

A-Engrossed
Senate Bill 771

Ordered by the Senate April 11
Including Senate Amendments dated April 11

Sponsored by Senator MORRISETTE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Establishes Consumer Advisory Council in Department of Human Services to advise department on provision of mental health **and addiction** services.

Establishes Office of Consumer Affairs in department to promote consumer-directed mental health services.

[Directs Governor to appoint ombudsman for mental health consumers.]

Establishes Office of Ombudsman for Mental Health Consumers in department to provide services to consumers.

A BILL FOR AN ACT

1
2 Relating to human services.

3 **Be It Enacted by the People of the State of Oregon:**

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

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

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

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

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

20 (2) **The director shall appoint 15 to 25 consumers to the council. In making appointments,**
21 **the director shall give consideration to geographic representation of the entire state.**

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

23 (4) **Members of the council are entitled to compensation and expenses as provided in ORS**
24 **292.495.**

25 **SECTION 4. (1) The Director of Human Services shall establish within the Department**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 of Human Services the Office of Consumer Affairs to facilitate, promote, monitor and provide
2 training and technical assistance to consumer groups and to promote the organization and
3 implementation of consumer-directed mental health services and consumer representation.
4 The director shall establish the office within an organizational unit of the department that
5 addresses mental health and addiction services.

6 (2) In addition to the duties described in subsection (1) of this section, the Office of
7 Consumer Affairs shall:

8 (a) Provide networking and technical assistance and regional coordination of information
9 among consumer groups, programs and government agencies;

10 (b) Provide quality assurance and technical assistance oversight to publicly funded men-
11 tal health programs with respect to consumer participation;

12 (c) Evaluate the efficacy of, supporting evidence for and desirability of available mental
13 health services with respect to the individuals receiving the services;

14 (d) Monitor the delivery of peer services and peer credentialed services and evaluate the
15 impact, relevance and efficiency of the delivery of evidence-based services in peer delivery
16 settings;

17 (e) Evaluate and report to the director regarding the impact and efficiency of the de-
18 partment's budget with respect to the delivery of peer services and consumer choice;

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

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

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

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

30 **SECTION 6.** (1) The Office of Ombudsman for Mental Health Consumers is established in
31 the Department of Human Services. The Director of Human Services shall establish the of-
32 fice within the organizational unit of the department that contains other advocacy offices.
33 With the concurrence of the Governor and subject to the availability of funds, the director
34 shall appoint the ombudsman and may terminate the ombudsman. The person appointed as
35 ombudsman shall:

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

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

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

42 (2) The ombudsman shall:

43 (a) Provide information and assistance to consumers; and

44 (b) Report to the Governor in writing at least once each quarter as required under ORS
45 182.500. The report shall include a summary of the services the ombudsman provided during

1 **the quarter and the ombudsman's recommendations for improving ombudsman services.**

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

6 **SECTION 8. The Department of Human Services may adopt rules to implement sections**
7 **1 to 7 of this 2005 Act.**

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