

**Report on issues discussed at the weekly
Management Update meeting on April 28, 2014**

Commissioners present: Commissioners Sam Brentano and Janet Carlson.

Others present: John Lattimer, Gloria Roy, Jolene Kelley, Sara McDonald, Alan Haley, Jeff Bickford, Warren Jackson, Sheriff Jason Myers, District Attorney Walt Beglau, Rod Calkins, Ann-Marie Bandfield and Lynne Coburn as recorder.

Guests: James Loftus; Oregon Refuse and Recycling Association Executive Director Kristan Mitchell; and Mid-Valley Garbage and Recycling General Manager Todd Irvine.

INFORMATIONAL

370 Project Review

Health Department Administrator Rod Calkins discussed past and current 370 project issues and explained that there has been a significant increase in the Oregon State Hospital's forensic population due to the Unable to Aid and Assist Project. 370 Program Supervisor Ann-Marie Bandfield reviewed the history of the 370 Aid & Assist Project (Attachment A) and that Marion County has developed a Community Restoration Program to assist these individuals with obtaining benefits and services in the community.

Commissioner Carlson requested specifics on the 365 and 370 project evaluators and evaluation process noting that the standards for evaluators were not passed until 2011. Ms. Bandfield explained that a defense attorney must request a 365 evaluation and that the evaluation is paid for by the Defense Bar. She said the 365 evaluation can be administered in either the community or Oregon State Hospital (OSH) by a forensic evaluator certified by the Oregon Health Authority (OHA) and that the OHA maintains the list of certified evaluators. Ms. Bandfield said the evaluator determines whether the individual is "able" or "not able" to stand trial and once completed, the evaluation is presented to a judge who makes a finding. She said if an individual is determined "not able" to stand trial, the individual can be referred to the Marion County Community Restoration Program. Mr. Calkins added that the Community Restoration Program is restoring the individual to competency in order to stand trial.

Commissioner Carlson requested specifics on the restoration process. Ms. Bandfield said if an individual does not participate in the county's restoration program then there is a 370 order and the individual is sent to OSH to go through the same restoration process, but in a secure setting. In that 370 order, an individual must have a forensic evaluation at 60 days and that evaluation is administered by a forensic evaluator employed by OSH. She said the OSH evaluator determines if the individual is "restored to fitness", "not restored to fitness, but could be restored with more treatment",

or "never able to stand trial". Ms. Bandfield said that individuals determined "not able" to stand trial will continue to receive treatment in a restoration program and then receive another evaluation in 30 days. These individuals may be kept the length of their sentence or a maximum of three years. If an individual is found "never" able to stand trial, they go back in front of the judge where the charges are dropped and then they are released. She added that once released they are offered services, but participation is voluntary and 50 percent refuse services. Commissioner Carlson confirmed that an individual found to be "restored" is treated the same as an accused with no previous diagnosis of mental illness and asked how many individuals have participated in the county's restoration program, the success rate, and the recidivism rate. Ms. Bandfield said that two years ago the county served five individuals; last year the county served seven individuals; and this year the county has just taken on its seventh individual. The success rate is 85 percent. She added that individuals determined "able" to stand trial, go through the criminal justice system and time spent in a restoration program counts towards their sentence. Ms. Bandfield added that 30 percent of the individuals sent to OSH for the 370 evaluation come back as either malingering or alcohol and drug only and the county assists those individuals in getting other treatment. Mr. Calkins said that of all the Oregon counties, Marion County has the second highest number of individuals with 370 orders and approximately 20 percent of those are charged with crimes committed in state institutions.

Commissioner Carlson requested specifics on 370 project issues that affect both the state and county. Mr. Calkins explained that OSH's forensic population increase is due to the "aid and assist" program and that if the current growth continues they will need to open another ward which would be tremendously expensive.

