

HB 4085 STAFF MEASURE SUMMARY

House Committee On Behavioral Health

Prepared By: Oliver Droppers, LPRO Analyst

Meeting Dates: 2/8, 2/10

WHAT THE MEASURE DOES:

Authorizes specified licensed inpatient residential treatment facilities to admit a minor under 18 years of age for behavioral health and substance use services if certain requirements are met. Requires a licensed inpatient facility to request a diagnostic assessment from a third-party licensed clinician or qualified professional. Specifies requirements for clinicians or qualified professional to qualify as a neutral fact finder for conducting diagnostic assessment. Establishes criteria for inpatient treatment facilities to determine and admit children including notification requirements for children younger than 14 years of age, child's parent or guardian, and children age 14 or older. Excludes children who are a ward of the Department of Human Services (DHS), Oregon Youth Authority, a county juvenile department, or voluntarily admitted to the state hospital. Directs DHS in consultation with Oregon Health Authority to make publicly available information to assist parents and guardians seeking behavioral or substance use treatment services for minors.

FISCAL: May have fiscal impact, but no statement yet issued.

REVENUE: May have revenue impact, but no statement yet issued.

ISSUES DISCUSSED:

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). Residential facilities are licensed by OHA and provide housing and treatment services to adults and adolescents with a qualifying mental illness.

Under Oregon law, anyone under the age of 18 is considered a minor ([ORS 419B.550](#) and [ORS 109.510](#)). In general, a minor's age determines whether they can access health care services independently or if parental or guardian consent is required. Similar to adults, children and adolescents diagnosed with a mental health condition are served through the Intensive Treatment Service (ITS) program, including inpatient psychiatric services.

House Bill 4085 allows inpatient residential behavioral health facilities to admit minors under 18 if certain conditions are met.