

# Senate Bill 72

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## 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

1  
2 Relating to mental health; amending ORS 127.720 and 179.701.

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

4 **SECTION 1.** ORS 127.720 is amended to read:

5 127.720. (1) The physician or provider may subject the principal to mental health treatment in  
6 a manner contrary to the principal's wishes as expressed in a declaration for mental health treat-  
7 ment only:

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

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

12 (A) The principal is committed to a state hospital or secure intensive community inpatient fa-  
13 cility:

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

16 (ii) Under ORS 161.365; or

17 (iii) Under ORS 161.370; or

18 (B) The principal is transferred to a state hospital or other facility under ORS 179.473 or  
19 419C.530.

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

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

23 **SECTION 2.** ORS 179.701 is amended to read:

24 179.701. (1)(a) The cost-of-care rates for a person who is or was in a state institution described  
25 in ORS 179.321 shall be determined by the Department of Corrections or the Oregon Health Au-  
26 thority, as appropriate. The rates established shall be reasonably related to current costs of the in-  
27 stitutions as described in ORS 179.321.

28 (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.

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

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

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

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