

SENATE AMENDMENTS TO A-ENGROSSED SENATE BILL 421

By JOINT COMMITTEE ON WAYS AND MEANS

June 20

1 On page 1 of the printed A-engrossed bill, line 2, after “ORS” delete the rest of the line and
2 insert “426.095, 426.110, 426.135, 426.160, 426.241 and 426.250; appropriating money;”.

3 Delete lines 5 through 23 and delete pages 2 and 3 and insert:

4 **“SECTION 1. Sections 2 and 3 of this 2013 Act are added to and made a part of ORS**
5 **chapter 426.**

6 **“SECTION 2. (1) For the purposes of this section and section 3 of this 2013 Act:**

7 **“(a) A person is ‘extremely dangerous’ if the person:**

8 **“(A) Is at least 18 years of age;**

9 **“(B) Is exhibiting symptoms or behaviors of a mental disorder substantially similar to**
10 **those that preceded the act described in subsection (3)(a)(C) of this section; and**

11 **“(C) Because of a mental disorder:**

12 **“(i) Presents a serious danger to the safety of other persons by reason of an extreme risk**
13 **that the person will inflict grave or potentially lethal physical injury on other persons; and**

14 **“(ii) Unless committed, will continue to represent an extreme risk to the safety of other**
15 **persons in the foreseeable future.**

16 **“(b) ‘Mental disorder’ does not include:**

17 **“(A) A disorder manifested solely by repeated criminal or otherwise antisocial conduct;**
18 **or**

19 **“(B) A disorder constituting solely a personality disorder.**

20 **“(c) A mental disorder is ‘resistant to treatment’ if, after receiving care from a licensed**
21 **psychiatrist and exhausting all reasonable psychiatric treatment, or after refusing psychiatri-**
22 **c treatment, the person continues to be significantly impaired in the person’s ability to**
23 **make competent decisions and to be aware of and control extremely dangerous behavior.**

24 **“(2)(a) A district attorney may petition the court to initiate commitment proceedings**
25 **described in this section if there is reason to believe a person is an extremely dangerous**
26 **mentally ill person. The petition shall immediately be served upon the person.**

27 **“(b) The person shall be advised in writing of:**

28 **“(A) The allegation that the person is an extremely dangerous mentally ill person and**
29 **may be committed to the jurisdiction of the Psychiatric Security Review Board for a maxi-**
30 **imum period of 24 months; and**

31 **“(B) The right to a hearing to determine whether the person is an extremely dangerous**
32 **mentally ill person, unless the person consents to the commitment by waiving the right to**
33 **a hearing in writing after consultation with legal counsel.**

34 **“(c) A person against whom a petition described in this subsection is filed shall have the**
35 **following:**

1 “(A) The right to obtain suitable legal counsel possessing skills and experience
2 commensurate with the nature of the allegations and complexity of the case and, if the per-
3 son is without funds to retain legal counsel, the right to have the court appoint legal counsel;

4 “(B) The right to subpoena witnesses and to offer evidence on behalf of the person at the
5 hearing;

6 “(C) The right to cross-examine any witnesses who appear at the hearing; and

7 “(D) The right to examine all reports, documents and information that the court con-
8 sider, including the right to examine the reports, documents and information prior to the
9 hearing, if available.

10 “(d) The court shall appoint an examiner as described in ORS 426.110 to evaluate the
11 person.

12 “(3)(a) Upon receipt of a petition filed under subsection (2) of this section, the court shall
13 schedule a hearing. At the hearing, the court shall order the person committed as an ex-
14 tremely dangerous mentally ill person under the jurisdiction of the Psychiatric Security Re-
15 view Board for a maximum of 24 months if the court finds, by clear and convincing evidence,
16 that:

17 “(A) The person is extremely dangerous;

18 “(B) The person suffers from a mental disorder that is resistant to treatment; and

19 “(C) Because of the mental disorder that is resistant to treatment, the person committed
20 one of the following acts:

21 “(i) Caused the death of another person;

22 “(ii) Caused serious physical injury to another person by means of a dangerous weapon;

23 “(iii) Caused physical injury to another person by means of a firearm as defined in ORS
24 166.210 or an explosive as defined in ORS 164.055;

25 “(iv) Engaged in oral-genital contact with a child under 14 years of age;

26 “(v) Forcibly compelled sexual intercourse, oral-genital contact or the penetration of
27 another person’s anus or vagina; or

28 “(vi) Caused a fire or explosion that damaged the protected property of another, as those
29 terms are defined in ORS 164.305, or placed another person in danger of physical injury, and
30 the fire or explosion was not the incidental result of normal and usual daily activities.

