

HB 2215 STAFF MEASURE SUMMARY

Carrier: Rep. Greenlick

House Committee On Health Care

Action Date: 01/24/19

Action: Do Pass.

Vote: 11-0-0-0

Yeas: 11 - Alonso Leon, Boles, Drazan, Greenlick, Hayden, Keny-Guyer, Mitchell, Noble, Nosse, Prusak, Salinas

Fiscal: No fiscal impact

Revenue: No revenue impact

Prepared By: Oliver Droppers, LPRO Analyst

Meeting Dates: 1/24

WHAT THE MEASURE DOES:

Adds to the list of rights for committed persons, a right to reasonable personal privacy and security while resting, sleeping, dressing, bathing, engaging in personal hygiene, and toileting. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Definition of "privacy" and importance for individuals receiving mental health services
- Recent changes at the Oregon State Hospital (OSH), patient complaints, loss of individual possessions, and privacy
- State liability related to patient rights
- Applicability in residential settings
- "Reasonableness" in state law and administrative rule

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In Oregon, an individual can be committed to the Oregon State Hospital (OSH) or ordered to undergo treatment in a residential setting pursuant to a civil process, if a court finds there is clear and convincing evidence that the individual has a mental disorder and poses a danger to him or herself or others, or is unable to provide for their basic personal needs. OSH and residential facilities operate under and are licensed by the Oregon Health Authority (OHA). Committed persons have a variety of rights under Oregon law, including the right to reasonable telephone access, to wear their own clothing, to have a written treatment plan, and be kept current on their progress, to be compensated for work, and to access the outdoors daily, among others. Residential facilities are licensed by OHA and provide housing and treatment services to adults with a qualifying mental illness in Oregon.

House Bill 2215 adds a right of privacy for committed persons while resting, sleeping, dressing, or engaging in personal hygiene activities.