

**REVENUE:** No revenue impact

**FISCAL:** No fiscal impact

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**Action:** Do Pass  
**Vote:** 4 - 0 - 1  
**Yeas:** Bates, Morrisette, Morse, Monnes Anderson  
**Nays:** 0  
**Exc.:** Kruse  
**Prepared By:** Robert Shook, Administrator  
**Meeting Dates:** 2/5, 2/12

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**WHAT THE MEASURE DOES:** Authorizes individual with mental illness who is committed to Department of Human Services to be represented by specified persons in contested case hearings, to include the right to be free from potentially unusual or hazardous treatment.

**ISSUES DISCUSSED:**

- Clarification and definition of the terms unusual and hazardous
- Attorney supervision of employee representing individual with mental illness
- When, and under what circumstances, legal representation is requested

**EFFECT OF COMMITTEE AMENDMENT:** No Amendment.

**BACKGROUND:** SB 288 came out of the Senate Interim Judiciary Committee. Currently, the law allows the Oregon Bar Association's legal services, and the system established to protect and advocate for the rights of people with disabilities (ORS 192.517) to assist in cases of child support or public assistance. In Oregon, the protection and advocacy agency is Disability Rights Oregon. If and when there are contested case hearings before a state agency that involve child support, public assistance, or free from unusual or hazardous treatment, involving a mentally ill person, that person may be represented by any of the following: an employee of a non-profit legal services program supervised by an attorney employed by the same agency; an employee of the system, supervised by an attorney employed by the same agency; or a law student, supervised by an attorney employed by the program. They may present evidence in the proceeding, examine and cross-examine witnesses and present factual and legal arguments in the proceeding.

SB 288 extends this assistance to individuals in contested cases of unusual and hazardous treatment, such as convulsive therapy (unless the person gives informed consent).