31 “(b) The court shall further commit the person to a state hospital for custody, care and
32 treatment if the court finds, by clear and convincing evidence, that the person cannot be
33 controlled in the community with proper care, medication, supervision and treatment on
34 conditional release.

35 “(c) The court shall specify in the order whether any person who would be considered a
36 victim as defined in ORS 131.007 of the act described in paragraph (a)(C) of this subsection,
37 if the act had been criminally prosecuted, requests notification of any order or hearing,
38 conditional release, discharge or escape of the person committed under this section.

39 “(d) The court shall be fully advised of all drugs and other treatment known to have been
40 administered to the alleged extremely dangerous mentally ill person that may substantially
41 affect the ability of the person to prepare for, or to function effectively at, the hearing.

42 “(e) The provisions of ORS 40.230, 40.235, 40.240, 40.250 and 179.505 do not apply to the
43 use of the examiner’s report and the court may consider the report as evidence.

44 “(4) The findings of the court that a person committed an act described in subsection
45 (3)(a)(C) of this section may not be admitted in a criminal prosecution.

1 “(5) A person committed under this section shall remain under the jurisdiction of the
2 board for a maximum of 24 months unless the board conducts a hearing and makes the
3 findings described in subsection (6)(d) of this section.

4 “(6)(a) The board shall hold a hearing six months after the initial commitment described
5 in subsection (3) of this section, and thereafter six months after a further commitment de-
6 scribed in section 3 of this 2013 Act, to determine the placement of the person and whether
7 the person is eligible for conditional release or early discharge. The board shall provide
8 written notice of the hearing to the person, the person’s legal counsel and the office of the
9 district attorney who filed the initial petition under subsection (2) of this section within a
10 reasonable time prior to the hearing. The board shall further notify the person of the fol-
11 lowing:

12 “(A) The nature of the hearing and possible outcomes;

13 “(B) The right to appear at the hearing and present evidence;

14 “(C) The right to be represented by legal counsel and, if the person is without funds to
15 retain legal counsel, the right to have the court appoint legal counsel;

16 “(D) The right to subpoena witnesses;

17 “(E) The right to cross-examine witnesses who appear at the hearing; and

18 “(F) The right to examine all reports, documents and information that the board con-
19 siders, including the right to examine the reports, documents and information prior to the
20 hearing if available.

21 “(b) If the board determines at the hearing that the person still suffers from a mental
22 disorder that is resistant to treatment and continues to be extremely dangerous, and that
23 the person cannot be controlled in the community with proper care, medication, supervision
24 and treatment if conditionally released, the person shall remain committed to a state hospi-
25 tal.

26 “(c) If the board determines at the hearing that the person still suffers from a mental
27 disorder that is resistant to treatment and continues to be extremely dangerous, but finds
28 that the person can be controlled in the community with proper care, medication, super-
29 vision and treatment if conditionally released, the board shall conditionally release the per-
30 son.

31 “(d) If the board determines at the hearing that the person no longer suffers from a
32 mental disorder that is resistant to treatment or is no longer extremely dangerous, the
33 board shall discharge the person. The discharge of a person committed under this section
34 does not preclude commitment of the person pursuant to ORS 426.005 to 426.390.

35 “(7)(a) At any time during the commitment to a state hospital, the superintendent of the
36 state hospital may request a hearing to determine the status of the person’s commitment
37 under the jurisdiction of the board. The request shall be accompanied by a report setting
38 forth the facts supporting the request. If the request is for conditional release, the request
39 shall be accompanied by a verified conditional release plan. The hearing shall be conducted
40 as described in subsection (6) of this section.

