

# Senate Bill 834

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Tina Kotek for Oregon Health Authority)

## 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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes changes to some laws about places that provide mental health treatment. (Flesch Readability Score: 77.8).

Prohibits state hospitals from providing inpatient services to individuals who are under 18 years of age.

Modifies the description of when a qualifying mental disorder is resistant to treatment for purposes of involuntary civil commitment of an extremely dangerous person.

Directs the Oregon Health Authority to designate a licensed physician to serve as the chief medical officer of a state hospital, regardless of whether the superintendent of the hospital is a licensed physician.

Requires certain evaluations to be conducted by a certified evaluator.

## A BILL FOR AN ACT

Relating to facilities that provide mental health treatment; creating new provisions; and amending ORS 161.362, 161.371, 426.010, 426.020, 426.220, 426.650, 426.701 and 430.630.

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

### MINIMUM AGE REQUIREMENT FOR PATIENTS TREATED AT STATE HOSPITALS

**SECTION 1.** ORS 426.010 is amended to read:

426.010. (1) Except as otherwise ordered by the Oregon Health Authority pursuant to ORS 179.325, the Oregon State Hospital campuses in Salem, Marion County, and in Junction City, Lane County, shall be used as state hospitals for the **inpatient** care and treatment of persons with mental illness who are assigned to the care of the institutions by the authority or who have previously been committed to the institutions.

**(2) The state hospitals described in this section may not provide care or treatment to individuals under 18 years of age.**

**SECTION 2.** ORS 426.220 is amended to read:

426.220. (1) Pursuant to rules and regulations promulgated by the Oregon Health Authority, the superintendent of any state hospital for the treatment and care of persons with mental illness may admit and hospitalize therein as a patient, any person who may have a nervous disorder or a mental illness, and who voluntarily has made written application for such admission. No person under the age of 18 years shall be admitted as a patient to any such state hospital [*unless an application therefor in behalf of the person has been executed by the parent, adult next of kin or legal guardian of the person*]. Except when a period of longer hospitalization has been imposed as a condition of admission, pursuant to rules and regulations of the authority, no person voluntarily admitted to any state hospital shall be detained therein more than 72 hours after the person[, *if at least 18 years of*

**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 age,] has given notice in writing of a desire to be discharged therefrom[, or, if the patient is under  
 2 the age of 18 years, after notice in writing has been given by the parent, adult next of kin or legal  
 3 guardian of the person that such parent, adult next of kin or legal guardian desires that such person  
 4 be discharged therefrom].

5 (2) Any person voluntarily admitted to a state hospital pursuant to this section may upon ap-  
 6 plication and notice to the superintendent of the hospital concerned, be granted a temporary leave  
 7 of absence from the hospital if such leave, in the opinion of the superintendent, will not interfere  
 8 with the successful treatment or examination of the applicant for leave.

9 [(3) Upon admission or discharge of a minor to or from a state hospital the superintendent shall  
 10 immediately notify the parent or guardian.]

11 **SECTION 3.** ORS 426.650 is amended to read:

12 426.650. (1) Pursuant to rules promulgated by the Oregon Health Authority, the superintendent  
 13 of any state hospital for the treatment and care of persons with mental illness may admit and hos-  
 14 pitalize therein as a patient any person in need of medical or mental therapeutic treatment as a  
 15 sexually dangerous person who voluntarily has made written application for such admission. No  
 16 person under the age of 18 years shall be admitted as a patient to any such state hospital [*unless*  
 17 *an application therefor in behalf of the person has been executed by the parent, adult next of kin or*  
 18 *legal guardian of the person*]. Pursuant to rules and regulations of the authority, no person volun-  
 19 tarily admitted to any state hospital shall be detained therein more than 72 hours after the  
 20 person[, if at least 18 years of age,] has given notice in writing of desire to be discharged  
 21 therefrom[, or, if the patient is under the age of 18 years, after notice in writing has been given by the  
 22 parent, adult next of kin or legal guardian of the person that such parent, adult next of kin or legal  
 23 guardian desires that such person be discharged therefrom].

24 (2) Any person voluntarily admitted to a state facility pursuant to this section may upon appli-  
 25 cation and notice to the superintendent of the institution concerned, be granted a temporary leave  
 26 of absence from the institution if such leave, in the opinion of the chief medical officer, will not  
 27 interfere with the successful treatment or examination of the applicant.

28 **SECTION 4.** ORS 430.630 is amended to read:

29 430.630. (1) In addition to any other requirements that may be established by rule by the Oregon  
 30 Health Authority, each community mental health program, subject to the availability of funds, shall  
 31 provide guidance and assistance to local Behavioral Health Resource Networks for the joint devel-  
 32 opment of programs and activities to increase access to treatment and shall provide the following  
 33 basic services to persons with alcoholism or drug dependence, and persons who are alcohol or drug  
 34 abusers:

35 (a) Outpatient services;

36 (b) Aftercare for persons released from hospitals;

37 (c) Training, case and program consultation and education for community agencies, related  
 38 professions and the public;

39 (d) Guidance and assistance to other human service agencies for joint development of prevention  
 40 programs and activities to reduce factors causing alcohol abuse, alcoholism, drug abuse and drug  
 41 dependence; and

42 (e) Age-appropriate treatment options for older adults.

43 (2) As alternatives to state hospitalization, it is the responsibility of the community mental  
 44 health program to ensure that, subject to the availability of funds, the following services for persons  
 45 with alcoholism or drug dependence, and persons who are alcohol or drug abusers, are available

1 when needed and approved by the Oregon Health Authority:

2 (a) Emergency services on a 24-hour basis, such as telephone consultation, crisis intervention  
3 and prehospital screening examination;

4 (b) Care and treatment for a portion of the day or night, which may include day treatment  
5 centers, work activity centers and after-school programs;

6 (c) Residential care and treatment in facilities such as halfway houses, detoxification centers  
7 and other community living facilities;

8 (d) Continuity of care, such as that provided by service coordinators, community case develop-  
9 ment specialists and core staff of federally assisted community mental health centers;

10 (e) Inpatient treatment in community hospitals; and

11 (f) Other alternative services to state hospitalization as defined by the Oregon Health Authority.