Mr. Calkins said he was surprised when at the last legislative session OSH Superintendant Greg Roberts announced that he had come up with a pilot project involving Marion County. Sheriff Jason Myers concurred and said the announcement was also a surprise to him. He said the concept around the program is to have OSH's evaluators administer evaluations in Marion County and then provide reports to defense attorneys, prosecutors, and judges. He explained that even though OSH is turning out good incomes the data would need to be analyzed and that it would have to be a collaborative process. He added that he does not want a new pilot program where individuals languish in the jail and then are released without receiving services. He said this puts both the individual and public at risk.

Mr. Calkins said that it is important to know that a judge can sign a 370 order and send an individual to OSH under the "unable to aid and assist" without a community evaluation. Ms. Bandfield said last year only 40 percent of the people who went to the state hospital had a community evaluation before going. Commissioner Carlson confirmed that state statute does not require the evaluation and asked if the county is working with

circuit court judges. District Attorney Walt Beglau said that Public Defender of Marion County Executive Director Tom Sermak, Judge Donald Abar, OSH, Health Department, Sheriff's Office, and District Attorney's Office are all members of the work group and their first meeting is on Friday, May 2, at 11 a.m. He said the work group will look at data, determine responsibilities, and identify resources to improve monitoring for these individuals. He noted that there is no pilot in place now.

There was discussion about the previous pilot programs that were used to determine the county's capacity and slow population growth at OSH and Mr. Calkins said that he is worried about rumors from Addiction and Mental Health that they are considering a legislative concept to have OSH only take non misdemeanants. He said the misdemeanants would be the responsibility of the community. Sheriff Myers said that the county can do a better job of analyzing this population and added that there are individuals who commit a misdemeanor crime that are in need of this service. He added that a bill of this nature would put these individuals and community at risk. Mr. Beglau said that one of the messages that the county has tried to get out is to individualize assessments which is what the county's mental health court is modeled around. Commissioner Carlson asked if certain judges hear these types of crimes more than other judges. Mr. Beglau explained that most cases come before the Marion County Circuit Court Annex and that Judge Abar and Judge Bennett are the county's two key points. Commissioner Carlson noted that last year the community evaluation was only performed 40 percent of the time before an individual was sent to OSH on a 370 evaluation and asked if that number is coming out of the annex court. Ms. Bandfield said that Judge Abar and Judge Bennett are well informed around mental health issues and that during a meeting with the two public defender groups Judge Abar told the groups he would be asking for the 365 if they would like him to sign a 370 order. She said that was very helpful, but the Health Department started to see 370s signed by other judges. She said it is speculated that some defense attorneys were taking their cases in other directions to avoid the 365. Commissioner Carlson asked if OSH would require that the county use their evaluators and if it would be a statewide model. Sheriff Myers said that he believes OSH is looking at the five major counties and is starting with Marion County because it is close. He noted that Marion County is also sending the most people to OSH. Mr. Calkins said that if the OSH evaluators could come to Marion County and help calibrate the county's system and show what a quality forensic evaluation should be, then that would become the gold standard the county would be looking at in terms of future evaluations. He said OSH is growing by leaps and bounds and there is pressure to keep that population low and the fact that the county is going to have OSH perform the initial evaluation causes him concern. Ms. Bandfield added that OSH evaluators are not keyed into what services are available in the communities which is part of the evaluation process and that OSH is used to a paternal system which makes the idea of a

pilot program more difficult because the county wants to make sure that it is using its services to the maximum benefit.

There was discussion about the use of prescribed medicine being voluntary and County Counsel Gloria Roy said that for anyone who has a mental health issue there are state and federal level statutory protections that their civil rights are maintained to the maximum extent. Mr. Calkins added that under the 370 project forced medication is not allowed.