41 “(b) The board may make the findings described in subsection (6)(c) of this section and
42 conditionally release the person without a hearing if the office of the district attorney who
43 filed the initial petition under subsection (2) of this section does not object to the conditional
44 release.

45 “(c) At any time during conditional release, a state or local mental health facility pro-

1 **viding treatment to the person may request a hearing to determine the status of the person's**
2 **commitment under the jurisdiction of the board. The hearing shall be conducted as described**
3 **in subsection (6) of this section.**

4 **“(8)(a) If the board orders the conditional release of a person under subsection (6)(c) of**
5 **this section, the board shall order conditions of release that may include a requirement to**
6 **report to any state or local mental health facility for evaluation. The board may further re-**
7 **quire cooperation with, and acceptance of, psychiatric or psychological treatment from the**
8 **facility. Conditions of release may be modified by the board from time to time.**

9 **“(b) When a person is referred to a state or local mental health facility for an evaluation**
10 **under this subsection, the facility shall perform the evaluation and submit a written report**
11 **of its findings to the board. If the facility finds that treatment of the person is appropriate,**
12 **the facility shall include its recommendations for treatment in the report to the board.**

13 **“(c) Whenever treatment is provided to the person by a state or local mental health fa-**
14 **ility under this subsection, the facility shall furnish reports to the board on a regular basis**
15 **concerning the progress of the person.**

16 **“(d) Copies of all reports submitted to the board pursuant to this subsection shall be**
17 **furnished to the person and to the person's legal counsel, if applicable. The confidentiality**
18 **of these reports is determined pursuant to ORS 192.501 to 192.505.**

19 **“(e) The state or local mental health facility providing treatment to the person under this**
20 **subsection shall comply with the conditional release order and any modifications of the con-**
21 **ditions ordered by the board.**

22 **“(9)(a) If at any time while the person is conditionally released it appears that the person**
23 **has violated the terms of the conditional release, the board may order the person returned**
24 **to a state hospital for evaluation or treatment. A written order of the board is sufficient**
25 **warrant for any law enforcement officer to take the person into custody. A sheriff, municipal**
26 **police officer, parole or probation officer or other peace officer shall execute the order, and**
27 **the person shall be returned to the state hospital as soon as practicable.**

28 **“(b) The director of a state or local mental health facility providing treatment to a per-**
29 **son under subsection (8) of this section may request that the board issue a written order for**
30 **a person on conditional release to be taken into custody if there is reason to believe that the**
31 **person can no longer be controlled in the community with proper care, medication, super-**
32 **vision and treatment.**

33 **“(c) Within 30 days following the return of the person to a state hospital, the board shall**
34 **conduct a hearing to determine if, by a preponderance of the evidence, the person is no**
35 **longer fit for conditional release. The board shall provide written notice of the hearing to the**
36 **person, the person's legal counsel and the office of the district attorney who filed the initial**
37 **petition under subsection (2) of this section within a reasonable time prior to the hearing.**
38 **The notice shall advise the person of the nature of the hearing, the right to have the court**
39 **appoint legal counsel and the right to subpoena witnesses, examine documents considered**
40 **by the board and cross-examine all witnesses who appear at the hearing.**

41 **“(10)(a) If the person had unadjudicated criminal charges at the time of the person's in-**
42 **itial commitment under this section and the state hospital or the state or local mental health**
43 **facility providing treatment to the person intends to recommend discharge of the person at**
44 **an upcoming hearing, the superintendent of the state hospital or the director of the facility**
45 **shall provide written notice to the board and the district attorney of the county where the**

1 criminal charges were initiated of the discharge recommendation at least 45 days before the
2 hearing. The notice shall be accompanied by a report describing the person's diagnosis and
3 the treatment the person has received.

4 “(b) Upon receiving the notice described in this subsection, the district attorney may
5 request an order from the court in the county where the criminal charges were initiated for
6 an evaluation to determine if the person is fit to proceed in the criminal proceeding. The
7 court may order the state hospital or the state or local mental health facility providing
8 treatment to the person to perform the evaluation. The hospital or facility shall provide
9 copies of the evaluation to the district attorney, the person and the person's legal counsel,
10 if applicable.

