

TO: Senate Human Services Committee
FROM: Disability Rights Oregon
DATE: March 27, 2025
RE: SB 1113 – Support

Chair Gelser Blouin, Vice-Chair Linthicum, and Members of the Committee,

For the record, my name is Ben Gurewitz, and I am testifying on behalf of Disability Rights Oregon in strong support of SB 1113. DRO is Oregon’s designated Protection and Advocacy System. Protection and Advocacy (P&A) agencies were created by Congress in 1975 and are charged with protecting, advocating for, and enforcing the rights of people with disabilities. P&As are mandated in all 57 states and territories, and we comprise the nation's largest provider of legally based advocacy services for people with disabilities.

P&As have the legal authority to:

1. Investigate suspected abuse or neglect and seek justice for victims and their families.
2. Have access to records and facilities necessary to investigate abuse or neglect or to monitor the treatment and safety of residents.
3. Pursue litigation and all other appropriate remedies under federal, state, and local law.
4. Provide information and referrals regarding entitlements to services and other legal rights.
5. Educate policymakers on needed reforms to disability-related laws and services.

Oregon faces a significant shortage of behavioral health providers, especially in rural areas and underserved communities, impacting access to treatment for mental health and substance use disorders. This shortage is particularly acute for youth in Oregon, who are not always able to access the care they need or experience delays in accessing care.

Recently, we have heard about how this lack of access to treatment has impacted foster youth. Kids in the foster care system need access to a stable, loving, and supportive foster family **and** access to the medical care they need. There is broad agreement that our current system is unable to meet the needs of foster youth who require medical care and therapeutic settings. Too often, we see these youth placed in temporary lodging or non-therapeutic care settings.

DRO has been a vocal supporter of OHA’s efforts to address the barriers to establishing additional residential and outpatient capacity for youth. We applaud the agency’s efforts to increase training and rates to treat co-occurring disorders. We enthusiastically support efforts to strengthen the behavioral health workforce, including increasing wages, addressing safety concerns caused by understaffing, creating additional behavioral health apprenticeship programs, providing student loan reimbursements, increasing access to clinical supervision, and providing childcare and housing stipends.

We also support recent efforts to prevent youth from needing residential treatment. These include intensive in-home behavioral health treatment that provides youth and families with therapy, peer support, medication management, and a 24-hour crisis system. While progress has been made, additional investments are needed for youth mobile response and stabilization services. There are still

opportunities to provide these services by complying with our state Medicaid Plan and giving kids with severe and persistent mental illness access to care through the K Plan, also known as the “Culture of Yes.”

We have also heard from providers and educators about the need to clarify the state’s protections for children regarding abusive seclusion and restraint incidents. ODHS has also requested additional flexibility to place foster youth in out-of-state placements. The agency and providers have brought these concerns to the House of Representatives in HB 3835.

House Bill 3835 does not address the issues at the root of the youth mental health crisis in Oregon. Instead, it strips away critical safety protections for youth. By labeling foster youth and kids with intellectual disabilities as “aggressive” or “hard to serve,” advocates hope legislators will deem these children unworthy of protection from abuse. The bill even goes as far as prohibiting abuse investigations of some of these harmful actions by providers.

DRO also cannot support the blank check HB 3835 creates for ODHS to place many of Oregon’s most vulnerable foster youth thousands of miles away from home in residential “treatment” facilities that could never meet Oregon’s own operational standards for treatment. In 2024, U.S. Senator Ron Wyden and the U.S. Senate Committee on Finance released a report entitled [*Warehouses of Neglect – How Taxpayers are Funding Abuse in Youth Residential Facilities.*](#)

The report sums up these “treatment” facilities with the following statement:

“The RTF providers optimize per diems by filling large facilities to capacity and maximize profit by concurrently reducing the number and quality of staff in facilities. The Committee’s investigation found that children at RTFs suffer harms such as the risk of physical, sexual, and emotional abuse at the hands of staff and peers, improperly executed and overused restraint and seclusion, inadequate treatment and supervision, and non-homelike environments. These harms amount to acute safety concerns and have long-term effects, including suffering, trauma, and even death. Taken together, the Committee finds that these harms are endemic to the RTF operating model.”

While DRO cannot support any of the broad and confusing provisions contained in HB 3835, we **can** lend our support to SB 1113. We believe SB 1113 addresses most of the concerns that ODHS leadership and providers have raised. SB 1113 is a much smaller and simpler version that works to clarify an existing statutory framework and does not completely rework or remove existing statutes. This bill takes into account the complexity of real-world situations, protects students, supports staff, and reduces fear-based reporting that can ultimately cause more harm than good.

SB 1113 also addresses the very rare situations where a foster youth may need to be sent outside of Oregon to seek care while also protecting these youth from predators pretending to be providers. SB 1113 creates a narrow exception for sending youth out of state when it is truly medically necessary or when the placement would be compliant with ICWA. The bill also requires that any out-of-state placement must meet the same standards as they would if they operated in Oregon—providing needed protection from the harmful RTF industry.

Similarly, this bill provides clarification around seclusion and restraint that educators and care providers are asking for. SB 1113 limits restraint and seclusion to only when there is an imminent risk of serious bodily injury and only after all other efforts have been tried and failed. It ensures these interventions are never used out of frustration, convenience, or control—and that when they must be used, they are done

with the minimum force necessary, by trained personnel, and with continuous monitoring. This bill also provides clarification on what needs to be reported when seclusion or restraint does occur and when the hotline needs to be called to report abuse. In the DD system, there is a much higher substantiation rate and a lower reporting rate. This illustrates that there is additional training work to be done to help providers understand when abuse needs to be reported.

DRO thanks Senator Gelser Blouin for being a champion for kids who are often voiceless. SB 1113 addresses the concerns of ODHS and providers while also keeping in place critical protections for children. We urge your support for SB 1113.

About Disability Rights Oregon

Since 1977, Disability Rights Oregon has been the state's Protection and Advocacy System. We are authorized by Congress to protect, advocate for, and enforce the rights of people with disabilities under the U.S. Constitution and federal and state laws, investigate abuse and neglect of people with disabilities, and "pursue administrative, legal, and other appropriate remedies." We are also mandated to "educate policymakers" on matters related to people with disabilities.

If you have any questions regarding DRO's position on this legislation, please contact Ben Gurewitz via email: bgurewitz@droregon.org