Commissioner Carlson asked if Marion County is having the discussion with OSH Superintendent Greg Roberts around this new pilot program. Sheriff Myers said that OSH reached out to Marion County first because of the proximity and all the things the county is doing in the community. He said that OSH wanted to try and work it at this level to see if Marion County could come up with something and then move out to different counties. Commissioner Carlson asked if the Health Department is having discussions with the Association of Oregon Communities Mental Health Programs (AOCMHP). Mr. Calkins said that the current study is just Marion County and OSH. Commissioner Carlson said the county might want to have a discussion at the state level about this issue and suggested the November AOC Annual Conference might be an appropriate forum. She said that by November the Health Department will be further along in the conservation and then it could be a joint public safety and health care discussion. Mr. Beglau said that at the last meeting, Senate Judiciary Committee Legal Counsel Bill Taylor signaled that there could possibly be some informational hearings in May regarding the 370 population. Sheriff Myers invited Commissioner Carlson to attend the May 2 work group. Commissioner Carlson agreed and said that if there is going to be legislation, the board may be asked to weigh in on it.

Commissioner Brentano asked how Marion County is impacted by other areas in the state. Ms. Bandfield explained that when the county is referred a 370, particularly out of the prison, the county challenges whether or not OSH is the best place for that individual. She said the county sent the prison information on how to do restoration within the prison and for the last couple of 370s the county has been successful in saying to the prison that it needs to do this and that has been helpful. She said the county is challenging whether or not they should be the county's responsibility.

Commissioner Brentano asked what specifically the Health Department would like the commissioners to do. Mr. Calkins said that this current 370 project has much bigger stakes than the previous case manager funding issue and that it has the potential for getting into legislative issues whether it gets proposed from OHA or somewhere else. Sheriff Myers said that based on a conversation he had with Bill Taylor, he has no doubt that they will be having discussions around this issue during the legislative session and he hopes the work group can come up with a better idea. Mr. Beglau said that anytime policy discussions are driven by the population of state institutions he takes note because OSH is pressed for space and this is driven by volume and they are being pressured by state. Commissioner Brentano agreed.

Mr. Beglau explained that the county wants to do right by individuals impacted by mental health, but the county has to have capacity and resources to treat them and that is why the county should be "leaning in" on this issue. Commissioner Carlson noted that she was not informed about these issues before attending a state meeting where the issue was discussed. She asked that staff inform the board as soon as issues arise. Chief Administrative Officer John Lattimer asked if the Defense Bar is involved. Sheriff Myers said the Defense Bar will be involved. Ms. Bandfield said that in order to be successful it has to be a larger work group with all the players at the table. She said the county not only has to honor the mental health rights, but the criminal justice rights as well. Commissioner Carlson thanked attendees and said the information would be helpful.

Solid Waste Order and Ordinance Amendment

Legal Counsel Gloria Roy presented the draft medical waste ordinance and said it is coming out of the emergency meeting held last week. She said the draft order is a list of tasks to be completed, some of which have already been undertaken. She referred to task one and said that Environmental Services Manager Jeff Bickford and Public Works Director Alan Haley have already had discussions with Covanta. Mr. Bickford said that since the emergency meeting no medical waste had been accepted and no medical waste will be accepted until the board provides an okay. He explained that Environmental Services plan is to receive certifications from both the infectious medial waste haulers and generators certifying that the waste "does not contain any fetal tissue". Commissioner Brentano said the county only needs certifications from the haulers and that the haulers will have to have their own in-house process to get certificates from their infectious waste generators. There was discussion about infectious waste generators that could potentially have fetal tissue in their waste, such as hospitals and medical clinics and those that would not such as dental clinics and veterinary clinics. Commissioner Carlson confirmed that Mid-Valley Garbage and Recycling has a list of all the infectious waste generators they serve. Mid-Valley Garbage and Recycling General Manager Todd Irvine said that any infectious waste generator with the remote chance of having fetal tissue would be subject to the approval process.

