

Testimony
Senate Bill No. 2272
Senate Human Services Committee
Senator Judy Lee, Chairman
February 08, 2023

Chairman Lee and members of the Senate Human Services Committee, I am Eduardo P Yabut MD, Interim Superintendent and Medical Director at the State Hospital and with the Department of Health and Human Services (Department). I appear before you in opposition to Senate Bill No. 2272.

This proposed bill that involves the conversion of the State Hospital into only a justice involved facility will have a significant negative impact on the state. Approximately 86% of the clients we currently serve are not justice involved. Other hospitals and care facilities will be forced to admit clients on civil commitment. Acute care hospitals have already indicated that they cannot serve this population on a long term basis. This bill will put the state at risk of civil litigation. As an example, Oregon State was sued by three of Oregon's largest health systems over its failure to provide adequate care for mentally ill patients which they say has forced the hospital systems to house patients in need of psychiatric care for months.

This bill will remove a level of care that is critical for how North Dakota approaches its behavioral healthcare in a unified manner. 3-5 percent of assessments and about 10 percent of crisis interventions result in emergency or involuntary admissions. Often, individuals are treated by the State Hospital as the individual does not meet admission criteria for other care facilities due to comorbid neurocognitive conditions, migrant status or condition, victims of sex and human trafficking as well as abuse and neglect, severe co-existing medical conditions, violent histories, intellectual or developmental disabilities with severe mental illness, insurance status, various sexual offences. Roughly, this will be about 86% of the clients we are currently treating at the State Hospital. Consequences for our society and communities if the State Hospital

becomes a forensic only hospital will include problems related to unemployment, cross generational poverty, homelessness, strained family relationships and cyclical pattern of abuse and neglect.

This proposed bill will also be in opposition to the results generated by the Schulte report, accepted by the Acute Psychiatric Treatment Committee, which recommended a 15% forensic/justice involved referrals and potentially 25% jail referrals.

In reference to section 50-06.3-03 of the North Dakota Century Code, this bill will place a burden on the taxpayers of this state. Section 50-06.3-03 indicates that the Department may not recover expenses for the care and treatment of a patient transferred to the state hospital from a jail or regional corrections center. Along with jails or prisons, we are not able to bill for forensic/justice involved/competency evaluations as well. Consequently, the State Hospital will have reduced revenues, which would cause an increase in general fund needs.

Last but not the least, this bill will have an impact on the education of our young aspiring physicians from the University of North Dakota School of Medicine & Health Sciences; psychiatric residents in training; psychology interns; advanced practice registered nurses; physician assistants; nursing students from various programs; social work, occupational therapy, counseling, and dietary students; and young high school students exploring vocational interests.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.