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.

Modifies circumstances in which physician or provider may disregard principal’s wishes regarding mental health treatment to include when principal is extremely dangerous person committed to Oregon Health Authority.

Provides that cost-of-care rate for person in Oregon State Hospital include costs of outpatient services.

A BILL FOR AN ACT

Relating to mental health; amending ORS 127.720 and 179.701.

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

SECTION 1. ORS 127.720 is amended to read:

127.720. (1) The physician or provider may subject the principal to mental health treatment in a manner contrary to the principal’s wishes as expressed in a declaration for mental health treatment only:

(a) If the principal is committed pursuant to ORS 426.005 to 426.390 or 426.701 to the Oregon Health Authority [pursuant to ORS 426.005 to 426.390] and treatment is authorized in compliance with ORS 426.385 (3) and administrative rule.

(b) If treatment is authorized in compliance with administrative rule and:

(A) The principal is committed to a state hospital or secure intensive community inpatient facility:

(i) As a result of being found guilty except for insanity under ORS 161.295 or responsible except for insanity under ORS 419C.411;

(ii) Under ORS 161.365; or

(iii) Under ORS 161.370; or

(B) The principal is transferred to a state hospital or other facility under ORS 179.473 or 419C.530.

(c) In cases of emergency endangering life or health.

(2) A declaration does not limit any authority provided in ORS 426.005 to 426.390 either to take a person into custody, or to admit, retain or treat a person in a health care facility.

SECTION 2. ORS 179.701 is amended to read:

179.701. (1) The cost-of-care rates for a person who is or was in a state institution described in ORS 179.321 shall be determined by the Department of Corrections or the Oregon Health Authority, as appropriate. The rates established shall be reasonably related to current costs of the institutions as described in ORS 179.321.

(b) Current costs for a person who is or was in a Department of Corrections institution

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.

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shall exclude costs of outpatient services as defined in ORS 430.010 and any other costs not directly
related to the care for a person at a state institution.

(c) Current costs for a person who is or was in the Oregon State Hospital shall include
costs of outpatient services as defined in ORS 430.010 and exclude any other costs not di-
rectly related to the care for a person at a state institution.

(2) The cost-of-care rates for a person who was a resident of the Eastern Oregon Training Cen-
ter shall be determined by the Department of Human Services. The rates established shall be rea-
sonably related to the costs to operate, control, manage and supervise the state training center at
the time of the person's residency. The department must exclude costs of outpatient services as de-
defined in ORS 430.010 and any other costs not directly related to the care of the person at the state
training center.