There was discussion about the process that would be used to have out-of-county haulers comply with the certification process and Commissioner Carlson confirmed that the county is no longer taking material from British Columbia. Mr. Bickford said that Stericycle, Inc. Canada has stated that they would certify and segregate that material and send it to their own medical waste facility in Utah. Commissioner Carlson asked if that was an admission that Stericycle, Inc. has been sending the material to Marion County. Mr. Bickford answered no. Commissioner Brentano said that Stericycle, Inc. has stated that they were not sending it, but the Health Ministry stated they were. There was discussion about Stericycle, Inc.

acquiring other companies, subcontracting their medical waste collection, and where their other medical waste disposal facilities and located. There was also discussion about the autoclave sterilization process. Commissioner Brentano explained that during his time in the solid waste disposal industry he did not want to accept any autoclaved medical waste. Oregon Refuse and Recycling Association Executive Director Kristan Mitchell explained that needles can go in segregated portions in the landfill and have to be in their sharp boxes and that pathological waste can be incinerated or treated by sterilization and landfilled. She said if an incinerator is not available then alternative methods of disposal approved by the Department of Health are allowed, but noted that she is not aware of any alternatives at this time. Commissioner Carlson said that Oregon Right to Life Executive Director Gayle Atteberry had told her that miscarried babies at Providence Hospital are placed in coffins for burial. She said that is an option if a person does not consider it waste and considers it a person. She said she believes there are other options as well. Ms. Mitchell said that she has never heard of that occurring and is not familiar with the rule and laws regarding burial. Mr. Irvine explained that a mortuary has a certification process and Commissioner Carlson said she and Mr. Haley spoke last week and agreed it is not a solid waste issue and it is not Marion County's problem to be solving. Commissioner Brentano said that it needs to be excluded from the waste stream and the medical waste generators are going to have to make other provisions like burial or cremation. He said that his goal is to get it out of the waste stream in Marion County.

Commissioner Brentano suggested that Marion County require certification, have the ability to inspect, and impose a penalty upon finding banned material. He said the infectious waste haulers would certify that they are not bringing in the banned material and then a manifest system would determine which boxes should be inspected. If banned material is found, then service to that generator would stop. There was discussion about the inspection process being contracted out and that all four categories of infectious medical waste can be combined into one box for shipment. Mr. Roy said that it could be required that medical waste generators package pathologic waste separately and if the county knows it is coming from a veterinary office then it would not necessarily be inspected.

Mr. Roy said she also prepared draft certifications of infectious waste for the hauler and generator and noted the difficulties of the county obtaining certification from hundreds of generators as opposed to each time a hauler or brings a truckload. Mr. Irvine and Ms. Mitchell asked if it would be for every load and there was discussion on certification being an annual process. Ms. Roy said if the county at least maintains the right to inspect then the county can work on the process. Commissioner Carlson noted that in the draft ordinance it needs to state "human" fetal tissue as defined by Marion County ordinance. Ms. Roy agreed and said that Legal would work on the certification process. Commissioner Carlson referred to the draft Certification

of Infectious Waste Hauler and suggested the sentence read, "Marion County will reject this shipment and any future shipments of infectious waste."

Ms. Roy reviewed tasks two, three, and four of the draft medical waste ordinance noting that task four provides a 30-day notice of cancellation of the contract with Stericycle, Inc. Canada. She also clarified that the county has the right with or without cause to terminate the contract in 30 days. Ms. Roy reviewed task five noting that it amends the contracts to comply with the new provisions to ban human fetal tissue. Commissioner Carlson verified that an individual that appeared on Channel 6 (KOIN) was not a temporary Covanta employee, but a Stericycle, Inc. employee. Ms. Roy said that Stericycle, Inc. Canada has stated that they will certify their loads and that Covanta has 30 days to either accept the loads certified or would be breaching the contract. She said the board can talk about that in an Executive Session. Mr. Haley noted that Stericycle, Inc. is one third of the out-of-county waste. Commissioner Brentano asked for the current tonnage requirement with Covanta and how much waste is generated in county. Commissioner Carlson said the requirement is 700 tons per year. Mr. Bickford said approximately 700 tons, but noted that in the 2013 calendar year the county received 1300 tons at the cap. There was discussion about limiting service to Marion County and amending the contract with Covanta to reduce the 700 tonnage guarantee. Mr. Bickford said he spoke with Chris Baker of Covanta last week and Covanta is open to reducing that amount. Commissioner Carlson suggested the county accept the lowest number Covanta is willing to take because if the county exceeds that number it will not be a problem. Commissioner Brentano asked how limiting it to just Marion County would affect the rest of the state. Ms. Mitchell said it takes away the only option in state.

