

# D R A F T

## SUMMARY

Exempts from public records disclosure medical records of individuals under jurisdiction of Psychiatric Security Review Board that are maintained by board.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to records of individuals placed under the jurisdiction of the Psy-  
3 chiatric Security Review Board; amending ORS 161.390; and prescribing  
4 an effective date.

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

6 **SECTION 1.** ORS 161.390, as amended by section 4, chapter 120, Oregon  
7 Laws 2018, is amended to read:

8 161.390. (1) The Oregon Health Authority shall adopt rules for the as-  
9 signment of persons to state mental hospitals or secure intensive community  
10 inpatient facilities under ORS 161.365 and 161.370 and for establishing stan-  
11 dards for evaluation and treatment of persons committed to a state hospital  
12 or a secure intensive community inpatient facility or ordered to a community  
13 mental health program under ORS 161.315 to 161.351.

14 (2) When the Psychiatric Security Review Board requires the preparation  
15 of a predischarge or preconditional release plan before a hearing or as a  
16 condition of granting discharge or conditional release for a person committed  
17 under ORS 161.315 to 161.351 to a state hospital or a secure intensive com-  
18 munity inpatient facility for custody, care and treatment, the authority is  
19 responsible for and shall prepare the plan.

20 (3) In carrying out a conditional release plan prepared under subsection

1 (2) of this section, the authority may contract with a community mental  
2 health program, other public agency or private corporation or an individual  
3 to provide supervision and treatment for the conditionally released person.

4 (4)(a) The board shall maintain and keep current the medical, social and  
5 criminal history of all persons committed to its jurisdiction. The  
6 confidentiality of records maintained by the board shall be determined pur-  
7 suant to ORS 192.338, 192.345, [*and*] 192.355 **and 192.398. Medical records**  
8 **maintained by the board shall be exempt from disclosure under ORS**  
9 **192.311 to 192.478.**

10 (b) Except as otherwise provided by law, upon request of the board, a  
11 state hospital, a community mental health program and any other health  
12 care service provider shall provide the board with all medical records per-  
13 taining to a person committed to the jurisdiction of the board.

14 (5) The evidentiary phase of a hearing conducted by the board under ORS  
15 161.315 to 161.351 is not a deliberation for purposes of ORS 192.690.

16 **SECTION 2. This 2019 Act takes effect on the 91st day after the date**  
17 **on which the 2019 regular session of the Eightieth Legislative Assem-**  
18 **bly adjourns sine die.**

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