

SB 72 STAFF MEASURE SUMMARY

Carrier: Sen. Dembrow

**Senate Committee On Judiciary and Ballot Measure 110
Implementation**

Action Date: 03/25/21
Action: Do pass.
Vote: 4-3-0-0
Yeas: 4 - Dembrow, Gelser, Manning Jr, Prozanski
Nays: 3 - Heard, Linthicum, Thatcher
Fiscal: No fiscal impact
Revenue: No revenue impact
Prepared By: Channa Newell, Counsel
Meeting Dates: 3/22, 3/25

WHAT THE MEASURE DOES:

Allows physician or mental health service provider to provide mental health treatment contrary to what principal expressed in declaration for mental health treatment if principal was committed as extremely dangerous person pursuant to ORS 426.701. Includes cost of outpatient services in current cost of care for person who was or is at Oregon State Hospital.

ISSUES DISCUSSED:

- Use of Declarations for Mental Health Treatment
- Instances in which treatment preferences may be overridden
- Process for calculating costs at Oregon State Hospital

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

A declaration for mental health treatment allows a person to express their preferences for mental health treatment should the person become unable to communicate or effectively understand information to the extent that the person is unable to consent or object to mental health treatment. A person executing a declaration for mental health treatment can also appoint a health care representative to make decisions for them. A physician or mental health treatment provider can act contrary to the instructions in the declaration if the person has been civilly committed and treatment is done in accordance with other statutes and administrative rules.

Senate Bill 72 allows a physician or mental health service provider to act contrary to the treatment indicated in a declaration of mental health treatment for a person committed under the extremely dangerous person standard. The measure requires the same criteria be met as for treatment of a person civilly committed. Additionally, the measure includes the cost of outpatient services within the calculation of current cost of care for persons who are or were at the Oregon State Hospital.