Ms. Roy explained that Marion County has more control over international waste than interstate waste because of the United States Constitution Commerce Clause and trade treaties and that Marion County is unusual because it has flow control. Commissioner Brentano said that the county cannot afford threatening that flow control because that is the basic means of getting the supply into the facility. Ms. Roy agreed and explained that the county stating it is not going to have a contract with a hauler on the basis that they are an out-of-state hauler would run a foul of the commerce clause. Commissioner Carlson confirmed with Ms. Roy that the county can put parameters around the content, ability to inspect, and requirement for certification.

Commissioner Brentano asked what needs to be done with the 30 days worth of medical waste that is currently on the road or trucks. Commissioner Carlson said the county has stated immediate compliance. Ms. Roy agreed and said Stericycle, Inc. would have to certify and then the county either take it for 30 days with the certification or breach the contract for 30 days. Ms. Roy said the consequences could be discussed at another time if the board wishes. She said the county gets the 30 day notice and the county

could always reach another agreement within the 30 days, but Legal will start the process of giving the notice.

Ms. Roy referred to the draft ordinance and said that Legal is working on task six. Commissioner Carlson confirmed that the board would review the updated contracts. Ms. Roy said that task seven is to negotiate the present and future Covanta contracts to incorporate the code changes that prohibit human fetal tissue and reduces the minimum guaranteed tonnage for the boxed medical waste. Mr. Bickford recommended 300 tons. Commissioner Carlson agreed and said the county should put the floor as low as possible. Ms. Roy agreed.

Ms. Roy referred to the draft ordinance amending Marion County Code and explained that the definition of human fetal tissue comes out of United States Code and that the exceptions came out of the Research Act on human fetal tissue. She said it excludes human fetal tissue from infectious waste and makes it unlawful for any person to include that in the waste stream. Mr. Haley suggested "agency, and/or company" rather than "person" under section 2(C). Ms. Roy said that it might be a defining term in the ordinance and that she would check. She said the ordinance also requires certification that the infectious waste does not include human fetal tissue and that failure to certify is a basis for rejection of the current shipment and any other shipments and that Marion County reserves the right to inspect any shipment. Commissioner Brentano asked about penalties. Ms. Roy said the penalties will be in the medical waste hauler contracts unless the commissioner is looking for a penalty for a generator. There was discussion about who would get the penalty and the consensus was that it should be the medical waste generator. Ms. Roy said that Legal is looking at liquidated damages so that it would go to the circuit court.

There was discussion about marking boxes as to identify which generator it came from and Mr. Irvine said they would have to change their process. Mr. Lattimer said there are 15 medical waste haulers and those haulers would get certification from their medical waste generators. Commissioner Carlson asked if the county is requiring the hauler to verify that the medical waste generators are certified. Ms. Mitchell said the haulers can explain the rules, provide the information, and request certification, but then it falls to enforcement.

There was discussion about pulling random samples for inspection and where the inspections might take place. Ms. Mitchell said the county would have to have a conversation with Oregon Occupational Safety and Health Administration (OSHA) and others about the inspection process. There was discussion about determining and covering the costs. Commissioner Carlson said the county needs to start looking into what company would perform the inspection so that the cost and inspection process can be determined and budgeted.

