



OREGON JUDICIAL DEPARTMENT
Office of the State Court Administrator

[Commitment to Change Workgroup Final Report](#) – Errata and Concerns

Dec. 31, 2024

Errata

Page 11: Under Workgroup Representation, Melissa Thompson’s affiliation should have been listed as Coordinating Care Organizations.

Page 106: Incorrectly reports responses of the National Alliance for Mental Illness, Oregon Chapter (NAMI) and Coordinated Care Organizations (CCO) on Idea 13 (113 in Recommendations Survey). NAMI voted no. CCO voted yes.

Concerns

After publication of the Commitment to Change (CTC) Workgroup Final Report, two workgroup members reported their concerns that the wording of Recommendations 41 and 42 do not capture the “core concept” of the ideas that they supported as the workgroup members representing the Oregon Tribes and the families of individuals with lived experience.

Recommendation 41: Amend statute to require Oregon Health Authority (OHA) and Oregon Judicial Department (OJD) to consult with the mental health authority of the Tribe of a member who is subject to civil commitment proceedings, upon consent of the person if legally required, to ensure compliance with relevant laws and coordination of resources. (Revisions, 76)

Recommendation 42: Amend rules to require a designated state agency or community mental health program (CMHP) director to consult with the mental health authority of the Tribe of a Tribal member who is subject to civil commitment proceedings, upon consent of the person if legally required, to ensure compliance with existing rules concerning collaboration and information-sharing with Tribes. (Revisions, 77)

Angie Butler, Tribal Mental Health Program & Policy Analyst, OHA (appointed to represent Oregon’s nine federally recognized Tribes): Ms. Butler reported that she opposes the inclusion of the phrase, “upon consent of the person if legally required” in Recommendations 41 and 42. She requested that Recommendations 41 and 42 be

omitted from the final report or replaced with a recommendation that there needs to be communication with the Tribes moving forward.

Jeri Clark, Mothers of the Mentally Ill (appointed to represent families of individuals with lived experience): Ms. Clark shared the concerns raised by Ms. Butler and also opposes the inclusion of the phrase, “upon consent of the person if legally required,” in Recommendations 41 and 42. She stated that she believes it is inconsistent with the intention of the recommendation, contradicts existing state and federal laws, and adds new barriers instead of encouraging Tribal collaboration. She elaborated that the phrase “upon consent of the person if legally required” increases the likelihood that outreach to the Tribes will not occur due to an unfounded fear that doing so would violate HIPAA. Ms. Clark indicated that her organization would support versions of those recommendations that ensure notice to Tribes, information-sharing, and collaboration when a Tribal member is involved in a civil commitment proceeding, regardless of whether the person has capacity to sign a release of information.

Response to Concerns

Recommendations 41 and 42 are retained in the workgroup’s final report with the following explanation.

The CTC Workgroup’s final recommendations are presented on pages 78-84 of the [report](#), including 51 ideas that were selected for inclusion based on the results of four workgroup member surveys. The workgroup agreed that all ideas presented in the final workgroup survey ([Revisions Survey](#)) would be included in the final report as recommendations with one caveat. If one or more members responded to any idea in the Revisions Survey that they could not recommend any version of that idea, the idea would not be included in the final report as a recommendation. Because all respondents voted in support of one or more versions of Ideas 76 and 77, they were included in the final report as Recommendations 41 and 42.

As noted in the report, workgroup members reached consensus to include 51 ideas in the final report but did not reach consensus on the version or wording of 41 of those ideas. For those 41 ideas, workgroup members agreed to present the “core concept” of each idea as the recommendation. The “core concepts” wording was developed using the following process as approved by the workgroup.

At its final meeting in September 2024, the workgroup reviewed member responses to ideas in the Revisions Survey that had consensus for inclusion as recommendations but lacked consensus on a specific version of the idea to capture its “core concept.” During that meeting, the workgroup reached consensus on “core concept” wording for a few of those recommendations and delegated to workgroup staff the task to prepare the “core concept” wording for the rest. Workgroup staff was instructed to capture the common elements among the different versions of the idea that had member support. For some ideas, identifying the core concept was challenging because some members selected versions that were inclusive or exclusive of a particular element.

The ideas in Recommendations 41 and 42 illustrate that challenge. Both of those ideas recommended an increase in information-sharing between the state or local governments and the Oregon Tribes in civil commitment proceedings that involve Tribal members. In the Revisions Survey, all workgroup members supported at least one version of those ideas. However, some workgroup members indicated that they would recommend only the versions that included a requirement for consent by the Tribal member, and others indicated that they would recommend only the versions that did not require consent of the Tribal member. Workgroup members were divided in part because of disagreement on whether state and federal law requires consent of the Tribal member before sharing information about that individual with the Tribe. The final report provides a link to the Revisions Survey results, available on the [CTC Workgroup website](#), showing which versions of each idea that members endorsed.

To resolve the matter, workgroup staff included the phrase, “upon consent of the person if legally required,” on the premise that all workgroup members support legal compliance and the caveat that the recommendation does not call for consent unless it is legally required. Implicitly, the recommendation requires policymakers to assess whether consent is legally required before amending statutes or rules on the targeted information-sharing.

All workgroup members and interested persons are encouraged to provide input to policymakers as they review the CTC Workgroup recommendations and consider possible actions.