



January 24, 2019

TO: Rep. Mitch Greenlick, Chair  
House Committee on Health Care  
FR: Bob Joondeph, Executive Director, Disability Rights Oregon  
RE: HB 2215: DRO supports and suggests one amendment

Disability Rights Oregon (DRO) is the Protection and Advocacy System for Oregon, providing legal-based advocacy for individuals with disabilities, including patients at psychiatric facilities, since 1977. DRO strongly supports passage of HB 2215.

HB 2215 recognizes that our mental health facilities should be safe and supportive environments where a patient may have the treatment, supports and security to heal. Safety standards in institutions are very important but they must be adjusted to patient needs.

Many years ago, a patient at OSH repeatedly flooded a bathroom by clogging a toilet with toilet paper. The ward responded by removing all toilet paper from the ward. This admittedly dated event is an example of when the solution to a problem may go overboard. Similarly, generalized concerns about patient safety should not inflict humiliation or anxiety upon individuals who are working toward recovery.

Because the bill would allow for “reasonable” privacy and security, an element of discretion by hospital staff is suggested. In order to clarify that patients have a right to challenge the exercise of this discretion, we suggest that a provision be added to subsection (2)(a) of the bill.

The additional section (in bold) would read as follows:

- (2)(a) A person must be immediately informed, orally and in writing, of any limitation:
- (A) Of the right to send or receive sealed mail under subsection (1)(b) of this section;
  - (B) Regarding the disposal of personal property under subsection [(1)(o)] (1)(p) of this section;  
[and]
  - (C) Of the right to daily access to fresh air and the outdoors under subsection (1)(m) of this Section[.] ,**and**
  - (D) On the right to reasonable privacy and security in resting, sleeping, dressing, bathing, personal hygiene and toileting under subsection (1)(n) of this section**
- (b) Any limitation under this subsection and the reasons for the limitation must be stated in the person’s written treatment plan.
- (c) The person has the right to challenge any limitation under this subsection pursuant to rules adopted by the authority. The person must be informed, orally and in writing, of this right.

Thank you for this opportunity to submit testimony.