

Senate Bill 476

Sponsored by Senator GELSER (Pre-session filed.)

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 **as introduced**.

Restricts disclosure as public records of certain records maintained by Psychiatric Security Review Board. Provides that medical records maintained by board are exempt from disclosure as public records.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to disclosure of certain records maintained by Psychiatric Security Review Board; amend-
3 ing ORS 161.390; and declaring an emergency.

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

5 **SECTION 1.** ORS 161.390, as amended by section 4, chapter 120, Oregon Laws 2018, is amended
6 to read:

7 161.390. (1) The Oregon Health Authority shall adopt rules for the assignment of persons to state
8 mental hospitals or secure intensive community inpatient facilities under ORS 161.365 and 161.370
9 and for establishing standards for evaluation and treatment of persons committed to a state hospital
10 or a secure intensive community inpatient facility or ordered to a community mental health program
11 under ORS 161.315 to 161.351.

12 (2) When the Psychiatric Security Review Board requires the preparation of a pre-discharge or
13 preconditional release plan before a hearing or as a condition of granting discharge or conditional
14 release for a person committed under ORS 161.315 to 161.351 to a state hospital or a secure inten-
15 sive community inpatient facility for custody, care and treatment, the authority is responsible for
16 and shall prepare the plan.

17 (3) In carrying out a conditional release plan prepared under subsection (2) of this section, the
18 authority may contract with a community mental health program, other public agency or private
19 corporation or an individual to provide supervision and treatment for the conditionally released
20 person.

21 (4)(a) The board shall maintain and keep current the medical, social and criminal history of all
22 persons committed to its jurisdiction. The confidentiality of records maintained by the board shall
23 be determined pursuant to ORS 192.338, 192.345, [*and*] 192.355 **and 192.398, except that medical**
24 **records maintained by the board are exempt from disclosure under ORS 192.311 to 192.478.**

25 (b) Except as otherwise provided by law, upon request of the board, a state hospital, a commu-
26 nity mental health program and any other health care service provider shall provide the board with
27 all medical records pertaining to a person committed to the jurisdiction of the board.

28 (5) The evidentiary phase of a hearing conducted by the board under ORS 161.315 to 161.351 is
29 not a deliberation for purposes of ORS 192.690.

30 **SECTION 2. This 2019 Act being necessary for the immediate preservation of the public**

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 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
2 **on its passage.**

3
