
Oregon Health Authority Measure Summary

Aid and Assist Community Restoration

HB 2420

Concept: This concept will require individuals charged with a misdemeanor or Class C felony and unable to aid and assist in their own defense due to a mental illness to be interviewed by the Community Mental Health Program Director or designee. The interview is to determine if the services, supports and supervision are available in the community to divert the individual from the state hospital to the community for restoration.

Need for Policy Change:

The Oregon State Hospital (OSH) has seen a 59% increase in “370” commitments since January 2010. (“370” is a reference to ORS 161.370, which allows courts to commit defendants to OSH to be restored to the ability to aid and assist in their defense.) The 370 admissions are outstripping OSH’s established bed capacity. OSH has been forced to overflow patients onto non-370 units. OSH is required by a federal court case to admit every 370 patient within 7 days of the issuance of a 370 order. Thus, OSH cannot simply place such patients on a waitlist. Almost 44% of such commitments are for individuals charged with misdemeanors. This ongoing increase in low-level offenders is not sustainable at OSH, and is very expensive for the state. (It costs the state over \$20,000 per month per patient.)

Impact if Not Approved:

If HB 2420 is not approved then the number of individuals admitted to the state hospital for aid and assist restoration would continue to escalate. This will cause the decline in beds for civil commitment and result in increased numbers of adults waiting in acute care until a bed becomes available at the state hospital.

Facts:

- While restoration in the community is permissible under current statute, the courts and attorneys rarely inquire to see if services are available in the community and therefore, few community restorations occur.

Other Supporters:

- Association of Counties
- Association of Community Mental Health Program Directors
- Oregon DOJ

Fiscal Impact: Since the person is only directed to the community if services are available there is no direct impact. However, for this policy to be effective, investment in community restoration is needed.

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