

## **OHA Instruction Guide: Consultation Reports**

The Consultation Report is a living document that is generated by completing at least one of four forms: the Initial Community Consult, Supplemental Community Consult, 30-Day Community Transition Planning Update and CMHP Notice of Available Placement (See Definitions Below). Answer each question and complete the Consultation Report template as described in the instructions below and prompts throughout the form. All relevant information submitted in a previous Consultation Report should be copied and pasted in the next submission. The Consultation Report must indicate both primary and alternative placements as required in [OAR 309-088-0130](#). The CMHP Director or Designee is responsible for archiving all completed Consultation Reports.

The Consultation Report is a Smartsheet form that is located on the [OHA Intensive Services](#) website. Please complete all sections thoroughly. A full picture of transition planning, within the Consultation Report, helps with OHA Support Staffing's and for the court to make decisions around community placement, commitment or commitment extensions.

The form begins with checking the appropriate circle to indicate which form is being submitted and, if applicable, the date submitted to the Court. The 30-Day Community Transition Planning Update allows a CMHP to indicate whether it is an OHA submission, OHA/Court submission or notice that placement has been identified.

The following are when a the 30-Day Community Transition Planning Update, within the Consultation Report, will not be filed with the Court:

- 30-Day Community Transition Planning Updates sent to OHA and OSH, for Community Transition Planning, prior to the court ordered Supplemental Community Consultation; and

- When a stop order has been issued (ORS 161.371(4)(g), ORS 161.371(6)(a)(B), [OAR 309-088-0115](#)).

*After completion of a form within the Consultation Report make sure to check the box “Send me a copy of my responses” and enter your email address. A copy of the report will be emailed to you once it is submitted. The instruction sheet is intended to inform CMHPs’ of how to complete each section. It is at the CMHP’s discretion if they would like to send instructions to the court.*

*The CMHP will need to submit all Consultation Report submissions to OSH at [CMHP.Consults@odhsoha.oregon.gov](mailto:CMHP.Consults@odhsoha.oregon.gov).*

When OHA receives the autogenerated Consultation Report to Smartsheet it is assumed the CMHP has submitted the Consultation Reports to the court and parties to the case, when applicable, using the process agreed upon in your jurisdiction. The email can be printed to PDF, saved, and submitted.

## **Definitions**

### **Initial Community Consultations**

An Initial Community Consultation may be ordered when the court doubts the defendant’s fitness to proceed in accordance with ORS 161.365(1)(a) and (8), ORS 161.370(2)(b) and (8) and [OAR 309-088-0125](#). The following sections must be completed; Individual Completing Consultation (Must be a QMHP), Defendants Information, Date of Court Order, Date of Consultation Interview and Sections I-IV. The Initial Community Consultation may be ordered before or after the Court determines the issue of fitness to proceed and is filed within 5 judicial days to the Court, Parties to the Case, OSH and OHA.

### **Supplemental Community Consultations**

The Supplemental Community Consultation is ordered for defendant’s ordered to OSH, determined to be RTP or when a time out “EOJ” notice has been sent, this is always after the initial consultation, in accordance with ORS 161.371(3)(a), [OAR 309-088-0125](#) and [OAR 309-088-0130](#). Relevant Consultation Report entries from the previous Consultation Report submission must be copied and pasted into the

Supplemental Community Consultation submission. The following sections must be updated; Individual Completing Consultation (Must be a QMHP), Defendants Information, Date of Court Order, Date of Consultation Interview, Date of OSH Admission, Date of EOC, RTP date, LOCUS Score, If the Court made an SRTF determination (ORS 161.370(7)(a)), Level of Care being sought, whether an appropriate placement was able to be identified (ORS 161.371(3)(d)(B), If release has been denied under ORS 135.240 and Sections I-IV. This report is filed within 5 judicial days to the Court, Parties to the Case, OSH and OHA.

### 30-Day Community Transition Planning Updates

Prior to submitting a 30-Day Community Transition Planning Update, the CMHP should meet with the defendant (this can be by phone or IDT meeting) to inform the content of the 30-Day Community Transition Planning Updates that are sent to the Court, parties to the case, OSH and OHA. There are different timelines for when a 30-Day Community Transition Planning Update would be submitted:

- Within 30 days of commitment to OHA and OSH for Community Transition Planning, per [OAR 309-088-0125](#) and [OAR 309-088-0130](#). The CMHP will continue to send the 30-Day Community Transition Planning Updates while a defendant is under commitment or until placement (Community Restoration Services) have been identified and secured.
- Within 30 days after completion of a Supplemental Community Consultation the CMHP will submit a 30-Day Community Transition Planning Update and continue to send it at-least every 30 days, while a defendant is under commitment, to the Court, parties to the case, OHA and OSH per ORS 161.371(5)(a) and (6)(a)(A), unless a stop order has been issued in accordance with ORS 161.371(4)(g), ORS 161.371(6)(a)(B), [OAR 309-088-0115](#).

