



Oregon

Kate Brown, Governor

Psychiatric Security Review Board

610 SW Alder Street, Suite 420

Portland, OR 97205

Phone: 503-229-5596

Fax: 503-229-5085

Email: psrb@oregon.gov

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TO: Senator Floyd Prozanski, Chair
Senate Judiciary Committee, State of Oregon

FR: Sid Moore, J.D., Interim Executive Director
Psychiatric Security Review Board (PSRB)

RE: Written Comment for February 8, 2018, Hearing on SB 1543

Thank you, Chair Prozanski, Vice-Chair Thatcher, Senators Bentz, Dembrow, Gelser, Linthicum, and Wagner. I appreciate the opportunity to comment on Senate Bill 1543. My name is Sid Moore; I am the interim executive director for the Oregon Psychiatric Security Review Board.

Senate Bill 1543, designed to enhance public safety, includes two provisions relevant to the operation of the PSRB. I would like to lend some context to the provisions of the bill potentially affecting the PSRB and the manner in which it strives to protect the public.

Exchange of Records

Of the patients currently under PSRB jurisdiction, approximately 30% have been committed to the Oregon State Hospital. These patients are entitled to disposition hearings before the Board at least once every two years while they remain at OSH. Between hearings, social workers and treating psychiatrists generate notes and other records relevant to their patients' disposition while under the PSRB. Any such records should be included in the exhibit file prepared by Board staff and presented at a patient's hearing. Currently, such records reside at Oregon State Hospital and are unavailable to PSRB staff without a subpoena, despite that the records in question pertain to patients under the PSRB's jurisdiction.

Senate Bill 1543 would require OSH to share PSRB patient records with the Board, enhancing public safety by allowing the Board to more efficiently perform its duties to administer hearings in a timely fashion and to properly place patients, which protects the public by providing an appropriate treatment level for each patient.

After-hours Revocation Assistance

The PSRB monitors approximately 510 individuals: roughly 70% of them in the community. As with other aspects of one's health, mental health recovery is not always a constantly upward journey; often, a period of progress is followed by one or more steps back in the process. During these periods, some patients abscond from supervision. When this happens during business hours, the patient's case manager and PSRB's executive director are likely to be available.

After hours, including on weekends, the PSRB office is closed, and staff is less likely to be available. Under current law, law enforcement personnel encountering absconded PSRB patients not actively engaged in crime at the time of the contact sometimes are reluctant to detain these patients in the absence of a warrant issued by a judge. Senate Bill 1543 allows the Board or its executive director to issue a return order, which would have the same effect as a warrant. As such, the bill would clarify that law enforcement has the authority to take the patient to Oregon State Hospital (or "another designated treatment facility") pursuant to an order by PSRB's board chair or executive director.

This portion of the bill would also allow PSRB to authorize someone other than law enforcement personnel to transport the patient to the appropriate facility. The PSRB anticipates that this provision would be most useful in rural counties, where there might be a relative shortage of officers available to transport the patient—and would potentially minimize the patient's time in jail awaiting transport.

By increasing efficiency and removing ambiguity, respectively, sections 4 and 5 of Senate Bill 1543 would provide the Psychiatric Security Review Board with two more simple tools it can use to ensure the public's safety.