

# D R A F T

## SUMMARY

Digest: The Act makes changes to the BHRN program. (Flesch Readability Score: 82.3).

Modifies certain requirements for the Behavioral Health Resource Network program to implement and fund Behavioral Health Resource Networks. Allows greater flexibility in how funding is awarded, which services must be provided and how networks are staffed.

## A BILL FOR AN ACT

Relating to Behavioral Health Resource Networks; amending ORS 430.384, 430.387, 430.388, 430.389, 430.390 and 430.392.

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

**SECTION 1.** ORS 430.389 is amended to read:

430.389. (1) The Oregon Health Authority shall administer, in consultation with the Oversight and Accountability Council, a [*grant*] program to implement Behavioral Health Resource Networks and increase statewide access to and awareness of the services described in subsection (2)(e) of this section. A Behavioral Health Resource Network is an entity or collection of entities that individually or jointly provide some or all of the services described in subsection (2)(e) of this section.

(2)(a) The authority shall establish an equitable:

(A) Process for applying for [*grants and*] funding by agencies or organizations, whether government or community based, to establish Behavioral Health Resource Networks for the purposes of immediately screening the acute needs of individuals with substance use, including those who also have a mental illness, and assessing and addressing any ongoing needs through ongoing case management, harm reduction, treatment, housing and linkage to other care and services.

(B) Evaluation process to assess the effectiveness of Behavioral Health Resource

1 Networks that receive [*grants or*] funding.

2 (b) Recipients of [*grants or*] funding must be licensed, certified or credentialed by the  
 3 state, including certification under ORS 743A.168 (9), or meet criteria prescribed by rule by  
 4 the authority under ORS 430.390. A recipient of [*a grant or*] funding under this subsection  
 5 may not use the [*grant or*] funding to supplant the recipient's existing funding.

6 (c) The authority shall ensure that residents of each county have access to all of the ser-  
 7 vices described in paragraph (e) of this subsection.

8 (d) Applicants for [*grants and*] funding may apply individually or jointly with other net-  
 9 work participants to provide services in one or more counties.

10 (e) A network must have the capacity to provide, **directly or through referral to enti-**  
 11 **ties outside the network**, the following services and any other services specified by the  
 12 authority by rule, but no individual participant in a network is required to provide all of the  
 13 services:

14 [*(A) Screening by certified addiction peer support or wellness specialists or other quali-*  
 15 *fied persons designated by the authority to determine a client's need for immediate medical*  
 16 *or other treatment to determine what acute care is needed and where it can be best provided,*  
 17 *identify other needs and link the client to other appropriate local or statewide services, in-*  
 18 *cluding treatment for substance use and coexisting health problems, housing, employment,*  
 19 *training and child care. A network shall provide a screening within 48 hours of initial client*  
 20 *contact. Notwithstanding paragraph (c) of this subsection, only one grantee in each network*  
 21 *within each county is required to provide the screenings described in this subparagraph.]*

22 [*(B) Comprehensive behavioral health needs assessment, including a substance use*  
 23 *screening by a certified alcohol and drug counselor or other credentialed addiction treatment*  
 24 *professional. The assessment shall prioritize the self-identified needs of a client.]*

25 [*(C) Individual intervention planning, case management and connection to services. If,*  
 26 *after the completion of a screening, a client indicates a desire to address some or all of the*  
 27 *identified needs, a case manager shall work with the client to design an individual interven-*  
 28 *tion plan. The plan must address the client's need for substance use treatment, coexisting*  
 29 *health problems, housing, employment and training, child care and other services.]*

30 [(D)] (A) Ongoing peer counseling and support from screening and assessment through  
 31 implementation of individual intervention plans as well as peer outreach workers to engage

1 directly with marginalized community members who could potentially benefit from the net-  
2 work's services.

3 [(E)] (B) Assessment of the need for, and provision of, mobile or virtual outreach services  
4 to:

5 (i) Reach clients who are unable to access the network; and

6 (ii) Increase public awareness of network services.

7 [(F)] (C) Harm reduction services and information and education about harm reduction  
8 services.

9 [(G)] (D) Low-barrier substance use treatment.