If a stop order has been issued, the CMHP will continue to submit a 30-Day Community Transition Planning Update, while a defendant is under commitment, to OHA and OSH at least every 30 days until placement (Community Restoration Services) have been identified and secured (OSH and CMHP will collaborate and OSH may issue a new RTP notice to the court), per ORS 161.371(6)(a)(B), [OAR 309-088-0125](#) and [OAR 309-088-0130](#).

When a stop order hasn't been issued, the 30-Day Community Transition Planning Update also acts as an immediate notice to the Court, parties to the case, OHA and OSH that an appropriate placement has been identified, per ORS 161.371(6)(b) and [OAR 309-088-0125](#) and [OAR 309-088-0130](#).

Active Community Transition Planning that is still being followed up on must be copied and pasted into any new submission to the Court, parties to the case, OHA and OSH. This would include the following sections being updated: Individual Completing the 30-Day Community Transition Planning Update, Defendant's Information, Date of OSH Admission, Date of EOC, RTP date (If applicable), LOCUS Score, If the Court made an SRTF determination (ORS 161.370(7)(a)), Level of Care being sought, if release has been denied under ORS 135.240, if a stop order has been issued and Section IV.

*The 30-Day Community Transition Planning Update submissions replace the Community Transition Plan submissions previously required in rule and CFAA.*

**CMHP Notice of Available Placement:** This form is when, no stop order has been issued and the CMHP director or designee has secured an appropriate placement and has an anticipated date for placement, per ORS 161.371(5)(b), [OAR 309-088-0125](#) and [OAR 309-088-0130](#). This form is filed with the Court, parties to the case, OSH and OHA. Relevant Consultation Report entries from the previous Consultation Report submission must be copied and pasted over into the CMHP Notice of Available Placement submission. The following sections must be updated and/or copy and pasted over from previous submission if still relevant; Individual Completing CMHP Notice of Available Placement, Defendant's Information, Date of OSH Admission, Date of EOC, RTP date, LOCUS Score, If the Court made an SRTF determination (ORS 161.370(7)(a)), Level of Care being sought and Sections I-IV.

## **Standard Sections of the Consultation Report**

### **Court Submission Date**

Only include if applicable



## Individual Completing Consult

This section is to be filled out with the contact information/credentials of whomever is completing and submitting the form to the Court, parties to the case, OHA and OSH. A QMHP must complete the Initial Community Consultation and Supplemental Community Consultation. For other submissions not requiring a QMHP to complete the form, indicate the QMHP that was assigned for review.

## Defendant's Information

This section lists all basic information on the defendant that the Consultation Report is being completed for. Answer or copy and paste from previous submission. The following questions are asked:

Defendant's First and Last Name, DOB, SID#, Case Number(s), County of Responsibility, County of Residence, if there are fitness to proceed orders in another county, If there are Warrants/Holds in another county, the Court (optional), the Judge(optional), Highest Charge and if defendant was charged with a offense listed in ORS 161.365(1)(b).

Was the Defendant charged with a violent felony, murder, aggravated murder or treason: This is to ensure monitoring defendants described in ORS 161.365(1)(b) and that community transition planning continues for when the defendant reaches their EOC.

## Consultation Information/OSH Information Sections

The information requested in these sections are to meet requirements for ORS 161.370, ORS 161.371, [OAR 309-088-0125](#) and [OAR 309-088-0130](#). These sections are in addition to the questions above and completed as follows:

### Initial Community Consultation

- Enter the date of the court order

### Supplemental Community Consultation

- Enter the date of the court order

- Enter the date of OSH Admission
- Enter the defendant's EOC date
- Enter Ready to Place date
- Enter the OSH Recommended LOCUS score from the Original or re-issue of Ready to Place (which ever one the current form submission is reflecting)
- Did the Court make an SRTF determination (ORS 161.370(7)(a))? Indicate yes or no.
- Enter all Level of Care that is currently being sought and who is recommending that Level of Care (ORS 161.370(7)(a) and ORS 161.371(3)(c))

Indicate if appropriate placements have been identified or not. If no appropriate placement has been identified the date OHA was notified is entered and an explanation is provided of why there are no appropriate placements (ORS 161.371(3)(d)(B), [OAR 309-088-0125](#) and [OAR 309-088-0130](#)). **Please Note:** A Supplemental Community Consultation Report submission indicating an appropriate placement was unable to be identified, should be followed up with an OHA Notification, within the [OHA Notification/Support Request](#), to OHA per ORS 161.371(3)(d)(B), [OAR 309-088-0125](#) and [OAR 309-088-0130](#).

Indicate if release from OSH was denied under ORS 135.240 (ORS 161.370(7)(e))

### 30-Day Community Transition Planning Update and Placement Identified

- Indicate the 30-Day CTP update type (Submission to OHA/OSH, OHA, OSH/COURT or Placement Identified)
- Enter the date of OSH Admission
- Enter the defendants EOC date
- Enter Ready to Place date if applicable.
- Enter the OSH Recommended LOCUS score
- Did the Court make an SRTF determination (ORS 161.370(7)(a))? Indicate yes or no.

