

A-Engrossed
Senate Bill 265

Ordered by the Senate April 2
Including Senate Amendments dated April 2

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary for Oregon Advocacy Center)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires Department of Human Services to adopt rules requiring specified facilities **providing mental health services** to report number of incidents of restraint or seclusion during course of [*psychiatric*] **mental health** treatment. Requires that data be available to public.

A BILL FOR AN ACT

1
2 Relating to reporting to Department of Human Services regarding psychiatric treatment methods;
3 amending ORS 430.021.

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

5 **SECTION 1.** ORS 430.021 is amended to read:

6 430.021. Subject to ORS 417.300 and 417.305:

7 (1) The Department of Human Services shall direct, promote, correlate and coordinate all the
8 activities, duties and direct services for the mentally or emotionally disturbed, mentally retarded
9 and developmentally disabled, alcoholic and drug-dependent persons; and promote, correlate and
10 coordinate the mental health and developmental disabilities activities of all governmental organiza-
11 tions throughout the state in which there is any direct contact with mental health and develop-
12 mental disabilities programs.

13 (2) The department shall develop cooperative programs with interested private groups through-
14 out the state to effect better community awareness and action in the field of mental health and de-
15 velopmental disabilities, and encourage and assist in all necessary ways community general hospitals
16 to establish psychiatric services.

17 (3) To the greatest extent possible, the least costly settings for treatment, outpatient services
18 and residential facilities shall be widely available and utilized except when contraindicated because
19 of individual health care needs. State agencies that purchase treatment for mental or emotional
20 disturbances shall develop criteria consistent with this policy. In reviewing applications for certifi-
21 cates of need, the Director of Human Services shall take this policy into account.

22 (4) The department shall establish, coordinate, assist and direct a community mental health and
23 developmental disabilities program in cooperation with local government units and integrate such
24 a program with the total state mental and developmental disabilities health program.

25 (5) The department shall promote public education in the state concerning mental health and
26 developmental disabilities and act as the liaison center for work with all interested public and pri-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 vate groups and agencies in the field of mental health and developmental disabilities services.

2 (6) The department shall accept the custody of persons committed to its care by the courts of
3 this state.

4 **(7) The department shall adopt rules to require a facility and a nonhospital facility as**
5 **those terms are defined in ORS 426.005, and a provider that employs a person described in**
6 **ORS 426.415, if subject to department rules regarding the use of restraint or seclusion during**
7 **the course of mental health treatment of a child or adult, to report to the department each**
8 **calendar quarter the number of incidents involving the use of restraint or seclusion. The**
9 **aggregate data shall be made available to the public.**

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