHS must report to the interim human services committees on the elimination of civil commitment for individuals with intellectual disabilities and provide recommendations for budget or policy changes. The reporting requirement is repealed as of January 2, 2025.

The measure is operative July 1, 2025.

The measure declares an emergency and takes effect on passage.