



KATE BROWN
Governor

August 6, 2021

The Honorable Peter Courtney
President of the Senate
S-201 State Capitol
Salem, OR 97301

The Honorable Tina Kotek
Speaker of the House
H-269 State Capitol
Salem, OR 97301

Re: Senate Bill 710

Dear President Courtney and Speaker Kotek,

Today I sign Senate Bill 710 into law, which modifies allowed and prohibited uses of restraint of children in care by certain programs. I offer this letter to set forth my expectations regarding the implementation of this and other legislation regulating Oregon's network of child caring agencies.

It is our duty as a state to ensure that children, youth, and their families have access to a full continuum of physical and behavioral health services that are safe and effective. This bill is an important step in clarifying what we, as a state, expect when we talk about care that is safe, both physically and emotionally.

The bill comes at a difficult time for the child behavioral health continuum of care. Oregon has experienced substantial declines in access due to a host of factors including, most recently, the myriad impacts of the pandemic. The result is that families and their children are not receiving timely care or they are caught at levels of care that are too intensive or inadequate for their needs. We should see the benefit of recent and proposed legislation supporting improvements at all levels of care in the years ahead; however, many programs are now struggling to hire and retain qualified, willing employees to work in this arena.

I have received concerned letters and phone calls from our network of child caring agencies regarding the potential negative impact of Senate Bill 710 and impacts of prior regulatory legislation. In particular, they worry about our state's children with the highest levels of behavioral health complexity and need. Advocates who support the goal of reducing the use of restraints have raised concerns that the methodology utilized in prior and current legislation is not conducive to creating trauma-informed environments that support the well-being of youth and staff navigating difficult emotions and behaviors. They raise concerns that we will see an increase in children who are turned away from services, and programs that will no longer serve those with the highest needs. They are also concerned that the legislation will further exacerbate hiring challenges and retention of staff.

We cannot afford to lose capacity for placements and treatments for the children with the highest behavioral health needs. At the same time, our programs need to be places and services where children are safe and staff feel supported—meaning they are adequately trained, supervised, and paid. In striking this balance, I am laying out the following expectations for implementation of this bill:

1. I expect that the Oregon Department of Human Services and the Oregon Health Authority will track and report to me and to the pertinent legislative committees any impact to placement and treatment capacity that results from implementation of this legislation. Where capacity is curtailed, I expect that agencies and providers will present policy options and budget requests to my office and to the Legislature as soon as they are known.
2. I understand that successful implementation of this legislation is predicated on investments in training for alternatives to the restricted holds for providers at child caring agencies. Senator Sara Gelser committed funds from her American Rescue Plan Act legislative allocation for such training. I expect that those funds will be made available as expeditiously as possible, and that proper training will occur prior to regulatory action that results from these changes in this bill. Experts in the field indicate that while the proposed training is important, it is a basic introduction, and more extensive training in trauma-informed practices and ongoing supervision and coaching are key to effective care over the long term.
3. My expectation is that child advocates and providers of children's behavioral health services which are subject to this new regulation will be convened, by the Oregon Department of Human Services, to participate in the process of rulemaking and development of policies and procedures related to rolling out these new regulations, and to participate in development of additional or alternative strategies, should we experience negative impacts over the months ahead.

I know that every policymaker and advocate who worked on this legislation in the 2021 session wants the best possible outcomes for children as individuals and as a population. I commend them for their efforts, and I ask that they continue to focus a while longer to bring this legislation to fruition in the most effective way possible.

Sincerely,



Governor Kate Brown