11 “(c) The person committed under this section may not waive an evaluation ordered by
12 the court to determine if the person is fit to proceed with the criminal proceeding as de-
13 scribed in this subsection.

14 “(11) The board shall make reasonable efforts to notify any person described in sub-
15 section (3)(c) of this section of any order or hearing, conditional release, discharge or escape
16 of the person committed under this section.

17 “(12) The board shall adopt rules to carry out the provisions of this section and section
18 3 of this 2013 Act.

19 “(13) Any time limitation described in ORS 131.125 to 131.155 does not run during a com-
20 mitment described in this section or a further commitment described in section 3 of this 2013
21 Act.

22 “SECTION 3. (1)(a) At the end of the 24-month period of commitment described in section
23 2 of this 2013 Act, any person who remains committed under the jurisdiction of the Psychi-
24 atric Security Review Board shall be discharged, unless the board certifies to the court in
25 the county where the state hospital or state or local mental health facility providing treat-
26 ment to the person is located that the person is still extremely dangerous and suffers from
27 a mental disorder that is resistant to treatment. The board, pursuant to its rules, may del-
28 egate to the superintendent of the state hospital or the director of the state or local mental
29 health facility providing treatment to the person the responsibility for making the certif-
30 ication. If the certification is made, the person will not be released.

31 “(b) The board may additionally certify that the person cannot be controlled in the com-
32 munity with proper care, medication, supervision and treatment on conditional release and
33 must be committed to a state hospital. The board, pursuant to its rules, may delegate to the
34 superintendent of the state hospital or the director of the state or local mental health fa-
35 cility providing treatment to the person the responsibility for making the additional certif-
36 ication.

37 “(2) The certification shall immediately be served upon the person by the superintendent
38 of the state hospital or the director of the state or local mental health facility providing
39 treatment to the person. The superintendent or director shall inform the court in writing
40 that service has been made and the date thereof.

41 “(3) The certification shall advise the person of all the following:

42 “(a) That the board, hospital or facility has requested that commitment be continued for
43 an additional 24 months.

44 “(b) That the person may protest this further commitment within 14 days, and that, if
45 the person does not protest, the commitment will be continued for a maximum of 24 months.

1 “(c) That the person may consult with legal counsel when deciding whether to protest
2 the further commitment and that legal counsel will be provided for the person without cost
3 if the person is without funds to retain legal counsel.

4 “(d) That the person may protest a further period of commitment either orally or in
5 writing by signing the form accompanying the certification.

6 “(e) That if the person does protest a further period of commitment, the person is enti-
7 tled to a hearing before the court to determine whether commitment should be continued.

8 “(f) That the person is entitled to have a psychologist or psychiatrist, other than a
9 member of the staff at the facility where the person is being treated, examine the person
10 and report to the court the results of the examination at the hearing.

11 “(g) That the person may subpoena witnesses and offer evidence on behalf of the person
12 at the hearing.

13 “(h) That if the person is without funds to retain legal counsel or an examining psy-
14 chologist or psychiatrist for the hearing, the court will appoint legal counsel or an examining
15 psychologist or psychiatrist.

16 “(4) The person serving the certification shall read and deliver the certification to the
17 person and ask whether the person protests a further period of commitment. The person
18 may protest a further period of commitment and request a hearing either orally or by sign-
19 ing a simple protest form to be given to the person with the certification. If the person does
20 not protest a further period of commitment within 14 days of service of the certification, the
21 board, hospital or facility shall so notify the court, and the court shall, without further
22 hearing, order the commitment of the person to the jurisdiction of the board for a maximum
23 of 24 months. The court shall further order that the person be committed to a state hospital
24 if a certification under subsection (1)(b) of this section has been made.

25 “(5) When the person protests a further period of commitment and requests a hearing,
26 the board, hospital or facility shall immediately notify the court, and the court shall have the
27 person brought before it and shall again advise the person that the board, hospital or facility
28 has requested that commitment be continued for an additional period of time and that if the
29 person does not protest this commitment the commitment will be continued for a maximum
30 of 24 months. The person shall also be informed of the rights set forth in subsection (3) of
31 this section.

