

Please see the attached, electronic copy of the ORS that relates to SB 374, the legislation tied into the establishment of the Consumer Advisory Council. The OAR related to the Consumer Advisory Council follows:

## **Establishing the Consumer Advisory Council**

### **309-011-0120**

#### **Purpose**

These rules prescribe standards to be implemented by the Addictions and Mental Health (AMH) Division in order to establish the Self-Determination Policy and Consumer Advisory Council as used in ORS 430.071 through 430.075.

Stat. Auth.: ORS 409.050 & 430.078

Stats. Implemented: 430.078

Hist.: MHS 10-2010, f. & cert. ef. 7-22-10

### **309-011-0125**

#### **Definitions**

As used in these rules:

(1) "Assistant Director" means the Assistant Director of the Addictions and Mental Health (AMH) Division of the Department of Human Services (DHS).

(2) "Consumer" means a person who has received or is receiving mental health or addiction services.

(3) "Consumer Advisory Council" means the council appointed by the Assistant Director to advise the Division on the provision of mental health services.

(4) "Division" means the Addictions and Mental Health (AMH) Division of the Department of Human Services.

(5) "Olmstead v. L.C." means the 1999 Supreme Court decision under which states are required to place persons with disabilities in community settings rather than in institutions when the State's treatment professionals have determined that community placement is appropriate, the transfer from institutional care to a less restrictive setting is not opposed by the affected individual and the placement can be reasonably accommodated, taking into account the resources of the State and needs of others with disabilities.

(6) As used in ORS 430.075, these terms have the following meanings:

(a) "Task force" means a group or committee, usually composed of experts or specialists, formed for analyzing, investigating, or solving a specific problem or objective;

(b) "Commission" means a group of individuals that meet on a regular basis, and that are officially authorized to perform certain duties or functions;

(c) "Advisory group" means a collection of individuals who bring unique knowledge and skills, and who are appointed to support a particular service or function, or to investigate, report on, or act upon a particular matter; and

(d) "Committee" means a body of persons that are officially delegated or assigned to consider, investigate, act on, or report on a particular service or function.

Stat. Auth.: ORS 409.050 & 430.078

Stats. Implemented: 430.078

Hist.: MHS 10-2010, f. & cert. ef. 7-22-10

## **Self-Determination Policy**

**309-011-0130**

**Addictions and Mental Health Division Self-Determination Policy**

(1) The Addictions and Mental Health (AMH) Division shall adopt a policy that supports and promotes self-determination for persons receiving mental health services. The policy shall be designed to remove barriers that:

(a) Segregate persons with disabilities from full participation in the community in the most integrated setting in accordance with the United States Supreme Court decision in *Olmstead v. L.C.*, 527 U.S. 581 (1999); and

(b) Prevent persons with disabilities from enjoying a meaningful life, the benefits of community involvement and citizen rights guaranteed by law.

Stat. Auth.: ORS 409.050 & 430. 078

Stats. Implemented: 430.078

Hist.: MHS 10-2010, f. & cert. ef. 7-22-10

### **309-011-0135**

#### **Consumer Advisory Council**

(1) The Division shall establish a Consumer Advisory Council to advise the Division on the provision of mental health services. The Council may also review, evaluate and provide feedback on site reviews related to mental health services provided by the Division.

(2) The Assistant Director shall appoint 15 to 25 consumers to the Council. In making appointments, the Assistant Director shall strive to balance the representation according to geographic areas of the state and age.

(3) The Division shall provide administrative support to the council.

(4) Members of the Consumer Advisory Council are not entitled to compensation or reimbursement of expenses under ORS 430.073.

Stat. Auth.: ORS 409.050 & 430. 078

Stats. Implemented: 430.078

Hist.: MHS 10-2010, f. & cert. ef. 7-22-10

**309-011-0140**

**Membership on Task Forces, Commissions, Advisory Groups and Committees**

(1) As defined in ORS 174.109, at least 20 percent of the membership of all task forces, commissions, advisory groups and committees established by Division shall be consumers, with representation balanced by age.

(2) This rule applies only to task forces, commissions, advisory groups and committees that:

(a) Primarily relate to persons with mental health or addiction issues; and

(b) Are subject to ORS 192.630.

(3) Membership is subject to the limitations outlined in ORS 430.073.

Stat. Auth.: ORS 409.050 & 430.078

Stats. Implemented: 430.078

Hist.: MHS 10-2010, f. & cert. ef. 7-22-10

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