

Senate Bill 150

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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**.

Authorizes extension of physician hold of person dangerous to self or others and needing emergency care or treatment for mental illness if person cannot be admitted to hospital or transported to nonhospital facility during first 12 hours of hold and community mental health and developmental disabilities program director has initiated investigation. Period of hold may not exceed five judicial days.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to physician hold of person needing emergency treatment for mental illness; creating new
3 provisions; amending ORS 426.231; and declaring an emergency.

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

5 **SECTION 1.** ORS 426.231 is amended to read:

6 426.231. (1) A physician licensed by the Oregon Medical Board may hold a person for transpor-
7 tation to a treatment facility for up to 12 hours in a health care facility licensed under ORS chapter
8 [431] **441** and approved by the Department of Human Services if:

9 (a) The physician believes the person is dangerous to self or to any other person and is in need
10 of emergency care or treatment for mental illness;

11 (b) The physician is not related to the person by blood or marriage; and

12 [*(c) An admitting physician at the receiving facility consents to the transporting.*]

13 **(c) The physician notifies the community mental health and developmental disabilities**
14 **program director or a designee of the director in the county in which the person resides.**

15 (2) Before transporting the person, the physician shall prepare a written statement that:

16 (a) The physician has examined the person within the preceding 12 hours;

17 (b) An admitting physician at the receiving facility has consented to the transporting of the
18 person for examination and admission if appropriate; and

19 (c) The physician believes the person is dangerous to self or to any other person and is in need
20 of emergency care or treatment for mental illness.

21 (3) The written statement required by subsection (2) of this section authorizes a peace officer,
22 a person authorized under ORS 426.233 or the designee of a community mental health and develop-
23 mental disabilities program director to transport a person to the treatment facility indicated on the
24 statement.

25 **(4) A physician may extend the hold under subsection (1) of this section if:**

26 **(a) The physician continues to believe that the person is dangerous to self or to any other**
27 **person and is in need of emergency care or treatment for mental illness;**

28 **(b) Within the first 12 hours of the hold, the person cannot be admitted to a hospital or**

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 transported to a nonhospital facility approved by the department for emergency care or
2 treatment for mental illness; and

3 (c) A community mental health and developmental disabilities program director or a
4 designee of the director has initiated an investigation under ORS 426.074.

5 (5) The period of a hold and any extension of a hold under this section counts toward the
6 five judicial day maximum for a hold prescribed by ORS 426.232.

7 SECTION 2. The amendments to ORS 426.231 by section 1 of this 2009 Act apply to a
8 physician hold initiated or in effect on or after the effective date of this 2009 Act.

9 SECTION 3. This 2009 Act being necessary for the immediate preservation of the public
10 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
11 on its passage.
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