32 “(6) If the person requests a hearing under subsections (4) and (5) of this section, the
33 following provisions apply as described:

34 “(a) The hearing shall be conducted as promptly as possible and at a time and place as
35 the court may direct.

36 “(b) If the person requests a continuance in order to prepare for the hearing or to obtain
37 legal counsel to represent the person, the court may grant postponement and detention
38 during postponement as described in ORS 426.095 (2)(c).

39 “(c) The person has the right to representation by or appointment of legal counsel sub-
40 ject to ORS 135.055, 151.216 and 151.219.

41 “(d) If the person requests an examination by a psychologist or psychiatrist and is with-
42 out funds to retain a psychologist or psychiatrist for purposes of the examination, the court
43 shall appoint a psychologist or psychiatrist, other than a member of the staff from the fa-
44 cility where the person is being treated, to examine the person at no expense to the person
45 and to report to the court the results of the examination.

1 “(e) The provisions of ORS 40.230, 40.235, 40.240, 40.250 and 179.505 do not apply to the
2 use of medical records from the current period of commitment or to testimony related to
3 such records or period of commitment in connection with hearings under this section. The
4 court may consider as evidence such reports and testimony.

5 “(f) The court shall then conduct a hearing. The court may take judicial notice of the
6 findings regarding the act described in section 2 (3)(a)(C) of this 2013 Act made by the court
7 at the initial commitment. If, after hearing the evidence and reviewing the recommendations
8 of the board and the state hospital or the state or local mental health facility providing
9 treatment to the person, in the opinion of the court the person is still extremely dangerous
10 and suffering from a mental disorder that is resistant to treatment by clear and convincing
11 evidence, the court may order commitment to the jurisdiction of the board for an additional
12 maximum of 24 months. The court shall further commit the person to a state hospital for
13 custody, care and treatment if the court finds, by clear and convincing evidence, that the
14 person cannot be controlled in the community with proper care, medication, supervision and
15 treatment on conditional release.

16 “(g) At the end of the 24-month period, the person shall be discharged unless the board,
17 hospital or facility again certifies to the committing court that the person is still an ex-
18 tremely dangerous mentally ill person and in need of further treatment, in which event the
19 procedures set forth in this section shall be followed.

20 “**SECTION 4.** ORS 426.095 is amended to read:

21 “426.095. The following is applicable to a commitment hearing held by a court under ORS
22 426.070:

23 “(1) The hearing may be held in a hospital, the person’s home or in some other place convenient
24 to the court and the allegedly mentally ill person.

25 “(2) The court shall hold the hearing at the time established according to the following:

26 “(a) Except as provided by paragraph (b) or (c) of this subsection, a hearing shall be held five
27 judicial days from the day a court under ORS 426.070 issues a citation provided under ORS 426.090.

28 “(b) Except as provided by paragraph (c) of this subsection, if a person is detained by a warrant
29 of detention under ORS 426.070, a hearing shall be held within five judicial days of the commence-
30 ment of detention.

31 “(c) If requested under this paragraph, the court, for good cause, may postpone the hearing for
32 not more than five judicial days in order to allow preparation for the hearing. The court may make
33 orders for the care and custody of the person during a postponement as it deems necessary. If a
34 person is detained before a hearing under ORS 426.070, 426.180, 426.228, 426.232 or 426.233 **or sec-**
35 **tion 3 of this 2013 Act** and the hearing is postponed under this paragraph, the court, for good
36 cause, may allow the person to be detained during the postponement if the postponement is re-
37 quested by the person or the legal counsel of the person. Any of the following may request a
38 postponement under this paragraph:

39 “(A) The allegedly mentally ill **person or extremely dangerous mentally ill** person.

40 “(B) The legal counsel or guardian of the allegedly mentally ill **person or extremely dangerous**
41 **mentally ill** person.

42 “(C) The person representing the state’s interest.

43 “(3) The allegedly mentally ill person and the person representing the state’s interest shall have
44 the right to cross-examine all the following:

45 “(a) Witnesses.

1 “(b) The person conducting the investigation.

2 “(c) The examining physicians or other qualified persons recommended by the Oregon Health
3 Authority who have examined the person.

