

May 13, 2019

TO: Majority Leader Jennifer Williamson, Chair
House Committee on Judiciary
FR: Bob Joondeph, Policy Consultant
RE: Support for SB 373A

Representative Williamson and Members of the Committee:

Disability Rights Oregon (DRO) is the Protection and Advocacy System for Oregon. It has provided legal-based advocacy services to Oregonians with disabilities since 1977.

DRO supports SB 373A as a small step toward encouraging patients who have been placed under the jurisdiction of the Psychiatric Security Review Board (PSRB) to fully participate in treatment their medical and psychiatric needs. It does so by providing them the same level of privacy as that afforded jail and prison inmates.

Presently, medical records in the custody of the PSRB are considered “public records” under state law. As public records, they have limited confidentiality. Information of a personal nature such as that kept in a personal or medical file is exempt from disclosure unless someone who requests the information can show, by clear and convincing evidence, that the public interest requires its disclosure and that doing so would not be an unreasonable invasion of privacy.

SB 373A extends ORS 192.398 to PSRB records. This statute directs that the same level of confidentiality that the PSRB now gives “information of a personal nature” be given to “records which contain information about the physical or mental health or psychiatric care or treatment of a living individual.” It also gives PSRB records the same level of confidentiality as jail and prison records. Specifically, records of a person who is or has been under the jurisdiction of the PSRB are exempted from disclosure for a period of 25 years after termination of the jurisdiction to the extent that the disclosure would interfere with the rehabilitation of the person and if the public interest in confidentiality clearly outweighs the public interest in disclosure.

Individuals are placed under the jurisdiction of the PSRB to receive appropriate care and treatment. It is in the public interest that their treatment be as effective as possible. SB 373A will help to accomplish this public interest.

Thank you for the opportunity to submit testimony in support of SB 373A.