

## SENATE AMENDMENTS TO SENATE BILL 771

By COMMITTEE ON HEALTH POLICY

April 11

1 On page 1 of the printed bill, delete lines 4 through 30 and delete page 2 and insert:

2 **“SECTION 1. As used in sections 2 to 7 of this 2005 Act, ‘consumer’ means an individual**  
3 **who has received or is receiving mental health or addiction services.**

4 **“SECTION 2. The Department of Human Services shall develop a policy that supports and**  
5 **promotes self-determination for persons receiving mental health and addiction services. The**  
6 **policy shall be designed to remove barriers that:**

7 **“(1) Segregate persons with disabilities from full participation in the community in the**  
8 **most integrated setting in accordance with the United States Supreme Court decision in**  
9 **Olmstead v. L.C., 527 U.S. 581 (1999); and**

10 **“(2) Prevent persons with disabilities from enjoying a meaningful life, the benefits of**  
11 **community involvement and citizen rights guaranteed by law.**

12 **“SECTION 3. (1) The Director of Human Services shall establish a Consumer Advisory**  
13 **Council to advise the director on the provision of mental health services by the Department**  
14 **of Human Services. The director shall establish the council within an organizational unit of**  
15 **the department that addresses mental health and addiction services. The council may review,**  
16 **evaluate and provide feedback on all site reviews related to mental health services provided**  
17 **by the department.**

18 **“(2) The director shall appoint 15 to 25 consumers to the council. In making appoint-**  
19 **ments, the director shall give consideration to geographic representation of the entire state.**

20 **“(3) The department shall provide administrative support to the council.**

21 **“(4) Members of the council are entitled to compensation and expenses as provided in**  
22 **ORS 292.495.**

23 **“SECTION 4. (1) The Director of Human Services shall establish within the Department**  
24 **of Human Services the Office of Consumer Affairs to facilitate, promote, monitor and provide**  
25 **training and technical assistance to consumer groups and to promote the organization and**  
26 **implementation of consumer-directed mental health services and consumer representation.**  
27 **The director shall establish the office within an organizational unit of the department that**  
28 **addresses mental health and addiction services.**

29 **“(2) In addition to the duties described in subsection (1) of this section, the Office of**  
30 **Consumer Affairs shall:**

31 **“(a) Provide networking and technical assistance and regional coordination of informa-**  
32 **tion among consumer groups, programs and government agencies;**

33 **“(b) Provide quality assurance and technical assistance oversight to publicly funded**  
34 **mental health programs with respect to consumer participation;**

35 **“(c) Evaluate the efficacy of, supporting evidence for and desirability of available mental**

1 health services with respect to the individuals receiving the services;

2 “(d) Monitor the delivery of peer services and peer credentialed services and evaluate the  
3 impact, relevance and efficiency of the delivery of evidence-based services in peer delivery  
4 settings;

5 “(e) Evaluate and report to the director regarding the impact and efficiency of the de-  
6 partment’s budget with respect to the delivery of peer services and consumer choice;

7 “(f) Evaluate and report to the director regarding the effect of statutory provisions on  
8 the availability of consumer-directed services and on decreasing the social stigma that may  
9 be experienced by consumers; and

10 “(g) Provide other services as the director considers necessary.

11 “SECTION 5. (1) The organizational unit of the Department of Human Services that ad-  
12 dresses mental health and addiction services shall provide administrative and technical sup-  
13 port to the Office of Consumer Affairs for purposes of evaluating and implementing  
14 peer-operated, evidence-based, clinical and nonclinical services provided through consumer-  
15 directed mental health services.

16 “(2) The Office of Consumer Affairs shall provide oversight and assistance to the peer-  
17 operated and evidence-based services where applicable.

18 “SECTION 6. (1) The Office of Ombudsman for Mental Health Consumers is established  
19 in the Department of Human Services. The Director of Human Services shall establish the  
20 office within the organizational unit of the department that contains other advocacy offices.  
21 With the concurrence of the Governor and subject to the availability of funds, the director  
22 shall appoint the ombudsman and may terminate the ombudsman. The person appointed as  
23 ombudsman shall:

24 “(a) Have experience receiving mental health services, as a consumer or as the parent  
25 of a consumer who is under the age of 18;

26 “(b) Demonstrate through prior experience a commitment to the principles of self-  
27 determination, recovery and the resiliency of consumers; and

28 “(c) Meet other criteria as determined by the Office of Consumer Affairs, the Consumer  
29 Advisory Council and the Governor.

30 “(2) The ombudsman shall:

31 “(a) Provide information and assistance to consumers; and

32 “(b) Report to the Governor in writing at least once each quarter as required under ORS  
33 182.500. The report shall include a summary of the services the ombudsman provided during  
34 the quarter and the ombudsman’s recommendations for improving ombudsman services.

35 “SECTION 7. Except as otherwise provided by law, at least 20 percent of the membership  
36 of all task forces, commissions, advisory groups and committees established by a public body  
37 as defined in ORS 174.109 and relating to persons with mental health and addiction issues  
38 shall be consumers.

39 “SECTION 8. The Department of Human Services may adopt rules to implement sections  
40 1 to 7 of this 2005 Act.”.