4 “(4) The provisions of ORS 40.230, 40.235, 40.240 and 40.250 shall not apply to and the court may
5 consider as evidence any of the following:

6 “(a) Medical records for the current involuntary prehearing period of detention.

7 “(b) Statements attributed by the maker of the medical records or the investigation report to
8 witnesses concerning their own observations in the absence of objection or if such persons are
9 produced as witnesses at the hearing available for cross-examination.

10 “(c) The testimony of any treating physicians, nurses or social workers for the prehearing period
11 of detention. Any treating physician, nurse or social worker who is subpoenaed as a witness for the
12 proceeding shall testify as an expert witness under the provisions of ORS 40.410, 40.415, 40.420 and
13 40.425 and is subject to treatment as an expert witness in the payment of witness fees and costs.

14 “(d) The investigation report prepared under ORS 426.074. Subject to the following, the inves-
15 tigation report shall be introduced in evidence:

16 “(A) Introduction of the report under this paragraph does not require the consent of the
17 allegedly mentally ill person.

18 “(B) Upon objection by any party to the action, the court shall exclude any part of the investi-
19 gation report that may be excluded under the Oregon Evidence Code on grounds other than those
20 set forth in ORS 40.230, 40.235, 40.240 or 40.250.

21 “(C) Neither the investigation report nor any part thereof shall be introduced into evidence
22 under this paragraph unless the investigator is present during the proceeding to be cross-examined
23 or unless the presence of the investigator is waived by the allegedly mentally ill person or counsel
24 for the allegedly mentally ill person.

25 “**SECTION 5.** ORS 426.110 is amended to read:

26 “426.110. The following requirements relating to the appointment of examiners for purposes of
27 a hearing under ORS 426.095 **or sections 2 and 3 of this 2013 Act** apply as described:

28 “(1) The judge shall appoint one qualified examiner. If requested, the judge shall appoint one
29 additional qualified examiner. A request for an additional examiner under this subsection must be
30 made in writing and must be made by the allegedly mentally ill person or the attorney for the
31 allegedly mentally ill person.

32 “(2) To be qualified for purposes of this section, an examiner must meet all of the following
33 qualifications:

34 “(a) The person must agree to be an examiner.

35 “(b) The person must be one of the following:

36 “(A) A physician licensed by the Oregon Medical Board who is competent to practice psychiatry
37 as provided by the Oregon Health Authority **or the Psychiatric Security Review Board** by rule.

38 “(B) Certified as a mental health examiner qualified to make examinations for involuntary com-
39 mitment proceedings by the authority. The authority **or the Psychiatric Security Review Board**
40 may establish, by rule, requirements for certification as a mental health examiner for purposes of
41 this subparagraph.

42 “(3) The cost of examiners under this section shall be paid as provided under ORS 426.250.

43 “**SECTION 6.** ORS 426.135 is amended to read:

44 “426.135. If a person determined to be mentally ill as provided in ORS 426.130, **or determined**
45 **to be an extremely dangerous mentally ill person under section 2 or 3 of this 2013 Act**, appeals

1 the determination or disposition based thereon, and is determined to be financially eligible for ap-
2 pointed counsel at state expense, upon request of the person or upon its own motion, the court shall
3 appoint suitable legal counsel to represent the person. The compensation for legal counsel and costs
4 and expenses necessary to the appeal shall be determined and paid by the public defense services
5 executive director as provided in ORS 135.055 if the circuit court is the appellate court or as pro-
6 vided in ORS 138.500 if the Court of Appeals or Supreme Court is the appellate court. The com-
7 pensation, costs and expenses shall be paid as provided in ORS 138.500.”.