Ms. Roy said that the ordinance amending county code will be on Wednesday's board session and that Legal would do more exploration on the

penalty piece that it can always be added at a later date. Commissioner Carlson asked if the county can legally impose penalties in the contract without putting them in the ordinance. Ms. Roy explained that it would be liquidated damages. Mr. Lattimer said the biggest penalty would be that Marion County would not allow that medical waste generator to bring anymore waste. Ms. Roy agreed and said it could be a generator that gets banned, but Legal needs to explore that issue more. Commissioner Carlson noted that a hauler would ban a particular clinic. Ms. Roy agreed. Commissioner Brentano said this could cause difficulties where service is franchised. Ms. Mitchell said all of this makes it difficult on the collectors. Commissioner Carlson said that the county will work to find a solution.

There was discussion about the medical waste currently being held by the haulers and Commissioner Carlson said certification needs to be presented at Covanta's gate starting with what is on the trucks right now. Ms. Roy clarified that the county is just collecting certification from the haulers. Commissioner Carlson agreed and said the haulers need to certify from their generators. Mr. Haley requested a list of all the medical waste generators. Mr. Irvine agreed to provide a list for his company. Commissioner Brentano expressed concern about the short time frame for haulers to collect certifications. Commissioner Carlson said that everyone needs to be working on this issue and clarified that during this emergency situation it would not be possible to conduct inspections. Ms. Mitchell asked if the certifications would be based on the language the county gives them. Mr. Lattimer said yes. Mr. Irvine also expressed concern with the short time frame. Commissioner Carlson said that she understands that there are difficulties in this emergency situation, but that she is not going to agree to accept medical waste without certification. Mr. Haley said that he does not see the voluntary certification process as being a problem and that he would get the list from Mr. Irvine and find out how much medical waste has been collected. Commissioner Brentano asked if Mr. Haley would be doing the same for the non county suppliers. Mr. Bickford said that he has spoken with eight of the out-of-county suppliers and left messages for the others. He said the eight that he has spoken with have stated that the certification would not be a problem and many of them do not deal with the banned medical waste. Commissioner Carlson said she believes that most of these haulers are going to be willing to cooperate. Mr. Lattimer confirmed that the county is going to get the voluntary certifications right away. Mr. Bickford asked if the board is okay with the haulers doing the certifications prior to having a revised contract. Mr. Lattimer and Commissioner Carlson said yes.

Commissioner Carlson explained that the immediate phase is the certification for the medical waste already collected. Next is the intermediate phase which is the 30 days notice period where haulers and generators are doing things on a voluntary basis and then at 30 days the new process that the board approves will kick in permanently. Ms. Roy said the county will provide the haulers with a certification of infectious waste generator

template. Commissioner Carlson said if there is an insurmountable problem the group should contact the board and the board will strategize.

Commissioner Brentano confirmed that the county will be using the waste hauler form and remove "A copy of each generator certificate associated with this shipment is attached to this certification." He also asked that the definition of fetal tissue is clear.

Commissioner Brentano asked if there are any personal penalties based on who signed the certificate so that people think twice before signing. Commissioner Carlson said possibly in the long term. Commissioner Brentano asked what the county will do with the medical waste that cannot be certified because the generator cannot be identified. Mr. Haley said if that is one of the problems he runs into he will bring it back to the board. He said if they receive 100 percent compliance the county will be set to go forward with the intermediate phase.

OTHER

Gloria Roy said the moratorium on medical marijuana dispensaries is on Wednesday's board session and it grandfathers in the one permit that the county already issued, but prohibits any new applications or permits. She noted that the moratorium is through May 1, 2015, and that it would have to be sent to the Oregon Health Authority.

COMMISSIONERS' UPDATE

Commissioner Brentano discussed a noise ordinance complaint. He explained that the Phoenix RV Park on Lancaster drive is a conditional use in a commercial zone and that the county is not enforcing the same way in a commercial zone as in a residential zone. He said he believes there is some decibel level that is not reasonable between 10 p.m. and 8 a.m. and there should be something the county can do about it. Commissioner Carlson said that is one of the problems with putting people in a commercial zone. She asked that Principal Planner Joe Fennimore review the noise ordinance with the board. Commissioner Brentano agreed.

