

# House Bill 2363

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

## 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 treating physician to document in clinical record any seclusion of person alleged to have mental illness who is confined in hospital or nonhospital facility.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to persons with mental illness; amending ORS 426.072; and declaring an emergency.

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

4 **SECTION 1.** ORS 426.072 is amended to read:

5 426.072. (1) A hospital or nonhospital facility and a treating physician must comply with the  
6 *[following]* **provisions of subsection (2) of this section** when a person alleged to have a mental  
7 illness is placed in custody at the hospital or nonhospital facility:

8 (a) By a warrant of detention under ORS 426.070;

9 (b) By a peace officer under ORS 426.228 or other individual authorized under ORS 426.233; or

10 (c) By a physician under ORS 426.232.

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

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

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

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

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

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

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

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

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