10 [(H)] (E) Transitional [*and*] **or** supportive housing **and housing support services** for  
11 individuals with substance use.

12 (f) If an applicant for [*a grant or*] funding under this subsection is unable to provide all  
13 of the services described in paragraph (e) of this subsection, the applicant may identify how  
14 the applicant intends to partner with other entities to provide the services, and the authority  
15 may facilitate collaboration among applicants.

16 (g) All services provided through the networks must be evidence-informed, trauma-  
17 informed, culturally specific, linguistically responsive, person-centered and nonjudgmental.  
18 The goal shall be to address effectively the client's substance use and any other social deter-  
19 minants of health.

20 (h) The networks must be adequately staffed to address the needs of people with sub-  
21 stance use within their regions as prescribed by the authority by rule[, *including, at a mini-*  
22 *imum, at least one person*]. **To the extent practicable, a network shall prioritize staffing**  
23 in each of the following categories:

24 (A) Alcohol and drug counselor certified by the authority or other credentialed addiction  
25 treatment professional;

26 (B) Case manager;

27 (C) Addiction peer support specialist certified by the authority;

28 (D) Addiction peer wellness specialist certified by the authority;

29 (E) Recovery mentor, certified by the Mental Health and Addiction Certification Board of  
30 Oregon or its successor organization; and

31 (F) Youth support specialist certified by the authority.

1        *[(i) Verification of a screening by a certified addiction peer support specialist, wellness*  
 2        *specialist or other person in accordance with paragraph (e)(A) of this subsection shall*  
 3        *promptly be provided to the client by the entity conducting the screening. If the client exe-*  
 4        *cutes a valid release of information, the entity shall provide verification of the screening to*  
 5        *the authority or a contractor of the authority and the authority or the authority's contractor*  
 6        *shall forward the verification to any entity the client has authorized to receive the verifica-*  
 7        *tion.]*

8        (3) In awarding *[grants and]* funding under this section, the authority shall:

9        (a) Distribute *[grants and]* funding to ensure access to:

10        (A) Historically underserved populations; and

11        (B) Culturally specific and linguistically responsive services.

12        (b) Consider any inventories or surveys of currently available behavioral health services.

13        (c) Consider available regional data related to the substance use treatment needs and the  
 14        access to culturally specific and linguistically responsive services in communities in this  
 15        state.

16        (d) Consider the needs of residents of this state for services, supports and treatment at all  
 17        ages.

18        (4) The authority shall require any government entity that *[applies for a grant to specify*  
 19        *in the application details regarding subgrantees and]* **receives funding to specify** how the  
 20        government entity will fund culturally specific organizations and culturally specific services.  
 21        A government entity receiving *[a grant]* **funding** must make an explicit commitment not to  
 22        supplant or decrease any existing funding used to provide services funded *[by the grant]*  
 23        **under this section.**

24        (5) In determining *[grants and]* funding to be awarded, the authority may consult the  
 25        comprehensive substance use prevention, substance use disorder treatment and recovery sup-  
 26        port services plan established by the Alcohol and Drug Policy Commission under ORS  
 27        430.223 and the advice of any other group, agency, organization or individual that desires to  
 28        provide advice to the authority that is consistent with the terms of this section.

29        (6) Services provided by *[grantees funded]* **funding recipients** under this section, in-  
 30        cluding services provided by a Behavioral Health Resource Network, shall be free of charge  
 31        to the clients receiving the services. *[Grantees]* **Funding recipients** in each network shall

1 seek reimbursement from insurance issuers, the medical assistance program or any other  
 2 third party responsible for the cost of services provided to a client, and [*grants and*] funding  
 3 provided by the authority under this section may be used for copayments, deductibles or  
 4 other out-of-pocket costs incurred by the client for the services.

5 (7) Subsection (6) of this section does not require the medical assistance program to reim-  
 6 burse the cost of services for which another third party is responsible in violation of 42 U.S.C.  
 7 1396a(25).