Commissioner Brentano said that he attended a Northwest Senior and Disability Services meeting on Thursday and the group was discussing the possibility that the state would stop their veteran's services program. He said the county needs to find out what is going on and what is expected of the county. He suggested that Community Services to follow up on the issue.

Commissioner Carlson suggested the county contact Oregon Veteran Affairs Director Cameron Smith. Policy and Research Manager Sara McDonald said that she would contact Mr. Smith and get the description of the veterans services officer position and the citation.

Attachments: (A) 370 Aid & Assist Project.

**Marion County Health Department
370 Aid & Assist Project
Management Update April, 28th, 2014**

In 2007 the State Addictions and Mental Health Division (AMH) approached three counties, Marion, Lane and Multnomah) about the growing numbers of individuals in the State Hospital (OSH) due to their inability to aid and assist in their defense of criminal charges. Each County was funded to provide case management and diversion services in an effort to address the growing numbers of persons being sent to OSH for this "restoration" service. We accepted these funds with the understanding that actual front end diversion might be difficult, however case management and "soft landings" might result in a reduction in recidivism.

An individual is referred by court order (a "370") to the hospital for fitness restoration when the Court concludes that someone has a mental illness and is unable to aid and assist in their own defense. The Court is often guided by an assessment (a "365" evaluation) which should determine if someone has a mental illness and if they are able to participate in their defense. An evaluation is not mandatory; the judge may make a fitness determination based on his/her observations or on information provided by the defense. The judge is not mandated to send someone to the hospital if restoration can occur in another, appropriate setting. However, if someone needs treatment and is a potential danger to the community the court is certainly likely to refer someone to a locked, secure setting for treatment. Regardless of where someone is treated, each individual must be evaluated by a psychologist at the hospital at specific intervals to determine if they are ready to proceed in their criminal case. Once determined ready to proceed they are returned to jail. In some cases the evaluators determine that the individual will never be capable of aiding and assisting in their defense. A defendant cannot be held in the hospital longer than their potential maximum sentence, if found guilty, and no more than three years regardless of the charge.

Prior to 2008 Marion County was averaging around 18 to 22 individuals at OSH on a 370 order. Case management was put in place in January of 2008 and our census began to decrease; in 2008 it was 14, in 2009 it was 12 and by 2010 the average census was under 10. Unfortunately, in January of 2011 our census began to increase and is now often over 20. It is unclear why this change has occurred, but the unable to aid and assist population at OSH has been growing rapidly across the State. We continue to have a dedicated mental health specialist who facilitates linkage to services when someone is released from the hospital and the jail. We also provide community restoration with some individuals who are very low risk and willing to engage in treatment. In 2013 we provided community restoration to seven individuals out of a total of sixty-two 370 individuals served.

Issues for Aid and Assist Services:

We have the second highest 370 census at OSH. Only 49% of persons sent to OSH from the Marion County jail in calendar year 2013 had received a 365 evaluation prior to their OSH placement. Of those referred to the hospital nearly 50% were misdemeanants. Additionally, 30% of those referred to the hospital in 2013 were ultimately determined not to have a mental illness. OSH has expressed an interest in new efforts to reduce inappropriate referrals to the hospital. One area of focus is on consistent, well done 365 evaluations to better inform the Court when they are considering a 365 order. In a recent meeting between our 370 Program Supervisor, Ann-Marie Bandfield, Division Director Scott Richards and representatives from the hospital they suggested that using the hospital evaluators for the initial, 365 evaluations might help with the goal of reducing inappropriate admissions the hospital. That proposal would require acceptance by the Court and the defense attorneys as a 365 evaluation is currently not required. Lastly, the hospital has also vocalized a desire to stop all misdemeanants from being referred to OSH for fitness restoration. Discussions are continuing about the impact of using hospital evaluators and the diversion of misdemeanants who are in need of restoration services.