12 (3) In addition to any other requirements that may be established by rule of the Oregon Health  
13 Authority, each community mental health program, subject to the availability of funds, shall provide  
14 or ensure the provision of the following services to persons with mental or emotional disturbances:

15 (a) Screening and evaluation to determine the client's service needs;

16 (b) Crisis stabilization to meet the needs of persons with acute mental or emotional disturbances,  
17 including the costs of investigations and prehearing detention in community hospitals or other fa-  
18 cilities approved by the authority for persons involved in involuntary commitment procedures;

19 (c) Vocational and social services that are appropriate for the client's age, designed to improve  
20 the client's vocational, social, educational and recreational functioning;

21 (d) Continuity of care to link the client to housing and appropriate and available health and  
22 social service needs;

23 (e) Psychiatric care in state and community hospitals, subject to the provisions of subsection (4)  
24 of this section;

25 (f) Residential services;

26 (g) Medication monitoring;

27 (h) Individual, family and group counseling and therapy;

28 (i) Public education and information;

29 (j) Prevention of mental or emotional disturbances and promotion of mental health;

30 (k) Consultation with other community agencies;

31 (L) Preventive mental health services for children and adolescents, including primary prevention  
32 efforts, early identification and early intervention services. Preventive services should be patterned  
33 after service models that have demonstrated effectiveness in reducing the incidence of emotional,  
34 behavioral and cognitive disorders in children. As used in this paragraph:

35 (A) "Early identification" means detecting emotional disturbance in its initial developmental  
36 stage;

37 (B) "Early intervention services" for children at risk of later development of emotional disturb-  
38 ances means programs and activities for children and their families that promote conditions, oppor-  
39 tunities and experiences that encourage and develop emotional stability, self-sufficiency and  
40 increased personal competence; and

41 (C) "Primary prevention efforts" means efforts that prevent emotional problems from occurring  
42 by addressing issues early so that disturbances do not have an opportunity to develop; and

43 (m) Preventive mental health services for older adults, including primary prevention efforts,  
44 early identification and early intervention services. Preventive services should be patterned after  
45 service models that have demonstrated effectiveness in reducing the incidence of emotional and be-

1 havioral disorders and suicide attempts in older adults. As used in this paragraph:

2 (A) "Early identification" means detecting emotional disturbance in its initial developmental  
3 stage;

4 (B) "Early intervention services" for older adults at risk of development of emotional disturb-  
5 ances means programs and activities for older adults and their families that promote conditions,  
6 opportunities and experiences that encourage and maintain emotional stability, self-sufficiency and  
7 increased personal competence and that deter suicide; and

8 (C) "Primary prevention efforts" means efforts that prevent emotional problems from occurring  
9 by addressing issues early so that disturbances do not have an opportunity to develop.

10 (4) A community mental health program shall assume responsibility for psychiatric care in state  
11 and community hospitals, as provided in subsection (3)(e) of this section, in the following circum-  
12 stances:

13 (a) The person receiving care is a resident of the county served by the program. For purposes  
14 of this paragraph, "resident" means the resident of a county in which the person maintains a current  
15 mailing address or, if the person does not maintain a current mailing address within the state, the  
16 county in which the person is found, or the county in which a court-committed person with a mental  
17 illness has been conditionally released.

18 (b) The person has been hospitalized involuntarily or voluntarily, pursuant to ORS 426.130 or  
19 426.220, [*except for persons confined to the Secure Child and Adolescent Treatment Unit at Oregon*  
20 *State Hospital,*] or has been hospitalized as the result of a revocation of conditional release.

21 (c) Payment is made for the first 60 consecutive days of hospitalization.

22 (d) The hospital has collected all available patient payments and third-party reimbursements.

23 (e) In the case of a community hospital, the authority has approved the hospital for the care of  
24 persons with mental or emotional disturbances, the community mental health program has a con-  
25 tract with the hospital for the psychiatric care of residents and a representative of the program  
26 approves voluntary or involuntary admissions to the hospital prior to admission.

27 (5) Subject to the review and approval of the Oregon Health Authority, a community mental  
28 health program may initiate additional services after the services defined in this section are pro-  
29 vided.

30 (6) Each community mental health program and the state hospital serving the program's ge-  
31 ographic area shall enter into a written agreement concerning the policies and procedures to be  
32 followed by the program and the hospital when a patient is admitted to, and discharged from, the  
33 hospital and during the period of hospitalization.

34 (7) Each community mental health program shall have a mental health advisory committee, ap-  
35 pointed by the board of county commissioners or the county court or, if two or more counties have  
36 combined to provide mental health services, the boards or courts of the participating counties or,  
37 in the case of a Native American reservation, the tribal council.

38 (8) A community mental health program may request and the authority may grant a waiver re-  
39 garding provision of one or more of the services described in subsection (3) of this section upon a  
40 showing by the county and a determination by the authority that persons with mental or emotional  
41 disturbances in that county would be better served and unnecessary institutionalization avoided.

42 (9)(a) As used in this subsection, "local mental health authority" means one of the following  
43 entities:

44 (A) The board of county commissioners of one or more counties that establishes or operates a  
45 community mental health program;

1 (B) The tribal council, in the case of a federally recognized tribe of Native Americans that elects  
2 to enter into an agreement to provide mental health services; or

3 (C) A regional local mental health authority comprising two or more boards of county commis-  
4 sioners.

5 (b) Each local mental health authority that provides mental health services shall determine the  
6 need for local mental health services and adopt a comprehensive local plan for the delivery of  
7 mental health services for children, families, adults and older adults that describes the methods by  
8 which the local mental health authority shall provide those services. The purpose of the local plan  
9 is to create a blueprint to provide mental health services that are directed by and responsive to the  
10 mental health needs of individuals in the community served by the local plan. A local mental health  
11 authority shall coordinate its local planning with the development of the community health im-  
12 provement plan under ORS 414.575 by the coordinated care organization serving the area. The  
13 Oregon Health Authority may require a local mental health authority to review and revise the local  
14 plan periodically.

