

Enrolled
House Bill 2363

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary)

CHAPTER

AN ACT

Relating to persons with mental illness; amending ORS 426.072; and declaring an emergency.

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

SECTION 1. ORS 426.072 is amended to read:

426.072. (1) A hospital or nonhospital facility and a treating physician must comply with the [following] **provisions of subsection (2) of this section** when a person alleged to have a mental illness is placed in custody at the hospital or nonhospital facility:

- (a) By a warrant of detention under ORS 426.070;
- (b) By a peace officer under ORS 426.228 or other individual authorized under ORS 426.233; or
- (c) By a physician under ORS 426.232.

(2) In circumstances described under subsection (1) of this section, the hospital or nonhospital facility and treating physician must comply with **all** the following:

(a) The person shall receive the care, custody and treatment required for mental and physical health and safety[;].

(b) The treating physician shall report any care, custody and treatment to the court as required in ORS 426.075[;].

(c) All methods of treatment, including the prescription and administration of drugs, shall be the sole responsibility of the treating physician. However, the person shall not be subject to electroshock therapy or unduly hazardous treatment and shall receive usual and customary treatment in accordance with medical standards in the community[;].

(d) The treating physician shall be notified immediately of any **seclusion of the person or** use of mechanical restraints on the person. Every use of **seclusion or** [a] mechanical restraint and the reasons [therefor] **for the use** shall be made a part of the clinical record of the person over the signature of the treating physician[; and].

(e) The treating physician shall give the person the warning under ORS 426.123 at times the treating physician determines the person will reasonably understand the notice. This paragraph only requires the notice to be given as often as the physician determines is necessary to assure that the person is given an opportunity to be aware of the notice.

(3) The Oregon Health Authority shall adopt rules necessary to carry out this section, including rules regarding the content of the medical record compiled during the current period of custody.

SECTION 2. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

Passed by House March 5, 2015

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 7, 2015

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2015

Approved:

.....M,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2015

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Jeanne P. Atkins, Secretary of State