

# Senate Bill 73

Sponsored by Senator THATCHER (at the request of Representative Kevin Mannix) (Pre-session filed.)

## 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 definition of "person with mental illness" as used in civil commitment statutes.

### A BILL FOR AN ACT

Relating to persons with mental illness; amending ORS 426.005.

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

**SECTION 1.** ORS 426.005 is amended to read:

426.005. (1) As used in ORS 426.005 to 426.390, unless the context requires otherwise:

(a) "Community mental health program director" means the director of an entity that provides the services described in ORS 430.630 (3) to (5).

(b) "Director of the facility" means a superintendent of a state mental hospital, the chief of psychiatric services in a community hospital or the person in charge of treatment and rehabilitation programs at other treatment facilities.

(c) "Facility" means a state mental hospital, community hospital, residential facility, detoxification center, day treatment facility or such other facility as the authority determines suitable that provides diagnosis and evaluation, medical care, detoxification, social services or rehabilitation to persons who are in custody during a prehearing period of detention or who have been committed to the Oregon Health Authority under ORS 426.130.

(d) "Licensed independent practitioner" means:

(A) A physician, as defined in ORS 677.010;

(B) A nurse practitioner licensed under ORS 678.375 and authorized to write prescriptions under ORS 678.390; or

(C) A naturopathic physician licensed under ORS chapter 685.

(e) "Nonhospital facility" means any facility, other than a hospital, that is approved by the authority to provide adequate security, psychiatric, nursing and other services to persons under ORS 426.232 or 426.233.

(f) "Person with mental illness" means a person who, because of a mental disorder, is one or more of the following:

(A) Dangerous to self or others.

(B) Unable to provide for basic personal needs *[that are necessary to avoid serious physical harm in the near future, and is not receiving such care as is necessary to avoid such harm]* **and is not receiving such care as is necessary for health or safety.**

(C) A person:

(i) With a chronic mental illness, as defined in ORS 426.495;

(ii) Who, within the previous three years, has twice been placed in a hospital or approved in-

**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 patient facility by the authority or the Department of Human Services under ORS 426.060;

2 (iii) Who is exhibiting symptoms or behavior substantially similar to those that preceded and led  
3 to one or more of the hospitalizations or inpatient placements referred to in sub-subparagraph (ii)  
4 of this subparagraph; and

5 (iv) Who, unless treated, will continue, to a reasonable medical probability, to physically or  
6 mentally deteriorate so that the person will become a person described under either subparagraph  
7 (A) or (B) of this paragraph or both.

8 (g) "Prehearing period of detention" means a period of time calculated from the initiation of  
9 custody during which a person may be detained under ORS 426.228, 426.231, 426.232 or 426.233.

10 (2) Whenever a community mental health program director, director of the facility, superinten-  
11 dent of a state hospital or administrator of a facility is referred to, the reference includes any  
12 designee such person has designated to act on the person's behalf in the exercise of duties.

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