

HOUSE COMMITTEE ON JUDICIARY
SUBCOMMITTEE ON CIVIL LAW

March 14, 2001
8:00 a.m.

Hearing Room 357
Tapes 37 - 40

MEMBERS PRESENT: **Rep. Cherryl Walker, Chair**
 Rep. Vic Backlund
 Rep. Kathy Lowe
 Rep. Charlie Ringo
 Rep. Lane Shetterly

STAFF PRESENT: **Marilyn Odell, Counsel**
 Ann Martin, Committee Assistant

MEASURE/ISSUES HEARD: **HB 2399 Public Hearing**
 HB 2397 Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

| TAPE/# | Speaker | Comments |
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| TAPE 37, A | | |
| 003 | Chair Walker | Calls the meeting to order at 8:20 a.m. and opens a public hearing on HB 2399. |
| <u>HB 2399 PUBLIC HEARING</u> | | |
| 027 | Counsel Odell | Introduces HB 2399 that permits court to commit mentally ill person for up to one year if person has been committed one or more times in preceding three years and court determines there is reasonable likelihood that person will not comply with voluntary treatment. |
| 042 | Rev. Dan Bryant | First Christian Church, Eugene Testifies in support of HB 2399 and submits testimony (EXHIBIT A). |
| 224 | Greg Sulliger | Lane County Mental Health Testifies in support of HB 2399. |
| 266 | Dr. Dennis Ekanger | Lane County Testifies in support of HB 2399. |
| 385 | Rev. Bryant | Says that on page 6, line 4, subsection 8, of the bill, they would like to insert the words "or trial visit" after the word "commitment". |
| 405 | Bob Nikkel | Deputy Assistant Administrator, Oregon Mental Health Services Testifies for Barry Kast in opposition to HB 2399. |
| 419 | Rep. Ringo | Asks Mr. Nikkel to respond to the comments from the previous testimony. |
| 425 | Nikkel | Says that the law provides for the opportunity for the person under civil commitment to be reviewed towards the end of the 180-day period. Adds that they are not opposed in principal to |

continuing an outpatient type commitment process beyond 180 days, but they think there should be a review process.

TAPE 38, A

010 Chair Walker Comments that the committee was given the written testimony from Barry Kast on HB 2399 provided on March 12, 2001.

035 **John McCulley** **Oregon Psychiatric Association**
Testifies in support of HB 2399 and submits testimony **(EXHIBITS B & C)**.

040 **Dr. Eugene Minard** **Psychiatrist**
Testifies in support of HB 2399 and submits testimony **(EXHIBIT D)**.

058 **Phil Chadsey** **National Alliance for the Mentally Ill (NAMI)**
Testifies in support of HB 2399.

100 **David Oaks** **Support Coalition Northwest**
Testifies in opposition to HB 2399.

358 Rep. Ringo Asks if there are situations in which neuroleptics are beneficial.
360 Oaks Answers that personally he is against the drug, but his organization is pro-choice.

405 **Linda Sisson** **Support Coalition Northwest, R.N.**
Testifies in opposition to HB 2399 and submits testimony **(EXHIBIT E)**.

TAPE 37, B

003 Sisson Continues testimony in opposition to HB 2399.
109 **Robert Eughbank** **Concerned Citizen**
Testifies in opposition to HB 2399.

200 Chair Walker States that she received a note from Mary Botkin and will enter that into the record **(EXHIBIT F)**.

208 **Pat Risser** **Office of Consumer Technical Assistance (OCTA)**
Testifies in opposition to HB 2399.

270 **Janine Delaunay** **Oregon Disabilities Committee**
Testifies in opposition to HB 2399 and submits testimony **(EXHIBIT G)**.

275 **Kevin Fitts** **Office of Consumer Technical Assistance, (OCTA)**
Testifies in opposition to HB 2399 and submits testimony **(EXHIBIT H)**.

376 **Bob Joondeph** **Executive Director, Oregon Advocacy Center, (OAC)**
Testifies in opposition to HB 2399 and submits testimony **(EXHIBIT I)**.

TAPE 38, B

001 Joondeph Continues testimony in opposition to HB 2399. Discusses legal problems of bill.

043 Rep. Ringo Asks Joondeph if he thinks neuroleptics are helpful to people.
048 Joondeph Answers that they are beneficial to some people.
051 Rep. Ringo Inquires about prescribing neuroleptics as an alternative to incarceration.

068 Joondeph Says that he is more concerned with the informed consent relationship between a doctor and patient.

071 Rep. Ringo Feels that this is a public safety issue and wonders if the alternative to drugs is to put them in jail for 2 years.