15 (c) The local plan shall identify ways to:

16 (A) Coordinate and ensure accountability for all levels of care described in paragraph (e) of this  
17 subsection;

18 (B) Maximize resources for consumers and minimize administrative expenses;

19 (C) Provide supported employment and other vocational opportunities for consumers;

20 (D) Determine the most appropriate service provider among a range of qualified providers;

21 (E) Ensure that appropriate mental health referrals are made;

22 (F) Address local housing needs for persons with mental health disorders;

23 (G) Develop a process for discharge from state and local psychiatric hospitals and transition  
24 planning between levels of care or components of the system of care;

25 (H) Provide peer support services, including but not limited to drop-in centers and paid peer  
26 support;

27 (I) Provide transportation supports; and

28 (J) Coordinate services among the criminal and juvenile justice systems, adult and juvenile  
29 corrections systems and local mental health programs to ensure that persons with mental illness  
30 who come into contact with the justice and corrections systems receive needed care and to ensure  
31 continuity of services for adults and juveniles leaving the corrections system.

32 (d) When developing a local plan, a local mental health authority shall:

33 (A) Coordinate with the budgetary cycles of state and local governments that provide the local  
34 mental health authority with funding for mental health services;

35 (B) Involve consumers, advocates, families, service providers, schools and other interested par-  
36 ties in the planning process;

37 (C) Coordinate with the local public safety coordinating council to address the services de-  
38 scribed in paragraph (c)(J) of this subsection;

39 (D) Conduct a population based needs assessment to determine the types of services needed lo-  
40 cally;

41 (E) Determine the ethnic, age-specific, cultural and diversity needs of the population served by  
42 the local plan;

43 (F) Describe the anticipated outcomes of services and the actions to be achieved in the local  
44 plan;

45 (G) Ensure that the local plan coordinates planning, funding and services with:

- 1 (i) The educational needs of children, adults and older adults;
- 2 (ii) Providers of social supports, including but not limited to housing, employment, transportation  
3 and education; and
- 4 (iii) Providers of physical health and medical services;
- 5 (H) Describe how funds, other than state resources, may be used to support and implement the  
6 local plan;
- 7 (I) Demonstrate ways to integrate local services and administrative functions in order to support  
8 integrated service delivery in the local plan; and
- 9 (J) Involve the local mental health advisory committees described in subsection (7) of this sec-  
10 tion.
- 11 (e) The local plan must describe how the local mental health authority will ensure the delivery  
12 of and be accountable for clinically appropriate services in a continuum of care based on consumer  
13 needs. The local plan shall include, but not be limited to, services providing the following levels of  
14 care:
- 15 (A) Twenty-four-hour crisis services;
- 16 (B) Secure and nonsecure extended psychiatric care;
- 17 (C) Secure and nonsecure acute psychiatric care;
- 18 (D) Twenty-four-hour supervised structured treatment;
- 19 (E) Psychiatric day treatment;
- 20 (F) Treatments that maximize client independence;
- 21 (G) Family and peer support and self-help services;
- 22 (H) Support services;
- 23 (I) Prevention and early intervention services;
- 24 (J) Transition assistance between levels of care;
- 25 (K) Dual diagnosis services;
- 26 (L) Access to placement in state-funded psychiatric hospital beds;
- 27 (M) Precommitment and civil commitment in accordance with ORS chapter 426; and
- 28 (N) Outreach to older adults at locations appropriate for making contact with older adults, in-  
29 cluding senior centers, long term care facilities and personal residences.
- 30 (f) In developing the part of the local plan referred to in paragraph (c)(J) of this subsection, the  
31 local mental health authority shall collaborate with the local public safety coordinating council to  
32 address the following:
- 33 (A) Training for all law enforcement officers on ways to recognize and interact with persons  
34 with mental illness, for the purpose of diverting them from the criminal and juvenile justice systems;
- 35 (B) Developing voluntary locked facilities for crisis treatment and follow-up as an alternative  
36 to custodial arrests;
- 37 (C) Developing a plan for sharing a daily jail and juvenile detention center custody roster and  
38 the identity of persons of concern and offering mental health services to those in custody;
- 39 (D) Developing a voluntary diversion program to provide an alternative for persons with mental  
40 illness in the criminal and juvenile justice systems; and
- 41 (E) Developing mental health services, including housing, for persons with mental illness prior  
42 to and upon release from custody.
- 43 (g) Services described in the local plan shall:
- 44 (A) Address the vision, values and guiding principles described in the Report to the Governor  
45 from the Mental Health Alignment Workgroup, January 2001;

- 1 (B) Be provided to children, older adults and families as close to their homes as possible;
- 2 (C) Be culturally appropriate and competent;
- 3 (D) Be, for children, older adults and adults with mental health needs, from providers appropri-
- 4 ate to deliver those services;
- 5 (E) Be delivered in an integrated service delivery system with integrated service sites or pro-
- 6 cesses, and with the use of integrated service teams;
- 7 (F) Ensure consumer choice among a range of qualified providers in the community;
- 8 (G) Be distributed geographically;
- 9 (H) Involve consumers, families, clinicians, children and schools in treatment as appropriate;
- 10 (I) Maximize early identification and early intervention;
- 11 (J) Ensure appropriate transition planning between providers and service delivery systems, with
- 12 an emphasis on transition between children and adult mental health services;
- 13 (K) Be based on the ability of a client to pay;
- 14 (L) Be delivered collaboratively;
- 15 (M) Use age-appropriate, research-based quality indicators;
- 16 (N) Use best-practice innovations; and
- 17 (O) Be delivered using a community-based, multisystem approach.
- 18 (h) A local mental health authority shall submit to the Oregon Health Authority a copy of the
- 19 local plan and revisions adopted under paragraph (b) of this subsection at time intervals established
- 20 by the Oregon Health Authority.

21  
22 **PSYCHIATRIC MENTAL HEALTH NURSE PRACTITIONER**

23  
24 **SECTION 5.** ORS 426.701 is amended to read:

25 426.701. (1) For the purposes of this section and ORS 426.702:

26 (a) A person is “extremely dangerous” if the person:

27 (A) Is at least 18 years of age;

28 (B) Is exhibiting symptoms or behaviors of a qualifying mental disorder substantially similar to  
29 those that preceded the act described in subsection (3)(a)(C) of this section; and

30 (C) Because of a qualifying mental disorder:

31 (i) Presents a serious danger to the safety of other persons by reason of an extreme risk that  
32 the person will inflict grave or potentially lethal physical injury on other persons; and

33 (ii) Unless committed, will continue to represent an extreme risk to the safety of other persons  
34 in the foreseeable future.

35 (b) “Qualifying mental disorder” does not include:

36 (A) A disorder manifested solely by repeated criminal or otherwise antisocial conduct; or

37 (B) A disorder constituting solely a personality disorder.

