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## Rules Advisory Committee Notification

**Date:** 01/23/2023

**Contact:** Zachary Thornhill, [zachary.l.thornhill@dhsosha.state.or.us](mailto:zachary.l.thornhill@dhsosha.state.or.us)

The Health Systems Division has scheduled the following Rules Advisory Committee (RAC):

- **Program:** Chapter 309 Division 033, Involuntary Commitment Proceedings
- **Meeting description:** Discuss temporary rule changes effective 10/14/2022 and any associated changes to those rules as they become permanent; review additional proposed rule changes to be effective on 04/11/202
- **Meeting date and time:** January 23, 2023, from 2pm to 4pm
- **Meeting location:** Virtual via Microsoft Teams: [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_MDlZZWUyNWEtMzgZNS00MWM3LWEzNzqtZTc5YTEwNGU4MmU4%40thread.v2/0?context=%7b%22id%22%3a%22658e63e8-8d39-499c-8f48-13adc9452f4c%22%2c%22Oid%22%3a%2213efdd4b-eb90-4522-9cd7-28021fd662a4%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MDlZZWUyNWEtMzgZNS00MWM3LWEzNzqtZTc5YTEwNGU4MmU4%40thread.v2/0?context=%7b%22id%22%3a%22658e63e8-8d39-499c-8f48-13adc9452f4c%22%2c%22Oid%22%3a%2213efdd4b-eb90-4522-9cd7-28021fd662a4%22%7d)
- **Meeting call-in number:** 971-277-2343
- **Meeting ID:** 289 305 654 117
- **Passcode:** tJApCQ
- **Seeking RAC members?** No

At the RAC, members will provide input that will help us develop the Notice of Proposed Rulemaking, and help us better understand the fiscal impact of the proposed rule changes.

Please share this information with others who may be affected by, and interested in providing input about, the proposed rule changes.

### Proposed changes for Rules Advisory Committee discussion

Rule(s)	Description of proposed changes
Definitions sections: 309-033-0210, 309-033-0310, 309-033-0410, 309-033-0510, 309-033-0610, 309-033-0710, 309-033-0810, 309-033-0910	<ul style="list-style-type: none"> <li>• Merging all definitions sections into one, 309-033-0210, and repealing all other definitions sections.</li> <li>• Updated language to reflect current organizational structure and practice</li> <li>• Added definitions               <ul style="list-style-type: none"> <li>○ Licensed Independent Practitioner or LIP</li> <li>○ County of placement</li> </ul> </li> </ul>
Variances sections: 309-033-0225, 309-033-0340, 309-033-0440, 309-033-0560, 309-033-0650, 309-	<ul style="list-style-type: none"> <li>• Merged all variances sections into one new variances rule, 309-033-0225.</li> <li>• Repealing all other variances sections.</li> </ul>

033-0740, 309-033-0830, 309-033-0970	
309-033-0270 Provision of Care, Custody and Treatment of Persons Committed to the Division	<ul style="list-style-type: none"> <li>• Temporary rule change effective 10/14/22; transitioning to permanent rule change. <ul style="list-style-type: none"> <li>○ Clarified language indicating that the superintendent of OSH is responsible for admissions to OSH</li> </ul> </li> </ul>
309-033-0290 Assignment and Placement of Persons Committed to the Division	<ul style="list-style-type: none"> <li>• Added “Assignment Order” form and formal submission process for CMHPs as a temporary rule change effective 10/14/22; transitioning to permanent rule change</li> <li>• Additional updates: <ul style="list-style-type: none"> <li>○ Removed requirement to seek and obtain approval for a placement outside the person’s county of residence and all related procedures following previously required permission</li> <li>○ Updated appeal process to be the same for community placements and placements at OSH</li> <li>○ Clarified language around when a person cannot be discharged due to a warrant of detention</li> </ul> </li> </ul>
309-033-0330 Discharge of Persons under Civil Commitment, Who Are Placed in the Community, from Commitment Status	<ul style="list-style-type: none"> <li>• Removed Section 2 of this rule number as temporary rule change effective 10/14/2022, removing the ability for a CMHP to discharge a civil commitment due to lack of placement; transitioning to permanent rule change</li> </ul>
309-033-0200 through 309-033-0290	<ul style="list-style-type: none"> <li>• Updated language to be person-first</li> <li>• Updated “psychiatrist” to “LIP”</li> </ul>
309-033-0300 through 309-033-0320	<ul style="list-style-type: none"> <li>• Updated language to be person-first</li> </ul>
309-033-0400 through 309-033-0440	<ul style="list-style-type: none"> <li>• Updated language to be person-first</li> <li>• Updated “psychiatrist” to “LIP”</li> </ul>
309-033-0500 through 309-033-0550	<ul style="list-style-type: none"> <li>• Updated language to be person-first</li> <li>• Updated “psychiatrist” to “LIP”</li> </ul>
309-033-0600 through 309-033-0640	<ul style="list-style-type: none"> <li>• Updated language to be person-first</li> <li>• Updated “psychiatrist” to “LIP”</li> <li>• Added “health care representative” as additional decision maker for medical decisions while under civil commitment</li> <li>• Removed “assistant administrator” and added “the Authority” where appropriate</li> </ul>
309-033-0700 through 309-033-0735	<ul style="list-style-type: none"> <li>• Updated “physician” to “LIP”</li> </ul>
309-033-0800 through 309-033-0820	<ul style="list-style-type: none"> <li>• Removed “assistant administrator” and added “the Authority” where appropriate</li> <li>• Updated “physician” to “LIP”</li> </ul>
309-033-0900 through	<ul style="list-style-type: none"> <li>• Updated language to be person-first</li> </ul>

	<ul style="list-style-type: none"><li>• Removed “assistant administrator” and added “the Authority” where appropriate</li><li>• Added Tribal collaboration during investigation as appropriate</li></ul>
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**Rules Advisory Committee contact information**

If the Division is seeking RAC members, and if you are likely to be affected by the changes described above, you can ask to join us as a RAC member. To do this, contact the Behavioral Health Rulemaking email for these rules. Include the meeting date, time and program name.

- **E-mail:** [bhrulemaking@dhsosha.state.or.us](mailto:bhrulemaking@dhsosha.state.or.us)

If the Division is **not** seeking RAC members, or you are not chosen to join the RAC, you are welcome to observe the RAC and email your input to the Program Manager following the RAC meeting.

Thank you in advance for your participation and continued interest.

**About Rule Advisory Committees**

Rule Advisory Committee meetings are held in accordance with [Oregon Revised Statute 183.333](#) (Policy statement; public involvement in development of policy and drafting of rules).

The RAC will hold at least one meeting to discuss the proposed revisions, the fiscal impact statement, and summary for the Notice of Proposed Rulemaking that the Division will file for these changes.

**Accommodations**

Everyone has a right to know about and use Oregon Health Authority (OHA) programs and services. OHA provides free help. Some examples of the free help OHA can provide are:

- Sign language and spoken language interpreters
- Written materials in other languages
- Braille
- Large print
- Audio and other formats

If you need help or have questions, please contact Kalina Bathke, [bhrulemaking@dhsosha.state.or.us](mailto:bhrulemaking@dhsosha.state.or.us) least 48 hours before the event.