8 On page 4, delete lines 1 through 27.

9 In line 28, delete “4” and insert “7”.

10 In line 31, delete the second comma and insert “or”.

11 In line 32, delete “or the director of the secure intensive community inpatient facility”.

12 On page 5, after line 4, insert:

13 “**SECTION 8.** ORS 426.241 is amended to read:

14 “426.241. (1) The cost of emergency psychiatric care, custody and treatment related to or re-
15 sulting from such psychiatric condition, provided by a hospital or other facility approved by the
16 Oregon Health Authority and the community mental health program director of the county in which
17 the facility is located, except a state mental hospital, for an allegedly mentally ill person admitted
18 or detained under ORS 426.070, 426.140, 426.228, 426.232 or 426.233, or for a mentally ill person ad-
19 mitted or detained under ORS 426.150, 426.223, 426.273, 426.275 or 426.292, shall be paid by the
20 county of which the person is a resident from state funds provided it for this purpose. The county
21 is responsible for the cost when state funds available therefor are exhausted. The hospital or other
22 facility shall charge to and collect from the person, third party payers or other persons or agencies
23 otherwise legally responsible therefor, the costs of the emergency care, custody and treatment, as
24 it would for any other patient, and any funds received shall be applied as an offset to the cost of
25 the services provided under this section.

26 “(2) If any person is admitted to or detained in a state mental hospital under ORS 426.070,
27 426.140, 426.180 to 426.210, 426.228, 426.232 or 426.233 for emergency care, custody or treatment, the
28 authority shall charge to and collect from the person, third party payers or other persons or agen-
29 cies otherwise legally responsible therefor, the costs as it would for other patients of the state
30 mental hospitals under the provisions of ORS 179.610 to 179.770.

31 “(3) If any person is adjudged mentally ill under the provisions of ORS 426.130, **or determined**
32 **to be an extremely dangerous mentally ill person under section 2 or 3 of this 2013 Act**, and
33 the person receives care and treatment in a state mental hospital, the person, third party payers
34 or other persons or agencies otherwise legally responsible therefor, shall be required to pay for the
35 costs of the hospitalization at the state hospital, as provided by ORS 179.610 to 179.770, if financially
36 able to do so.

37 “(4) For purposes of this section and ORS 426.310 ‘resident’ means resident of the county in
38 which the person maintains a current mailing address or, if the person does not maintain a current
39 mailing address within the state, the county in which the person is found, or the county in which
40 a court-committed mentally ill person has been conditionally released.

41 “(5)(a) The authority may deny payment for part or all of the emergency psychiatric services
42 provided by a hospital or nonhospital facility under ORS 426.232, 426.233 or 426.237 when the au-
43 thority finds, upon review, that the allegedly mentally ill person’s condition did not meet the ad-
44 mission criteria in ORS 426.232 (1), 426.233 (1) or 426.237 (1)(b)(A). The payer responsible under this
45 section shall make a request for denial of payment for emergency psychiatric services provided un-

1 der ORS 426.232, 426.233 or 426.237 in writing to the authority.

2 “(b) The authority may require the following to provide the authority with any information that
3 the authority determines is necessary to review a request for denial of payment made under this
4 subsection or to conduct a review of emergency psychiatric services for the purpose of planning or
5 defining authority rules:

6 “(A) A hospital or nonhospital facility approved under ORS 426.228 to 426.235 or 426.237.

7 “(B) A physician or a person providing emergency psychiatric services under ORS 426.228 to
8 426.235 or 426.237.

9 “(c) The authority shall adopt rules necessary to carry out the purposes of this subsection.”.

10 In line 5, delete “5” and insert “9”.

11 In line 23, after “2” insert “or 3”.

12 In line 33, after “2” insert “or 3”.

13 After line 40, insert:

14 **“SECTION 10. In addition to and not in lieu of any other appropriation, there is appro-**
15 **priated to the Oregon Health Authority, for the biennium beginning July 1, 2013, out of the**
16 **General Fund, the amount of \$169,571, for the purposes of carrying out the provisions of**
17 **sections 2 and 3 and the amendments to ORS 426.095, 426.110, 426.135, 426.160, 426.241 and**
18 **426.250 by sections 4 to 9 of this 2013 Act.**

19 **“SECTION 11. In addition to and not in lieu of any other appropriation, there is appro-**
20 **priated to the Psychiatric Security Review Board, for the biennium beginning July 1, 2013,**
21 **out of the General Fund, the amount of \$36,100, for the purposes of carrying out the pro-**
22 **visions of sections 2 and 3 and the amendments to ORS 426.095, 426.110, 426.135, 426.160,**
23 **426.241 and 426.250 by sections 4 to 9 of this 2013 Act.”.**

24 In line 41, delete “6” and insert “12”.