38 (c) A qualifying mental disorder is “resistant to treatment” if, *after receiving care from a li-*  
39 *icensed psychiatrist and exhausting all reasonable psychiatric treatment, or after refusing psychiatric*  
40 *treatment,*] the person continues to be significantly impaired in the person’s ability to make compe-  
41 tent decisions and to be aware of and control extremely dangerous behavior **after:**

42 **(A) Receiving care from a licensed psychiatrist or a licensed nurse practitioner with a**  
43 **specialty in psychiatric mental health and exhausting all reasonably psychiatric treatment;**  
44 **or**

45 **(B) Refusing psychiatric treatment.**

1 (2)(a) A district attorney may petition the court to initiate commitment proceedings described  
2 in this section if there is reason to believe a person is an extremely dangerous person with mental  
3 illness. Venue is proper in the county in which the person is alleged to have committed the quali-  
4 fying act or the county in which the person lives. The petition shall immediately be served upon the  
5 person.

6 (b) If a person is committed to a state hospital under ORS 161.365 or 161.370 and the state  
7 hospital intends to discharge the person, the district attorney may provide notice to the super-  
8 intendent of the state hospital indicating an intent to file a petition under this section. Upon receipt  
9 of the notice, the superintendent may delay discharge of the person for up to seven judicial days to  
10 allow for the petition to be filed and for the court to make findings under paragraph (f) of this  
11 subsection.

12 (c) The person shall be advised in writing of:

13 (A) The allegation that the person is an extremely dangerous person with mental illness and  
14 may be committed to the jurisdiction of the Psychiatric Security Review Board for a maximum pe-  
15 riod of 24 months; and

16 (B) The right to a hearing to determine whether the person is an extremely dangerous person  
17 with mental illness, unless the person consents to the commitment by waiving the right to a hearing  
18 in writing after consultation with legal counsel.

19 (d) A person against whom a petition described in this subsection is filed shall have the follow-  
20 ing:

21 (A) The right to obtain suitable legal counsel possessing skills and experience commensurate  
22 with the nature of the allegations and complexity of the case and, if the person is without funds to  
23 retain legal counsel, the right to have the court appoint legal counsel;

24 (B) The right to subpoena witnesses and to offer evidence on behalf of the person at the hearing;

25 (C) The right to cross-examine any witnesses who appear at the hearing; and

26 (D) The right to examine all reports, documents and information that the court considers, in-  
27 cluding the right to examine the reports, documents and information prior to the hearing, if avail-  
28 able.

29 (e) Upon receipt of the petition, the court shall schedule a hearing and shall appoint an exam-  
30 iner as described in ORS 426.110 to evaluate the person. If the person is in custody or committed  
31 while the hearing is pending, the hearing must commence within 30 days of filing the petition unless  
32 good cause is found by the court. If the court finds good cause, the hearing must commence no later  
33 than 60 days after the filing of the petition or, if the district attorney provided notice under para-  
34 graph (b) of this subsection, the date of the notice, whichever occurs first. As used in this paragraph,  
35 "good cause" means:

36 (A) The person who would be considered the victim of the act described in subsection (3)(a)(C)  
37 of this section if the act were criminally prosecuted, or an essential witness for either the state or  
38 the person, is unable to testify within the 30-day period.

39 (B) The attorney for the person cannot reasonably be expected to participate in the hearing  
40 within the 30-day period, cannot be adequately prepared to represent the person at the hearing  
41 within the 30-day period, or has a schedule conflict that cannot be resolved in a manner that allows  
42 the attorney to represent the person at a hearing within the 30-day period.

43 (C) An examiner cannot be appointed to conduct the examination, or conduct the examination  
44 and prepare a report, within the 30-day period.

45 (D) If a guardian ad litem is appointed on the case, the guardian ad litem cannot be prepared



1 for a hearing within the 30-day period.

2 (f)(A) The court may order that the person be committed to the custody of the superintendent  
3 of a state hospital or the director of a secure mental health facility while the petition is pending if  
4 the court finds probable cause that:

5 (i) The person is at least 18 years of age;

6 (ii) The person has a qualifying mental disorder that is resistant to treatment;

7 (iii) The person committed an act described in subsection (3)(a)(C) of this section; and

8 (iv) Failure to commit the person while the hearing is pending would pose serious harm or  
9 danger to the person or others.

10 (B) If a person committed under this paragraph is held in a secure facility other than a state  
11 hospital or secure mental health facility, including but not limited to a jail or prison, at the time  
12 the petition is filed, the court may further order that the person remain at that placement for suf-  
13 ficient time to allow the superintendent or director to safely admit the person. Any order of the  
14 court concerning the placement of a person under this subparagraph must be in accordance with the  
15 person's constitutional right to due process. If the person remains in a secure facility under this  
16 subparagraph, the superintendent, director or designee may consult with the facility to ensure con-  
17 tinuity of care for the person.

18 (C) Commitment to the custody of the superintendent of a state hospital or the director of a  
19 secure mental health facility under this paragraph may not exceed 60 days. If the hearing does not  
20 occur within 60 days, if the district attorney dismisses the petition, or if the court holds the hearing  
21 but does not commit the person, the person shall be returned to the county in which the petition  
22 was filed and the court shall hold a disposition hearing within five judicial days to determine how  
23 to proceed on the petition and any outstanding criminal charges. A person who is returned to a  
24 secure facility other than a state hospital or secure mental health facility, including but not limited  
25 to a jail or prison, under this paragraph may remain at the placement until the disposition hearing.

26 (g) If the hearing is not commenced within the time period required by paragraph (e) of this  
27 subsection, the court shall either dismiss the petition or release the person on personal recogni-  
28 zance, to the custody of a third party or upon any additional reasonable terms and conditions the  
29 court deems appropriate.

