

Enrolled
Senate Bill 167

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CHAPTER

AN ACT

Relating to rights of consumers of mental health services; amending ORS 430.205 and 430.210.

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

SECTION 1. ORS 430.205 is amended to read:

430.205. As used in this section and ORS 430.210:

(1) "Facility" means any of the following that are licensed or certified by the Oregon Health Authority or that contract with the authority for the provision of services:

- (a) A health care facility as defined in ORS 442.015;
- (b) A domiciliary care facility as defined in ORS 443.205;
- (c) A residential facility as defined in ORS 443.400; or
- (d) An adult foster home as defined in ORS 443.705.

(2) "Person" means an individual who has a mental illness and receives services from a program or facility.

(3) "Program" means [a community mental health program and agencies with which the program contracts to provide services]:

(a) **A community mental health program established under ORS 430.620;**

(b) **A public or private entity contracting with the authority under ORS 430.021 to provide services; or**

(c) **Any other provider that is paid directly or indirectly by the authority to provide services in the community.**

(4) "Services" means mental health services [provided under] **described in ORS 430.630.**

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, 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 if the individual is committed to the Oregon Health Authority.
 - (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] **organization** or rights advocate.
 - (q) Exercise all rights described in this section without any form of reprisal or punishment.
 - (2) The rights described in this section are in addition to, and do not limit, all other statutory and constitutional rights that 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.
 - (3) 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.
 - (4) Nothing in this section may be construed to alter any legal rights and responsibilities between parent and child.
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Passed by Senate March 7, 2019

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

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Tina Kotek, Speaker of House

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Approved:

.....M,....., 2019

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Kate Brown, Governor

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Bev Clarno, Secretary of State