

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	4 - 0 - 1
Yeas:	Kruse, Morse, Shields, Monnes Anderson
Nays:	0
Exc.:	Bates
Prepared By:	Brian Nieubuurt, Administrator
Meeting Dates:	4/27, 5/18

WHAT THE MEASURE DOES: Modifies statutory language to clarify that a physician or provider can disregard declaration for mental health treatment in the state hospital or secure intensive community inpatient facility for those patients committed under forensic statutes.

ISSUES DISCUSSED:

- Current inconsistency in law regarding criminal versus forensic commitment
- Differences in treatment between Oregon State Hospital and private programs
- Difficulty treating psychotic patients
- Importance of advance directives and patient advocates
- Number of patients with mental health advance directives
- Intent to override versus disregard advance directive

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: A mental health advance directive is a legal option, expressed during a period of competency, for persons suffering from mental illness to direct the course of future mental health treatment that may be needed after they become incapable of decision-making. Treating facilities are legally obligated to honor the terms of mental health advance directives in most circumstances. Current Oregon law allows a facility to disregard a mental health advance directive for persons committed under civil commitment statutes. The statutes are silent on the authority to disregard mental health advance directives for those committed under forensic statutes. As no statutory language exists, proponents assert clarification is necessary for state hospitals to determine the obligation level for honoring mental health advance directives for forensic patients.