30 (3)(a) At the hearing on the petition, the court shall order the person committed as an extremely  
31 dangerous person with mental illness under the jurisdiction of the Psychiatric Security Review  
32 Board for a maximum of 24 months if the court finds, by clear and convincing evidence, that:

33 (A) The person is extremely dangerous;

34 (B) The person suffers from a qualifying mental disorder that is resistant to treatment; and

35 (C) Because of the qualifying mental disorder that is resistant to treatment, the person com-  
36 mitted one of the following acts:

37 (i) Caused the death of another person;

38 (ii) Caused serious physical injury to another person by means of a dangerous weapon;

39 (iii) Caused physical injury to another person by means of a firearm as defined in ORS 166.210  
40 or an explosive as defined in ORS 164.055;

41 (iv) Engaged in oral-genital contact with a child under 14 years of age;

42 (v) Forcibly compelled sexual intercourse, oral-genital contact or the penetration of another  
43 person's anus or vagina; or

44 (vi) Caused a fire or explosion that damaged the protected property of another, as those terms  
45 are defined in ORS 164.305, or placed another person in danger of physical injury, and the fire or

1 explosion was not the incidental result of normal and usual daily activities.

2 (b) The court shall further commit the person to a state hospital for custody, care and treatment  
3 if the court finds, by clear and convincing evidence, that the person cannot be controlled in the  
4 community with proper care, medication, supervision and treatment on conditional release.

5 (c) The court shall specify in the order whether any person who would be considered a victim  
6 as defined in ORS 131.007 of the act described in paragraph (a)(C) of this subsection, if the act had  
7 been criminally prosecuted, requests notification of any order or hearing, conditional release, dis-  
8 charge or escape of the person committed under this section.

9 (d) The court shall be fully advised of all drugs and other treatment known to have been ad-  
10 ministered to the alleged extremely dangerous person with mental illness that may substantially af-  
11 fect the ability of the person to prepare for, or to function effectively at, the hearing.

12 (e) The provisions of ORS 40.230, 40.235, 40.240, 40.250 and 179.505 do not apply to the use of  
13 the examiner's report and the court may consider the report as evidence.

14 (4) The findings of the court that a person committed an act described in subsection (3)(a)(C)  
15 of this section may not be admitted in a criminal prosecution.

16 (5)(a) If the court commits a person under this section and the person has pending criminal  
17 charges at the time of the hearing, the court shall dismiss the criminal charges without prejudice,  
18 and if the person is further committed to a state hospital under this section, the dismissal shall not  
19 take effect until the person's transportation to the state hospital.

20 (b) If the court commits a person to the state hospital under this section and:

21 (A) The person is in a setting other than a state hospital, the court may additionally order that  
22 the person remain in that placement until the person can be safely transported to a state hospital  
23 pursuant to the order. Any order of the court concerning the placement of the person under this  
24 subparagraph must be in accordance with the person's constitutional right to due process.

25 (B) The person is at a state hospital at the time of the hearing, the person may remain at the  
26 state hospital under the commitment.

27 (c) A person committed under this section shall remain under the jurisdiction of the board for  
28 a maximum of 24 months unless the board conducts a hearing and makes the findings described in  
29 subsection (6)(d) of this section.

30 (6)(a) The board shall hold a hearing six months after the initial commitment described in sub-  
31 section (3) of this section, and thereafter six months after a further commitment described in ORS  
32 426.702, to determine the placement of the person and whether the person is eligible for conditional  
33 release or early discharge. The board shall provide written notice of the hearing to the person, the  
34 person's legal counsel and the office of the district attorney who filed the initial petition under  
35 subsection (2) of this section within a reasonable time prior to the hearing. The board shall further  
36 notify the person of the following:

37 (A) The nature of the hearing and possible outcomes;

38 (B) The right to appear at the hearing and present evidence;

39 (C) The right to be represented by legal counsel and, if the person is without funds to retain  
40 legal counsel, the right to have the court appoint legal counsel;

41 (D) The right to subpoena witnesses;

42 (E) The right to cross-examine witnesses who appear at the hearing; and

43 (F) The right to examine all reports, documents and information that the board considers, in-  
44 cluding the right to examine the reports, documents and information prior to the hearing if avail-  
45 able.

1 (b) If the board determines at the hearing that the person still suffers from a qualifying mental  
2 disorder that is resistant to treatment and continues to be extremely dangerous, and that the person  
3 cannot be controlled in the community with proper care, medication, supervision and treatment if  
4 conditionally released, the person shall remain committed to a state hospital.

5 (c) If the board determines at the hearing that the person still suffers from a qualifying mental  
6 disorder that is resistant to treatment and continues to be extremely dangerous, but finds that the  
7 person can be controlled in the community with proper care, medication, supervision and treatment  
8 if conditionally released, the board shall conditionally release the person.

9 (d) If the board determines at the hearing that the person no longer suffers from a qualifying  
10 mental disorder that is resistant to treatment or is no longer extremely dangerous, the board shall  
11 discharge the person. The discharge of a person committed under this section does not preclude  
12 commitment of the person pursuant to ORS 426.005 to 426.390.

13 (7)(a) At any time during the commitment to a state hospital, the superintendent of the state  
14 hospital may request a hearing to determine the status of the person's commitment under the juris-  
15 diction of the board. The request shall be accompanied by a report setting forth the facts supporting  
16 the request. If the request is for conditional release, the request shall be accompanied by a verified  
17 conditional release plan. The hearing shall be conducted as described in subsection (6) of this sec-  
18 tion.

19 (b) The board may make the findings described in subsection (6)(c) of this section and condi-  
20 tionally release the person without a hearing if the office of the district attorney who filed the ini-  
21 tial petition under subsection (2) of this section does not object to the conditional release.

22 (c) At any time during conditional release, a state or local mental health facility providing  
23 treatment to the person may request a hearing to determine the status of the person's commitment  
24 under the jurisdiction of the board. The hearing shall be conducted as described in subsection (6)  
25 of this section.

26 (8)(a) If the board orders the conditional release of a person under subsection (6)(c) of this sec-  
27 tion, the board shall order conditions of release that may include a requirement to report to any  
28 state or local mental health facility for evaluation. The board may further require cooperation with,  
29 and acceptance of, psychiatric or psychological treatment from the facility. Conditions of release  
30 may be modified by the board from time to time.

31 (b) When a person is referred to a state or local mental health facility for an evaluation under  
32 this subsection, the facility shall perform the evaluation and submit a written report of its findings  
33 to the board. If the facility finds that treatment of the person is appropriate, the facility shall in-  
34 clude its recommendations for treatment in the report to the board.

35 (c) Whenever treatment is provided to the person by a state or local mental health facility under  
36 this subsection, the facility shall furnish reports to the board on a regular basis concerning the  
37 progress of the person.

