

House Bill 3466

Sponsored by Representatives OLSON, TOMEI; Representatives BOONE, COWAN, DEMBROW, FREEMAN, KRIEGER, MAURER, VANORMAN, Senator MORSE

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 **as introduced**.

Requires Department of State Police to create medical health database to aid law enforcement agencies in assisting persons with mental illness in obtaining services. Authorizes community mental health and developmental disabilities program director to enter and remove information from database.

Requires Department of Public Safety Standards and Training to include at least one hour of training in use of database for certification as police officer.

A BILL FOR AN ACT

1
2 Relating to a medical health database maintained by the Department of State Police; creating new
3 provisions; and amending ORS 181.641.

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

5 **SECTION 1. (1)(a) The Department of State Police shall create and maintain a medical**
6 **health database within the Law Enforcement Data System in order to provide law enforce-**
7 **ment agencies with information to help the agencies assist persons with a qualifying illness**
8 **or condition in obtaining medical, mental health and social services.**

9 **(b) The department shall provide each community mental health and developmental dis-**
10 **abilities program director with the ability to input and remove data from the medical health**
11 **database.**

12 **(c) The medical health database may not be accessible to any person who is not employed**
13 **by a community mental health and developmental disabilities program or a law enforcement**
14 **agency as defined in ORS 181.010.**

15 **(2) Not later than seven days after receiving a completed enrollment form described in**
16 **subsection (6)(a) of this section, a community mental health and developmental disabilities**
17 **program director shall enter an individual's information into the medical health database if**
18 **the director:**

19 **(a) Has verified that the individual has a qualifying illness or condition; and**

20 **(b) Has obtained the express written consent of:**

21 **(A) The individual;**

22 **(B) A person authorized to make medical decisions for the individual, if the individual is**
23 **subject to a guardianship, advanced directive for health care, declaration for mental health**
24 **treatment or power of attorney that authorizes the person to make medical decisions for the**
25 **individual; or**

26 **(C) A parent of the individual, if the individual is under 14 years of age.**

27 **(3) To be valid, the express written consent described in subsection (2)(b) of this section**
28 **must be witnessed by at least two adults as follows:**

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 (a) Each witness shall witness either the signing of the instrument by the individual or
2 the person described in subsection (2)(b)(B) or (C) of this section, or the individual's or per-
3 son's acknowledgment of the signature of the individual or person.

4 (b) At least one witness shall be a person who is not:

5 (A) A relative of the individual by blood, marriage or adoption; or

6 (B) An owner, operator or employee of a health care facility in which the individual is a
7 patient or resident.

8 (c) The individual's primary care physician or mental health service provider, or any
9 relative of the physician or provider, may not be a witness.

10 (4) The community mental health and developmental disabilities program director shall
11 destroy the completed enrollment form and remove an individual's information from the
12 medical health database:

13 (a) If the director receives a completed revocation of consent form described in sub-
14 section (6)(b) of this section, signed by the individual or a person described in subsection
15 (2)(b)(B) or (C) of this section;

16 (b) If the individual or a person described in subsection (2)(b)(B) of this section provides
17 the director with a court order or other document demonstrating that the person no longer
18 has the authority to make medical decisions for the individual;

19 (c) When an individual for whom consent was obtained under subsection (2)(b)(C) of this
20 section becomes 14 years of age; or

21 (d) Three years from the date on which the individual's information was entered into the
22 database.

23 (5) Not less than 90 days prior to removing an individual from the medical health data-
24 base under subsection (4)(c) or (d) of this section, the director shall provide notice of the
25 impending removal to the individual and the person described in subsection (2)(b)(B) or (C)
26 of this section.

27 (6) The Department of Human Services shall develop:

28 (a) An enrollment form that allows for the collection of information to be entered into
29 the medical health database, and that clearly states that consent by the individual or a per-
30 son described in subsection (2)(b)(B) or (C) of this section is voluntary, revocable and is not
31 a precondition for receiving medical care or mental health treatment or for discharge from
32 a facility or program.

33 (b) A revocation of consent form that allows an individual or a person described in sub-
34 section (2)(b)(B) or (C) of this section to revoke the consent to include the individual's in-
35 formation in the medical health database.

36 (7) The medical health database must contain the following information:

37 (a) The individual's name, date of birth, last known address and physical description;

38 (b) Any pertinent information related to the individual's illness or condition, including
39 related symptoms, that may assist law enforcement agencies in carrying out the purposes
40 of this section;

41 (c) The date on which the information was first entered into the medical health database
42 and the date of any subsequent updates; and

43 (d) Contact information for at least two of the following persons:

44 (A) The individual's primary care physician;

45 (B) The individual's case manager in the community mental health and developmental

1 **disabilities program;**

2 **(C) A probation officer;**

3 **(D) A family member; or**

4 **(E) Any other person willing to serve as an emergency contact person for the individual.**

5 **(8) Each community mental health and developmental disabilities program director shall**
6 **provide the local public safety coordinating council described in ORS 423.560 with an annual**
7 **report on the use of the medical health database. The report may not include personally**
8 **identifiable information that is contained in the medical health database.**

9 **(9) As used in this section:**

10 **(a) "Community mental health and developmental disabilities program director" includes**
11 **a designee of the director.**

12 **(b) "Dementia" means the progressive deterioration of intellectual functioning and other**
13 **cognitive skills, including but not limited to aphasia, apraxia, memory, agnosia and executive**
14 **functioning, that leads to a significant impairment in social or occupational function and that**
15 **represents a significant decline from a previous level of functioning.**

16 **(c) "Developmental disability" has the meaning given that term in ORS 40.460 (18a)(d).**

17 **(d) "Qualifying illness or condition" means:**

18 **(A) Dementia;**

19 **(B) A developmental disability;**

20 **(C) An Axis I diagnosis that is described in the Diagnostic and Statistical Manual of**
21 **Mental Disorders published by the American Psychiatric Association; or**

22 **(D) A physical or behavioral disorder that causes disorientation or otherwise may impede**
23 **an individual's ability to interact effectively with a law enforcement officer.**

24 **SECTION 2.** ORS 181.641 is amended to read:

25 181.641. The Department of Public Safety Standards and Training shall include in the minimum
26 training required for basic certification as a police officer under ORS 181.665:

27 (1) The law, theory, policies and practices related to vehicle pursuit driving and, as facilities
28 and funding permit, vehicle pursuit training exercises; and

29 (2) At least 24 hours of training in the recognition of mental illnesses utilizing a crisis inter-
30 vention training model, **at least one hour of which must include training on the appropriate**
31 **use of the medical health database described in section 1 of this 2009 Act.**

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