8 **SECTION 2.** ORS 430.390 is amended to read:

9 430.390. (1)(a) The Oregon Health Authority shall adopt rules that establish:

10 (A) [*A grant*] **An** application process and general criteria and requirements for the Be-  
 11 havioral Health Resource Networks and [*the grants and*] funding required by ORS 430.389,  
 12 including rules requiring recipients of [*grants and*] funding to collect and report information  
 13 necessary for the [*Secretary of State to conduct the financial and performance audits re-*  
 14 *quired by ORS 430.392*] **authority to:**

15 **(i) Review financial and performance metrics to evaluate program outcomes; and**

16 **(ii) Ensure that the funding is used for permissible purposes.**

17 (B) A process to appeal the denial, in full or in part, of [*a grant application*]**an applica-**  
 18 **tion for funding** under ORS 430.389. To the extent practicable, the process shall be  
 19 consistent with the process for protesting the award of a public contract under ORS 279B.400  
 20 to 279B.425.

21 (b) When adopting or amending rules under this subsection, the authority shall convene  
 22 an advisory committee in accordance with ORS 183.333 in which members of the Oversight  
 23 and Accountability Council compose a majority of the membership.

24 (2) The authority shall administer and provide all necessary support to ensure the imple-  
 25 mentation of ORS 430.383 to 430.390 and 430.394, and that recipients of [*grants or*] funding  
 26 comply with all applicable rules regulating the provision of behavioral health services.

27 (3)(a) The authority, in consultation with the council, may enter into interagency agree-  
 28 ments to ensure proper distribution of funds [*for the grants required by*] **under** ORS 430.389.

29 (b) The authority shall encourage and take all reasonable measures to ensure that  
 30 [*grant*]**funding** recipients cooperate, coordinate and act jointly with one another to offer the  
 31 services described in ORS 430.389.

(c) The authority shall post to the authority's website, at the time [*a grant or*] funding is awarded:

(A) The name of the recipient of the [*grant or*] funding;

(B) The names of any [*subgrantees or subcontractors of the recipient of the grant or*]**subrecipients of the** funding; and

(C) The amount of [*the grant or*] funding awarded.

(4) The authority shall provide requested technical, logistical and other support to the council to assist the council with the council's duties and obligations.

(5) The Department of Justice shall provide legal services to the council if requested by the authority to assist the council in carrying out the council's duties and obligations.

**SECTION 3.** ORS 430.384 is amended to read:

430.384. (1) The Drug Treatment and Recovery Services Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Drug Treatment and Recovery Services Fund shall be credited to the fund.

(2) The Drug Treatment and Recovery Services Fund shall consist of:

(a) Moneys appropriated or otherwise transferred to the fund by the Legislative Assembly;

(b) Moneys allocated from the Oregon Marijuana Account, pursuant to ORS 475C.726 (3) (b); and

(c) All other moneys deposited into the fund from any source.

(3) Moneys in the fund shall be continuously appropriated to the Oregon Health Authority for the purposes set forth in ORS 430.389.

(4)(a) Pursuant to subsection (2)(a) of this section, the Legislative Assembly shall appropriate or transfer to the fund an amount sufficient to fully fund the [*grants program required by*] **Behavioral Health Resource Network program under** ORS 430.389.

(b) The total amount deposited and transferred into the fund shall not be less than \$57 million for the first year ORS 430.383 to 430.390 and 430.394 are in effect.

(c) In each subsequent year, the minimum transfer amount set forth in paragraph (b) of this subsection shall be increased by not less than the sum of:

(A) \$57 million multiplied by the percentage, if any, by which the monthly averaged U.S. City Average Consumer Price Index for the 12 consecutive months ending August 31 of the

prior calendar year exceeds the monthly index for the fourth quarter of the calendar year 2020; and

(B) The annual increase, if any, in moneys distributed pursuant to ORS 475C.726 (3)(b).

**SECTION 4.** ORS 430.387 is amended to read:

430.387. The Oregon Health Authority shall cause the moneys in the Drug Treatment and Recovery Services Fund to be distributed as follows:

(1) An amount necessary for the administration of ORS 430.388 to 430.390.

(2) After the distribution set forth in subsection (1) of this section, the remaining moneys in the fund shall be distributed to the [*grants program as set forth in*] **Behavioral Health Resource Network program under** ORS 430.389.