38 (d) Copies of all reports submitted to the board pursuant to this subsection shall be furnished  
39 to the person and to the person's legal counsel, if applicable. The confidentiality of these reports is  
40 determined pursuant to ORS 192.338, 192.345 and 192.355.

41 (e) The state or local mental health facility providing treatment to the person under this sub-  
42 section shall comply with the conditional release order and any modifications of the conditions or-  
43 dered by the board.

44 (9)(a) If at any time while the person is conditionally released it appears that the person has  
45 violated the terms of the conditional release, the board may order the person returned to a state

1 hospital for evaluation or treatment. A written order of the board is sufficient warrant for any law  
 2 enforcement officer to take the person into custody. A sheriff, municipal police officer, parole or  
 3 probation officer or other peace officer shall execute the order, and the person shall be returned to  
 4 the state hospital as soon as practicable.

5 (b) The director of a state or local mental health facility providing treatment to a person under  
 6 subsection (8) of this section may request that the board issue a written order for a person on con-  
 7 ditional release to be taken into custody if there is reason to believe that the person can no longer  
 8 be controlled in the community with proper care, medication, supervision and treatment.

9 (c) Within 30 days following the return of the person to a state hospital, the board shall conduct  
 10 a hearing to determine if, by a preponderance of the evidence, the person is no longer fit for con-  
 11 ditional release. The board shall provide written notice of the hearing to the person, the person's  
 12 legal counsel and the office of the district attorney who filed the initial petition under subsection  
 13 (2) of this section within a reasonable time prior to the hearing. The notice shall advise the person  
 14 of the nature of the hearing, the right to have the court appoint legal counsel and the right to  
 15 subpoena witnesses, examine documents considered by the board and cross-examine all witnesses  
 16 who appear at the hearing.

17 (10)(a) If the person had unadjudicated criminal charges at the time of the filing of the petition  
 18 for the person's initial commitment under this section and the state hospital or the state or local  
 19 mental health facility providing treatment to the person intends to recommend discharge of the  
 20 person at an upcoming hearing, the superintendent of the state hospital or the director of the fa-  
 21 cility shall provide written notice to the board and the district attorney of the county where the  
 22 criminal charges were initiated of the discharge recommendation at least 45 days before the hearing.  
 23 The notice shall be accompanied by a report describing the person's diagnosis and the treatment the  
 24 person has received.

25 (b) Upon receiving the notice described in this subsection, the district attorney may request an  
 26 order from the court in the county where the criminal charges were initiated for an evaluation to  
 27 determine if the person is fit to proceed in the criminal proceeding. The court may order the state  
 28 hospital or the state or local mental health facility providing treatment to the person to perform the  
 29 evaluation. The hospital or facility shall provide copies of the evaluation to the district attorney,  
 30 the person and the person's legal counsel, if applicable.

31 (c) The person committed under this section may not waive an evaluation ordered by the court  
 32 to determine if the person is fit to proceed with the criminal proceeding as described in this sub-  
 33 section.

34 (11) The board shall make reasonable efforts to notify any person described in subsection (3)(c)  
 35 of this section of any order or hearing, conditional release, discharge or escape of the person com-  
 36 mitted under this section.

37 (12) Unless the court orders otherwise or either party objects, any party or witness may attend  
 38 a hearing held under this section via simultaneous electronic transmission.

39 (13) The board shall adopt rules to carry out the provisions of this section and ORS 426.702.

40 (14) Any time limitation described in ORS 131.125 to 131.155 does not run during a commitment  
 41 described in this section or a further commitment described in ORS 426.702.

42  
 43 **CHIEF MEDICAL OFFICER OF STATE HOSPITAL**

44  
 45 **SECTION 6.** ORS 426.020 is amended to read:

1 426.020. (1) The superintendent of a hospital referred to in ORS 426.010 [*shall*] **must** be a person  
 2 the Oregon Health Authority considers qualified to administer the hospital. [*If the superintendent of*  
 3 *any hospital is a physician licensed by the Oregon Medical Board, the superintendent shall serve as*  
 4 *chief medical officer.*]

5 (2) [*If the superintendent is not a physician,*] The Director of the Oregon Health Authority or the  
 6 designee of the director shall designate a physician **licensed by the Oregon Medical Board** to  
 7 serve as chief medical officer **of a hospital referred to in ORS 426.010**. The designated chief  
 8 medical officer may be an appointed state employee in the unclassified service, a self-employed  
 9 contractor or an employee of a public or private entity that contracts with the authority to provide  
 10 chief medical officer services. Unless the designated chief medical officer is specifically appointed  
 11 as a state employee in the unclassified service, the designated chief medical officer shall not be  
 12 deemed a state employee for purposes of any state statute, rule or policy.

13 (3)(a) Notwithstanding any other provision of law, the designated chief medical officer may su-  
 14 pervise physicians and naturopathic physicians who are employed by the hospital or who provide  
 15 services at the hospital pursuant to a contract.

16 (b) The designated chief medical officer may delegate all or part of the authority to supervise  
 17 other physicians and naturopathic physicians at the hospital to a physician who is employed by the  
 18 state, a self-employed contractor or an employee of a public or private entity that contracts with the  
 19 authority to provide physician services.

20  
 21 **CERTIFIED EVALUATORS**  
 22

23 **SECTION 7.** ORS 161.362 is amended to read:

24 161.362. (1) A recommendation provided by a certified evaluator, pursuant to ORS 161.355 to  
 25 161.371, that a defendant requires a hospital level of care due to the acuity of the defendant's  
 26 symptoms must be based upon the defendant's current diagnosis and [*symptomology*]  
 27 **symptomatology**, the defendant's current ability to engage in treatment, present safety concerns  
 28 relating to the defendant and any other pertinent information known to the evaluator. If the de-  
 29 fendant is in a placement in a facility, the evaluator may defer to the treatment provider's recom-  
 30 mendation regarding whether a hospital level of care is needed.

31 (2) A determination by a community mental health program director, or the director's designee,  
 32 pursuant to ORS 161.355 to 161.371, that appropriate community restoration services are not present  
 33 and available in the community must include information concerning the specific services necessary  
 34 to safely allow the defendant to gain or regain fitness to proceed in the community and must specify  
 35 the necessary services that are not present and available in the community.

