

**Enrolled**  
**House Bill 2313**

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)

CHAPTER .....

AN ACT

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

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

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

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

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

- 430.210. (1) While receiving services, every person shall have the right to:
- (a) Choose from available services those which are appropriate, consistent with the plan developed in accordance with paragraphs (b) and (c) of this subsection and provided in a setting and under conditions that are least restrictive to the person's liberty, that are least intrusive to the person and that provide for the greatest degree of independence.
  - (b) An individualized written service plan, services based upon that plan and periodic review and reassessment of service needs.
  - (c) Ongoing participation in planning of services in a manner appropriate to the person's capabilities, including the right to participate in the development and periodic revision of the plan described in paragraph (b) of this subsection, and the right to be provided with a reasonable explanation of all service considerations.
  - (d) Not receive services without informed voluntary written consent except in a medical emergency or as otherwise permitted by law.
  - (e) Not participate in experimentation without informed voluntary written consent.
  - (f) Receive medication only for the person's individual clinical needs.
  - (g) Not be involuntarily terminated or transferred from services without prior notice, notification of available sources of necessary continued services and exercise of a grievance procedure.
  - (h) A humane service environment that affords reasonable protection from harm, *[and affords]* reasonable privacy **and daily access to fresh air and the outdoors, except that such access may be limited when it would create significant risk of harm to the person or others.**
  - (i) Be free from abuse or neglect and to report any incident of abuse without being subject to retaliation.

- (j) Religious freedom.
  - (k) Not be required to perform labor, except personal housekeeping duties, without reasonable and lawful compensation.
  - (L) Visit with family members, friends, advocates and legal and medical professionals.
  - (m) Exercise all rights set forth in ORS 426.385 and 427.031 if the individual is committed to the Department of Human Services.
  - (n) Be informed at the start of services and periodically thereafter of the rights guaranteed by this section and the procedures for reporting abuse, and to have these rights and procedures, **including the name, address and telephone number of the system described in ORS 192.517 (1)**, prominently posted in a location readily accessible to the person and made available to the person's guardian and any representative designated by the person.
  - (o) Assert grievances with respect to infringement of the rights described in this section, including the right to have such grievances considered in a fair, timely and impartial grievance procedure.
  - (p) Have access to and communicate privately with any public or private rights protection program or rights advocate.
  - (q) Exercise all rights described in this section without any form of reprisal or punishment.
  - (2) An individual who is receiving developmental disability services under ORS 430.630 has the right to be informed and have the individual's guardian and any representative designated by the individual be informed that a family member has contacted the department to determine the location of the individual, and to be informed of the name and contact information, if known, of the family member.
  - (3) The rights described in this section are in addition to, and do not limit, all other statutory and constitutional rights which are afforded all citizens including, but not limited to, the right to vote, marry, have or not have children, own and dispose of property, enter into contracts and execute documents.
  - (4) The rights described in this section may be asserted and exercised by the person, the person's guardian and any representative designated by the person.
  - (5) Nothing in this section may be construed to alter any legal rights and responsibilities between parent and child.
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**Passed by House February 20, 2007**

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Chief Clerk of House

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Speaker of House

**Passed by Senate March 28, 2007**

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President of Senate

**Received by Governor:**

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**Approved:**

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Governor

**Filed in Office of Secretary of State:**

.....M,....., 2007

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Secretary of State