**SECTION 5.** ORS 430.388 is amended to read:

430.388. (1) The Oversight and Accountability Council is established for the purpose of advising the Oregon Health Authority on the [*grant program described in*] **Behavioral Health Resource Network program under** ORS 430.389, including but not limited to advising the authority on:

(a) Funding priorities;

(b) Funding distribution; and

(c) An educational campaign to increase awareness of services.

(2) The members of the council shall be qualified individuals with experience in substance use treatment and other addiction services and consist of:

(a) At least one member from each of the following categories appointed by the Director of the Oregon Health Authority:

(A) Three members of communities that have been disproportionately impacted by criminal justice involvement related to drug use;

(B) A physician specializing in addiction medicine;

(C) A licensed clinical social worker;

(D) An evidence-based substance use treatment provider;

(E) A harm reduction services provider;

(F) A person specializing in housing services for people with substance use or a diagnosed co-occurring substance use disorder and mental health condition;

(G) An academic researcher specializing in drug use or drug policy;

- 1 (H) At least two people who suffered or suffer from substance use;
- 2 (I) At least two recovery peers;
- 3 (J) A mental or behavioral health care provider;
- 4 (K) A representative of a coordinated care organization;
- 5 (L) A person who works for a nonprofit organization that advocates for persons who ex-  
6 perience or have experienced substance use;
- 7 (M) A representative of community mental health programs; and
- 8 (N) A representative of the Association of Oregon Counties;
- 9 (b) The Director of the Alcohol and Drug Policy Commission or the director's designee;
- 10 (c) The Director of Human Services or the director's designee;
- 11 (d) The executive director of the Oregon Criminal Justice Commission or the executive  
12 director's designee; and
- 13 (e) A member nominated by the Commission on Indian Services to represent the nine  
14 federally recognized tribes in Oregon.
- 15 (3) The Director of the Oregon Health Authority shall appoint an executive director who  
16 shall report to and be responsible for the duties assigned by the director of the division  
17 within the authority that is responsible for behavioral health in consultation with the coun-  
18 cil.
- 19 (4) The members of the council shall select a chair or cochair. A quorum consists of a  
20 majority of the members of the council.
- 21 (5) The term of office for a member of the council is four years. Members are eligible for  
22 reappointment. If there is a vacancy for any cause, the director shall make an appointment  
23 to become immediately available for the unexpired term plus two years, but not more than a  
24 total of four years.
- 25 (6)(a) To the extent permissible by law, a member of the council performing services for  
26 the council may receive compensation from the member's employer for time spent perform-  
27 ing services as a council member.
- 28 (b) If a member of the council is not compensated by the member's employer as set forth  
29 in paragraph (a) of this subsection, that member shall be entitled to compensation and ex-  
30 penses as provided in ORS 292.495.
- 31 (7) Members of the council are subject to and must comply with the provisions of ORS

1 chapter 244, including ORS 244.045 (4), 244.047, 244.120 and 244.130.

2 **SECTION 6.** ORS 430.392 is amended to read:

3 430.392. (1) The Division of Audits of the office of the Secretary of State shall conduct  
4 performance audits and financial reviews as provided in this section, regarding the uses of  
5 the Drug Treatment and Recovery Services Fund and the effectiveness of the fund in achiev-  
6 ing the purposes of the fund and the policy objectives of ORS 430.383. Recipients of [*grants*  
7 *or*] funds under ORS 430.389 shall keep accurate books, records and accounts that are sub-  
8 ject to inspection and audit by the division.

9 (2) The division shall monitor and report on the progress in implementing any recom-  
10 mendations made in the audit or financial review. The division shall follow up on recom-  
11 mendations as part of recurring audit work or as an activity separate from other audit  
12 activity. When following up on recommendations, the division may request from the appro-  
13 priate agency evidence of implementation.

14 (3) The audits set forth in this section shall be conducted pursuant to the provisions of  
15 ORS chapter 297, except to the extent any provision of ORS chapter 297 conflicts with any  
16 provision of ORS 430.383 to 430.390 and 430.394, in which case the provisions of ORS  
17 430.383 to 430.390 and 430.394 shall control.

18 (4) The division shall conduct periodic performance audits and financial reviews pur-  
19 suant to the division's annual audit plan and taking into consideration the risks of the pro-  
20 gram.

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