36 (3)(a) Reports resulting from examinations performed by a certified evaluator, and documents  
 37 containing the recommendations of or resulting from consultations with a community mental health  
 38 program director or the director's designee, prepared under ORS 161.355 to 161.371, and any docu-  
 39 ment submitted to the court by a state mental hospital related to the proceedings under ORS 161.355  
 40 to 161.371, are confidential and may be made available only:

41 (A) To the court, prosecuting attorney, defense attorney, agent of the prosecuting or defense  
 42 attorney, defendant, community mental health program director or designee, state mental hospital  
 43 and any facility in which the defendant is housed; or

44 (B) As ordered by a court.

45 (b) Any facility in which a defendant is housed may not use a report or document described in

1 paragraph (a) of this subsection to support a disciplinary action against the defendant.

2 (c) Nothing in this subsection prohibits the prosecuting attorney, defense attorney or agent of  
3 the prosecuting or defense attorney from discussing the contents of a report or document described  
4 in paragraph (a) of this subsection with witnesses or victims as otherwise permitted by law.

5 (4) The court shall ensure that an order entered under ORS 161.355 to 161.371 is provided, by  
6 the end of the next judicial day, to any entity ordered to provide restoration services.

7 (5) Unless the court orders otherwise or either party objects, a defendant committed to a state  
8 mental hospital or other facility, or a certified evaluator or other expert witness, may attend  
9 hearings held under ORS 161.355 to 161.371 via simultaneous electronic transmission.

10 **SECTION 8.** ORS 161.371 is amended to read:

11 161.371. (1) The superintendent of a state mental hospital or director of a facility to which the  
12 defendant is committed under ORS 161.370 shall cause the defendant to be evaluated **by a certified**  
13 **evaluator** within 60 days from the defendant's delivery into the superintendent's or director's cus-  
14 tody, for the purpose of determining whether there is a substantial probability that, in the foresee-  
15 able future, the defendant will have fitness to proceed. In addition, the superintendent or director  
16 shall:

17 (a) Immediately notify the committing court if the defendant, at any time, gains or regains fit-  
18 ness to proceed or if there is no substantial probability that, within the foreseeable future, the de-  
19 fendant will gain or regain fitness to proceed.

20 (b) Within 90 days of the defendant's delivery into the superintendent's or director's custody,  
21 notify the committing court that:

22 (A) The defendant has present fitness to proceed;

23 (B) There is no substantial probability that, in the foreseeable future, the defendant will gain  
24 or regain fitness to proceed; or

25 (C) There is a substantial probability that, in the foreseeable future, the defendant will gain or  
26 regain fitness to proceed. If the probability exists, the superintendent or director shall give the court  
27 an estimate of the time in which the defendant, with appropriate treatment, is expected to gain or  
28 regain fitness to proceed.

29 (c) Notify the court if court-ordered involuntary medication is necessary for the defendant to  
30 gain or regain fitness to proceed and, if appropriate, submit a report to the court under ORS 161.372.

31 (2)(a) If the superintendent of the state mental hospital or director of the facility to which the  
32 defendant is committed determines that there is a substantial probability that, in the foreseeable  
33 future, the defendant will gain or regain fitness to proceed, unless the court otherwise orders, the  
34 defendant shall remain in the superintendent's or director's custody where the defendant shall re-  
35 ceive treatment designed for the purpose of enabling the defendant to gain or regain fitness to pro-  
36 ceed. In keeping with the notice requirement under subsection (1)(b) of this section, the  
37 superintendent or director shall, for the duration of the defendant's period of commitment, submit  
38 a progress report to the committing court, concerning the defendant's fitness to proceed, at least  
39 once every 180 days as measured from the date of the defendant's delivery into the superintendent's  
40 or director's custody.

41 (b) A progress report described in paragraph (a) of this subsection may consist of an update to:

42 (A) The original examination report conducted under ORS 161.365; or

43 (B) An evaluation conducted under subsection (1) of this section, if the defendant did not receive  
44 an examination under ORS 161.365.

45 (3)(a) Notwithstanding subsection (2) of this section, if the most serious offense in the charging

1 instrument is a felony, and the superintendent of the state mental hospital or director of the facility  
2 to which the defendant is committed determines that a hospital level of care is no longer necessary  
3 due to present public safety concerns and the acuity of symptoms of the defendant's qualifying  
4 mental disorder, the superintendent or director may file notice of the determination with the court.  
5 Upon receipt of the notice, the court shall order that a community mental health program director  
6 or the director's designee, within five judicial days:

7 (A) Consult with the defendant and with any local entity that would be responsible for providing  
8 community restoration services, if the defendant were to be released in the community, to determine  
9 whether community restoration services are present and available in the community; and

10 (B) Provide the court and the parties with recommendations from the consultation.

11 (b) Notwithstanding subsection (2) of this section, if the most serious offense in the charging  
12 instrument is a felony, and the community mental health program director determines that commu-  
13 nity restoration services that would mitigate any risk posed by the defendant are present and  
14 available in the community, the community mental health program director may file notice of the  
15 determination with the court. Upon receipt of the notice, the court shall order that the superinten-  
16 dent of the state mental hospital or director of the facility to which the defendant is committed,  
17 within five judicial days:

18 (A) Evaluate the defendant to determine whether a hospital level of care is no longer necessary  
19 due to present public safety concerns, or no longer necessary due to the acuity of symptoms of the  
20 defendant's qualifying mental disorder; and

21 (B) Provide the court and the parties with recommendations from the evaluation.

22 (c) Within 10 judicial days of receiving the recommendations described in paragraph (a) or (b)  
23 of this subsection, the court shall hold a hearing to determine an appropriate action in accordance  
24 with ORS 161.370 (2)(c) as follows:

25 (A) If, after consideration of the factors and possible actions described in ORS 161.370 (2)(c) and  
26 any recommendations received under paragraph (a) or (b) of this subsection, the court determines  
27 that a hospital level of care is necessary due to public safety concerns or the acuity of symptoms  
28 of the defendant's qualifying mental disorder, and that based on the consultation or evaluation de-  
29 scribed in paragraph (a) or (b) of this subsection, any information provided by community-based  
30 mental health providers or any other sources, primary and secondary release criteria as defined in  
31 ORS 135.230, and any other information the court finds to be trustworthy and reliable, the appro-  
32 priate community restoration services are not present and available in the community, the court  
33 may continue the commitment of the defendant.

