

Tina Kotek, Governor

March 26, 2025

Representative Jason Kropf, Chair  
Representative Willy Chotzen, Vice-Chair  
Representative Kim Wallan, Vice-Chair  
900 Court Street NE  
State Capitol  
Salem, OR 97301

SUBJECT: Background on HB 2311

Dear Chair Kropf, Vice-Chairs Chotzen and Wallan, and Committee Members:

I am writing to provide some background information about HB 2311. Oregon State Hospital and Oregon Health Authority take no position for or against the bill.

HB 2311 eliminates the requirement that the OSH use administrative law judges (ALJs) from the Oregon Office of Administrative Hearings (OAH) for contested case hearings involving the state hospital.

OAH oversees ALJs who are responsible for conducting hearings, reviewing evidence, and issuing decisions or orders based on state laws and agency rules. ALJs handle diverse cases for various agencies, covering issues such as public benefits (e.g., food stamps, medical assistance), employment disputes (e.g., workers' compensation, unemployment), and more.

Currently, the state hospital uses ALJs for its informed consent (“involuntary medication”) hearings. In short, the administrative law judge decides whether the hospital can administer medication to a patient without their informed consent, due to their mental condition.

OAH designates numerous ALJs to handle these hearings. OSH and other stakeholders train the ALJs on the specific nuances of the hospital’s informed

consent process. OAH charges the Oregon Health Authority for the time its employees spend handling these hearings for OSH.

If OSH were no longer required to use an ALJ from OAH, the state hospital could contract with other administrative law judges or hearings officers with expertise in patient interactions and medications to handle some or all of the informed consent hearings. However, HB 2311 does not prohibit the state hospital from continuing to use OAH ALJs for hearings. To continue to use OAH ALJs, the state hospital would need to sign an interagency agreement with OAH.

Please let me know if you have questions I can answer about HB 2311.

Sincerely,



Sara C. Walker, MD  
Interim Superintendent and Chief Medical Officer