

A-Engrossed
House Bill 2313

Ordered by the House February 13
Including House Amendments dated February 13

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Judiciary for Oregon Advocacy Center)

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.

Requires Department of Human Services to provide to committed persons information about protection and advocacy system. Requires facilities housing persons committed to department to afford residents daily access to fresh air and outdoors. **Provides that access may be limited for specified reasons.**

A BILL FOR AN ACT

1
2 Relating to rights of persons committed to the Department of Human Services; amending ORS
3 426.395 and 430.210.

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

5 **SECTION 1.** ORS 426.395 is amended to read:

6 426.395. A simple and clear statement of rights guaranteed to patients committed to the De-
7 partment of Human Services shall be prominently posted in each room frequented by patients in all
8 facilities housing such patients. A copy of the statement shall be given to each patient upon admis-
9 sion and sent, upon request, to the legal counsel, guardian, relative or friend of the patient. **The**
10 **statement shall include the name, address and telephone number of the system described in**
11 **ORS 192.517 (1).**

12 **SECTION 2.** ORS 430.210 is amended to read:

13 430.210. (1) While receiving services, every person shall have the right to:

14 (a) Choose from available services those which are appropriate, consistent with the plan devel-
15 oped in accordance with paragraphs (b) and (c) of this subsection and provided in a setting and
16 under conditions that are least restrictive to the person's liberty, that are least intrusive to the
17 person and that provide for the greatest degree of independence.

18 (b) An individualized written service plan, services based upon that plan and periodic review
19 and reassessment of service needs.

20 (c) Ongoing participation in planning of services in a manner appropriate to the person's capa-
21 bilities, including the right to participate in the development and periodic revision of the plan de-
22 scribed in paragraph (b) of this subsection, and the right to be provided with a reasonable
23 explanation of all service considerations.

24 (d) Not receive services without informed voluntary written consent except in a medical emer-
25 gency or as otherwise permitted by law.

26 (e) Not participate in experimentation without informed voluntary written consent.

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 (f) Receive medication only for the person's individual clinical needs.
- 2 (g) Not be involuntarily terminated or transferred from services without prior notice, notifica-
3 tion of available sources of necessary continued services and exercise of a grievance procedure.
- 4 (h) A humane service environment that affords reasonable protection from harm, [*and affords*]
5 reasonable privacy **and daily access to fresh air and the outdoors, except that such access**
6 **may be limited when it would create significant risk of harm to the person or others.**
- 7 (i) Be free from abuse or neglect and to report any incident of abuse without being subject to
8 retaliation.
- 9 (j) Religious freedom.
- 10 (k) Not be required to perform labor, except personal housekeeping duties, without reasonable
11 and lawful compensation.
- 12 (L) Visit with family members, friends, advocates and legal and medical professionals.
- 13 (m) Exercise all rights set forth in ORS 426.385 and 427.031 if the individual is committed to the
14 Department of Human Services.
- 15 (n) Be informed at the start of services and periodically thereafter of the rights guaranteed by
16 this section and the procedures for reporting abuse, and to have these rights and procedures, **in-**
17 **cluding the name, address and telephone number of the system described in ORS 192.517 (1),**
18 prominently posted in a location readily accessible to the person and made available to the person's
19 guardian and any representative designated by the person.
- 20 (o) Assert grievances with respect to infringement of the rights described in this section, in-
21 cluding the right to have such grievances considered in a fair, timely and impartial grievance pro-
22 cedure.
- 23 (p) Have access to and communicate privately with any public or private rights protection pro-
24 gram or rights advocate.
- 25 (q) Exercise all rights described in this section without any form of reprisal or punishment.
- 26 (2) An individual who is receiving developmental disability services under ORS 430.630 has the
27 right to be informed and have the individual's guardian and any representative designated by the
28 individual be informed that a family member has contacted the department to determine the location
29 of the individual, and to be informed of the name and contact information, if known, of the family
30 member.
- 31 (3) The rights described in this section are in addition to, and do not limit, all other statutory
32 and constitutional rights which are afforded all citizens including, but not limited to, the right to
33 vote, marry, have or not have children, own and dispose of property, enter into contracts and exe-
34 cute documents.
- 35 (4) The rights described in this section may be asserted and exercised by the person, the per-
36 son's guardian and any representative designated by the person.
- 37 (5) Nothing in this section may be construed to alter any legal rights and responsibilities be-
38 tween parent and child.
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