

**PROPOSED AMENDMENTS TO
HOUSE BILL 3347**

1 On page 1 of the printed bill, line 2, after “426.005” delete the rest of the
2 line and insert a period.

3 Delete lines 4 through 32 and delete pages 2 through 4 and insert:

4 **“SECTION 1.** ORS 426.005 is amended to read:

5 “426.005. (1) As used in ORS 426.005 to 426.390, unless the context requires
6 otherwise:

7 “(a) ‘Community mental health program director’ means the director of
8 an entity that provides the services described in ORS 430.630 (3) to (5).

9 “(b) ‘Director of the facility’ means a superintendent of a state mental
10 hospital, the chief of psychiatric services in a community hospital or the
11 person in charge of treatment and rehabilitation programs at other treatment
12 facilities.

13 “(c) ‘Facility’ means a state mental hospital, community hospital, resi-
14 dential facility, detoxification center, day treatment facility or such other
15 facility as the authority determines suitable that provides diagnosis and
16 evaluation, medical care, detoxification, social services or rehabilitation to
17 persons committed to the Oregon Health Authority under ORS 426.130.

18 “(d) ‘Nonhospital facility’ means any facility, other than a hospital, that
19 is approved by the authority to provide adequate security, psychiatric, nurs-
20 ing and other services to persons under ORS 426.232 or 426.233.

21 “(e) ‘Person with mental illness’ means a person who, because of a mental
22 disorder, is one or more of the following:

1 “(A) Dangerous to self or others.

2 “(B) Unable to provide for basic personal needs **that are necessary to**
3 **avoid serious physical harm in the near future**, and is not receiving such
4 care as is necessary [*for health or safety*] **to avoid such harm.**

5 “(C) A person:

6 “(i) With a chronic mental illness, as defined in ORS 426.495;

7 “(ii) Who, within the previous three years, has twice been placed in a
8 hospital or approved inpatient facility by the authority or the Department
9 of Human Services under ORS 426.060;

10 “(iii) Who is exhibiting symptoms or behavior substantially similar to
11 those that preceded and led to one or more of the hospitalizations or inpa-
12 tient placements referred to in sub-subparagraph (ii) of this subparagraph;
13 and

14 “(iv) Who, unless treated, will continue, to a reasonable medical proba-
15 bility, to physically or mentally deteriorate so that the person will become
16 a person described under either subparagraph (A) or (B) of this paragraph
17 or both.

18 “(f) ‘Prehearing period of detention’ means a period of time calculated
19 from the initiation of custody during which a person may be detained under
20 ORS 426.228, 426.231, 426.232 or 426.233.

21 “(2) Whenever a community mental health program director, director of
22 the facility, superintendent of a state hospital or administrator of a facility
23 is referred to, the reference includes any designee such person has designated
24 to act on the person’s behalf in the exercise of duties.”.

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