074 Joondeph Says that he doesn't know if you are ever faced with that strict a

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| 107 | Rep. Backlund | choice. Thinks that this bill is singling out a few individuals. |
| 116 | Joondeph | Asks if he has any other suggestions for the current system. Says that their general position has been that the mental health system has been woefully underfunded to do the job we are asked to do. Adds that people working in the mental health system really want to help, but sometime people who need help fear them. |
| 141 | Rep. Lowe | Asks what his perspective is on Oregon and its commitment structure. |
| 152 | Joondeph | Responds that Oregon's commitment structure is an old one and very flexible and that the real decisions about commitment are made by commitment investigators. Says that the real thing that drives commitment in Oregon is resources rather than the commitment laws. |
| 181 | Rep. Lowe | Wonders if one of the solutions would be to have better insurance coverage so that people could self-commit or seek help that may not include drug therapy. |
| 189 | Joondeph | Answers that private insurance coverage for mental health services would be an enormous factor in that it would bring more resources into peoples insurance policies so that they could obtain mental health treatment outside of the public system would make it available and would take the burden off the state. |
| 205 | Kathleen O'Brien | Lawyer, Director of Mental Health Services Testifies in opposition to HB 2399. Responds to Rep. Ringo's question about neuroleptics. Says that forced drugging is an old solution and elaborates on the paradigm shift going on in the treatment options. |
| 264 | Bob Martin | Citizen Commission on Human Rights of Oregon (CCHR), Portland Testifies in opposition to HB 2399 and submits testimony (EXHIBIT J). States that psychiatric drugs can cause brain damage. Says that what they are asking for is real medical treatment for physical illnesses. |
| 369 | Jody Harmon | Member, Support Coalition Northwest Testifies in opposition to HB 2399 and submits testimony (EXHIBIT K). |
| TAPE 39, A | | |
| 003 | Harmon | Continues testimony in opposition to HB 2399. |
| 112 | Chair Walker | Closes the public hearing on HB 2399 and opens a public hearing on HB 2397. |
| <u>HB 2397 PUBLIC HEARING</u> | | |
| 123 | Pat Risser | Office of Consumer Technical Assistance (OCTA) Testifies in support of HB 2397 that repeals provisions allowing outpatient commitment of persons with mental illness. |
| 251 | Bob Joondeph | Oregon Advocacy Center, Director Testifies in support of HB 2397 and submits testimony (EXHIBIT L). |
| 282 | Kevin Fitts | Office of Consumer Technical Assistance Testifies in support of HB 2397 and submits testimony (EXHIBIT M). |
| 357 | Rep. Lowe | Asks Joondeph is he knows how many mental patients are medicated with psychotropics. |

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| 368 | Joondeph | Answers that he does not have those statistics. |
| 370 | Risser | Says that he does not have those statistics either, but thinks that 95 percent or more of those in the public mental health system are prescribed some sort of psychiatric medication. |
| 395 | Barry Kast | Administrator, Mental Health and Developmental Disabilities Services Division Testifies in opposition to HB 2397 and submits testimony (EXHIBIT N). |
| 400 | David Oaks | Director, Support Coalition Northwest Testifies in support of HB 2397. |
| TAPE 40, A | | |
| 002 | Oaks | Continues testimony in support of HB 2397. |
| 033 | Robert Eughbank | Concerned Citizen Testifies in support of HB 2397. Comments on neuroleptic drugs and their side effects. |
| 097 | John McCulley | Oregon Psychiatric Association Testifies in opposition to HB 2397 and submits testimony (EXHIBIT O). |
| 121 | Dr. Eugene Minard | Psychiatrist Testifies in opposition to HB 2397 and submits testimony (EXHIBIT P). |
| 158 | Rep. Lowe | Asks if outpatient treatment always means involuntary application of psychotropic drugs or does it mean some other kind of treatment. |
| 162 | Dr. Minard | Answers that treatment can only be given in two ways: with informed consent or by going through an administrative hearing. |
| 188 | Rep. Lowe | Asks if there is some other kind of treatment that these patients received besides chemicals. |
| 190 | Dr. Minard | Answers yes. |
| 200 | Phil Chadsey | NAMI, Oregon Testifies in opposition to HB 2397. |
| 232 | McCulley | Answers Rep. Lowe's question and says that there is much more involved in treating mental patients than just medication. |
| 252 | Chair Walker | Closes the public hearing on HB 2397 and adjourns the meeting at 10:50 a.m. |

Submitted By,

Reviewed By,

Ann Martin,
Committee Assistant

Marilyn Odell
Counsel

EXHIBIT SUMMARY

A – HB 2399, articles submitted by Rev. Bryant, dated 1999, 4 pgs.

B – HB 2399, States with Extended Commitment Periods Chart, submitted by John McCulley, 5 pgs.

C – HB 2399, written testimony submitted by John McCulley, dated 3/14/01, 1 p.

D – HB 2399, written testimony submitted by Dr. Eugene Minard, dated 3/12/01, 1 p.

E – HB 2399, written testimony submitted by Linda Sisson, Support Coalition Northwest, dated 3/14/01, 2 pgs.

F – HB 2399, written testimony of Mary Botkin, submitted by Chair Walker, 1 p.

G – HB 2399, written testimony submitted by Janine Delaunay, Oregon Disabilities Commission, 3/13/01, 1 p.

H – HB 2399, written testimony and annual report, submitted by Kevin Fitts, Office of Consumer Technical Assistance, dated 3/13/01, 28 pgs.

I – HB 2399, written testimony submitted by Bob Joondeph, 2 pgs.

J – HB 2399, written testimony submitted by Bob Martin, CCHR, 17 pgs.

K – HB 2399, written testimony submitted by Jody Harmon, Support Coalition Northwest, 20 pgs.

L – HB 2397, written testimony submitted by Bob Joondeph, Oregon Advocacy Center, 6 pgs.

M – HB 2397, written testimony submitted by Kevin Fitts, Office of Consumer Technical Assistance, dated 3/13/01, 1 p.

N – HB 2397, written testimony submitted by Barry Kast, Mental Health and Developmental Disabilities Services Division, dated 3/14/01, 1 p.

O – HB 2397, written testimony submitted by John McCulley, Oregon Psychiatric Association, dated 3/14/01, 1 p.

P – HB 2397, written testimony submitted by Dr. Eugene Minard, Psychiatrist, dated 3/14/01, 2 pgs.

Q – HB 2397, written testimony of the Oregon Disabilities Commission, submitted by staff, dated 3/13/01, 1 p.