34 (B) If the court does not make the determination described in subparagraph (A) of this para-  
35 graph, the court shall terminate the commitment and shall set a review hearing seven days from the  
36 date of the commitment termination for any defendant remaining in custody. At the review hearing,  
37 the court shall consider all relevant information, determine an appropriate action in the case as  
38 described in ORS 161.370 (2)(c) and enter an order in accordance with the defendant's constitutional  
39 rights to due process.

40 (4)(a) Notwithstanding subsection (2) of this section, if the most serious offense in the charging  
41 instrument is a misdemeanor, and the superintendent of the state mental hospital or director of the  
42 facility to which the defendant is committed determines that the defendant no longer needs a hos-  
43 pital level of care due to the acuity of symptoms of the defendant's qualifying mental disorder or  
44 there are not present public safety concerns, the superintendent or director shall file notice of the  
45 determination with the court, along with recommendations regarding the necessary community res-

1 toration services that would mitigate any risk presented by the defendant. Upon receipt of the no-  
2 tice, the court shall order that a community mental health program director or the director's  
3 designee, within five judicial days:

4 (A) Consult with the defendant and with any local entity that would be responsible for providing  
5 community restoration services, if the defendant were to be released in the community, to determine  
6 whether appropriate community restoration services are present and available in the community;  
7 and

8 (B) Provide the court and the parties with recommendations from the consultation.

9 (b) Notwithstanding subsection (2) of this section, if the most serious offense in the charging  
10 instrument is a misdemeanor, and the community mental health program director determines that  
11 the community restoration services that would mitigate any risk posed by the defendant are present  
12 and available in the community, the community mental health program director may file notice of  
13 the determination with the court. Upon receipt of the notice, the court shall order that the super-  
14 intendent of the state mental hospital or director of the facility to which the defendant is committed,  
15 within five judicial days:

16 (A) Evaluate the defendant to determine whether a hospital level of care is no longer necessary  
17 due to present public safety concerns, or no longer necessary due to the acuity of symptoms of the  
18 defendant's qualifying mental disorder; and

19 (B) Provide the court and the parties with recommendations from the evaluation.

20 (c) Within 10 judicial days of receiving the recommendations described in paragraph (a) or (b)  
21 of this subsection, the court shall hold a hearing to determine an appropriate action in accordance  
22 with ORS 161.370 (2)(c) as follows:

23 (A) After consideration of the factors and possible actions described in ORS 161.370 (2)(c), the  
24 consultation or evaluation and any recommendations described in paragraph (a) or (b) of this sub-  
25 section, and any other information the court finds to be trustworthy and reliable, the court may  
26 continue the commitment of the defendant if the court makes written findings that a hospital level  
27 of care is necessary due to public safety concerns and the acuity of symptoms of the defendant's  
28 qualifying mental disorder, and that appropriate community restoration services are not present and  
29 available in the community.

30 (B) If the court does not make the findings described in subparagraph (A) of this paragraph, the  
31 court shall terminate the commitment and shall set a review hearing seven days from the date of  
32 the commitment termination for any defendant remaining in custody. At the review hearing, the  
33 court shall consider all relevant information, determine an appropriate action in the case as de-  
34 scribed in ORS 161.370 (2)(c) and enter an order in accordance with the defendant's constitutional  
35 rights to due process.

36 (5)(a) If a defendant remains committed under this section, the court shall determine within a  
37 reasonable period of time whether there is a substantial probability that, in the foreseeable future,  
38 the defendant will gain or regain fitness to proceed. However, regardless of the number of charges  
39 with which the defendant is accused, in no event shall the defendant be committed for longer than  
40 whichever of the following, measured from the defendant's initial custody date, is shorter:

41 (A) Three years; or

42 (B) A period of time equal to the maximum sentence the court could have imposed if the de-  
43 fendant had been convicted.

44 (b) For purposes of calculating the maximum period of commitment described in paragraph (a)  
45 of this subsection:



1 (A) The initial custody date is the date on which the defendant is first committed under this  
 2 section on any charge alleged in the accusatory instrument; and

3 (B) The defendant shall be given credit against each charge alleged in the accusatory instru-  
 4 ment:

5 (i) For each day the defendant is committed under this section, whether the days are consecutive  
 6 or are interrupted by a period of time during which the defendant has gained or regained fitness to  
 7 proceed; and

8 (ii) Unless the defendant is charged on any charging instrument with aggravated murder or a  
 9 crime listed in ORS 137.700 (2), for each day the defendant is held in jail before and after the date  
 10 the defendant is first committed, whether the days are consecutive or are interrupted by a period  
 11 of time during which the defendant lacks fitness to proceed.

12 (c) The superintendent of the state mental hospital or director of the facility to which the de-  
 13 fendant is committed shall notify the committing court of the defendant's impending discharge 30  
 14 days before the date on which the superintendent or director is required to discharge the defendant  
 15 under this subsection.

16 (6)(a) All notices required under this section shall be filed with the court and may be filed  
 17 electronically. The clerk of the court shall cause copies of the notices to be delivered to both the  
 18 district attorney and the counsel for the defendant.

19 (b) When the committing court receives a notice from the superintendent or director under  
 20 subsection (1) of this section concerning the defendant's progress or lack thereof, or under sub-  
 21 section (5) of this section concerning the defendant's impending discharge, the committing court  
 22 shall determine, after a hearing if a hearing is requested, whether the defendant presently has fit-  
 23 ness to proceed.

24 (7) If at any time the court determines that the defendant lacks fitness to proceed, the court  
 25 shall further determine whether the defendant is entitled to discharge under subsection (5) of this  
 26 section. If the court determines that the defendant is entitled to discharge under subsection (5) of  
 27 this section, the court shall dismiss, without prejudice and in accordance with ORS 161.367 (6), all  
 28 charges against the defendant and:

29 (a) Order that the defendant be discharged; or

30 (b) Initiate commitment proceedings under ORS 426.070, 426.701 or 427.235 to 427.292.

31  
 32 **CAPTIONS**

33  
 34 **SECTION 9. The unit captions used in this 2025 Act are provided only for the convenience**  
 35 **of the reader and do not become part of the statutory law of this state or express any leg-**  
 36 **islative intent in the enactment of this 2025 Act.**

37 \_\_\_\_\_