

## **SB 989 STAFF MEASURE SUMMARY**

### **Senate Committee On Human Services**

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**Prepared By:** Matthew Perreault, LPRO Analyst

**Meeting Dates:** 3/25, 4/1

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#### **WHAT THE MEASURE DOES:**

The measure permits a child's parent or guardian to admit the child, with or without the child's consent, to an inpatient treatment facility or program licensed by the Oregon Health Authority (OHA) or Oregon Department of Human Services (ODHS) for mental, emotional, or behavioral health treatment or treatment for substance use disorder. The measure specifies conditions for admission and discharge and provides exceptions. The measure requires ODHS and OHA to publish information online about available providers and resources for parents and guardians who are seeking treatment for a minor child.

#### Detailed Summary:

##### **Section 1**

- Permits a child's parent or guardian to admit the child, with or without the child's consent, to an inpatient treatment facility or program licensed by OHA or ODHS for mental, emotional, or behavioral health treatment or treatment for substance use disorder.
- Requires a qualified neutral fact finder to conduct an assessment of the child and issue a written report before the child may be admitted for treatment.
- Specifies the criteria for a child to be admitted for treatment, including:
  - The child's mental, emotional, or behavioral health needs, or the child's substance use disorder, pose a reasonable risk of harm;
  - The treatment or rehabilitation is in the child's best interests; and
  - There is no less restrictive and equally effective alternative from a clinical standpoint.
- Prescribes additional considerations and procedures when the child is over age 14.
- Requires a facility or program to conduct periodic reviews at 30-day intervals.
- Prohibits a facility or program from declining to accept a child solely based on the child's unwillingness to consent.
- Requires a facility or program to provide information to a parent or guardian, and the child if they are over 14, on the process to request a discharge and for administrative review of the admission decision.
- Requires that the child be discharged within 72 hours of certain conditions.
- Creates exemptions for placement decisions made by ODHS, the Oregon Youth Authority, a county juvenile department, or a voluntary admission to a state hospital.
- Authorizes ODHS and OYA to adopt necessary rules for implementation.

##### **Section 2**

- Directs ODHS, in consultation with OHA, to publish information and directories on their websites regarding resources and service providers available for parents and guardians who are seeking treatment for minor children.
- Directs ODHS and OHA to adopt rules that require each facility, program, service provider, or individual included in the directories to inform parents or guardians about the availability of such information.

*REVENUE: No revenue impact*

*FISCAL: Has minimal fiscal impact*

#### **ISSUES DISCUSSED:**

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*This summary has not been adopted or officially endorsed by action of the committee.*

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

Under Oregon law, as in most states, a person under age 18 is considered a minor, unless that person has been emancipated by a court ([ORS 419B.550 to 419B.558](#)). Generally, a parent or guardian has a right to make decisions on behalf of their minor child, and a minor must obtain a parent or guardian's permission to seek medical treatment, except in certain cases. Oregon law also allows a parent or guardian to consent for their minor child to be voluntarily admitted at a state hospital ([ORS 426.220](#)). However, a minor over 14 may independently consent to certain types of medical treatment, including treatment for mental, behavioral, or substance use disorders without their parent or guardian's knowledge or approval, although the parent or guardian may be informed later ([ORS 109.640 to 109.697](#)). Additional information about minor consent to treatment is provided in a brochure from the [Oregon Health Authority](#).