- Enter all Level of Care that is currently being sought and who is recommending that Level of Care (ORS 161.370(7)(a) and ORS 161.371(3)(c))
- Indicate if release from OSH was denied under ORS 135.240 (ORS 161.370(7)(e))
- Indicate if a stop order has been issued (ORS 161.371 (4)(g), ORS 161.371(6)(B) and [OAR 309-088-0115](#)).

#### CMHP Notice of Available Placement

- Enter the date of OSH Admission
- Enter the defendants EOC date
- Enter Ready to Place date
- Enter the OSH Recommended LOCUS score
- Did the Court make an SRTF determination (ORS 161.370(7)(a))? Indicate yes or no.
- Enter all Level of Care that is currently being sought and who is recommending that Level of Care (ORS 161.370(7)(a) and ORS 161.371(3)(c))

#### Recommended Community Restoration Services Section

Every report submitted should reflect this section being updated to ensure current recommended services are being reported to the Court, parties to the case, OHA and OSH. Relevant information from the previous submission must be copied over to the new submission. This section provides specific recommendations on what Community Restoration Services, as defined in [OAR 309-088-0115](#), are being recommended for the defendant if they were to be ordered into community restoration. Choices of recommended services include Mental Health Services(Competency Restoration Services), Co-Occurring Substance Use Disorder Services(Competency Restoration Services), Peer Support Services(Supportive Services), Assertive Community Treatment(Supportive Services), Military Connected/Veterans Services(Supportive Services), Aging and People with Disabilities(Support Services), Intellectual and Developmental Disability Services(Supportive Services), Housing & Residential (Supportive Services and Competency Restoration Services). Under each Community

Restoration Services section indicate whether the service is recommended or not. The following sections will prompt the following questions when the service is recommended.

### Recommendation of Mental Health Services & Prompts

- Outpatient, Intensive Outpatient or Other are options for CMHPs to choose from. More than one option can be chosen.
- CMHP will identify if the service is available and present under each option chosen.
  - If the service is available and present the CMHP will be prompted to complete the Referral Status section, which will allow CMHP to choose more than one option and list more than one program/service.
  - Referral Status options include:
    - Defendant Declined - enter program/services explored and date the defendant declined.
    - Not accepting referrals- This can be when the waitlist is closed. List outpatient services not accepting referrals and date explored.
    - Currently Screening - list where screening(s) are taking place, dates of screening(s) or scheduled screening(s).
    - Accepted - list the program(s) the defendant was accepted and the available date.
    - Waitlisted - list program(s) the defendant was waitlisted for, date waitlisted and where they're at on the waitlist.
    - Denied - list program(s) the defendant was denied, date of denial and reason for denial.
    - Other- Space for CMHP to enter what other information they may want to include



If the service is not available or present, the CMHP will have an opportunity to list the referrals and status of the referrals made outside of the County of Responsibility. If referrals have not been made outside of the County of Responsibility, CMHP will provide an explanation of why or the CMHP can indicate what other programs/services were explored and why they are not available.

### Recommendation of Co-Occurring Substance Use Disorder Services & Prompts

These sections will prompt the same as recommendation of Mental Health Services.

### Recommendation of Peer Supportive Services & Prompts

CMHP will identify if the service is available and present. The CMHP will be prompted to complete the Referral Status section if the service is available and present, which will allow CMHP to choose more than one option and choose from a drop down list of Peer Services (Certified Recovery Mentors, Community Health Workers, Peer Support Specialists, Peer Wellness Specialists, Personal Health Navigators, Birth Doulas, Tribal Traditional Health Workers, Peer Services through Clinical organization, Peer Services through a Recovery Organization), a link for definitions of some of the peer services can be found here [THW Services](#).

Referral Status options include:

- Defendant Declined - choose one or more Peer Service and enter the date the defendant declined.
- Currently Screening - choose one or more Peer Service and enter the dates of screening(s) or scheduled screening(s).
- Accepted - choose one or more Peer Service and enter the date available.
- Waitlisted - choose one or more Peer Service, enter date waitlisted and where they're at on the waitlist.

If the service is not available or present, the CMHP will have an opportunity to provide an explanation of why.

## Recommendation of Assertive Community Treatment & Prompts

CMHP will identify if the service is available and present. If the service is available and present the CMHP will be prompted to complete the Referral Status section. Referral Status options include:

- Defendant Declined - enter date the defendant declined.
- Not Accepting Referrals - enter ACT program not accepting referrals and date explored.
- Currently Screening - enter ACT program and date the screening process began.
- Accepted- enter ACT program, date ACT services will begin or are expected to begin.
- Waitlisted- enter ACT program, date waitlisted and where at on the waitlist.
- Denied - enter ACT program, date denied and reason for denial.

If the service is not available or present the CMHP will have an opportunity to list the referrals and status of the referrals made outside of the County of Responsibility. If referrals have not been made outside of the County of Responsibility, CMHP will provide an explanation of why.

## Recommendation of Military Connected/Veterans Services & Prompts

CMHP will identify if the defendant is interested in Veterans and/or military resources, supports and services.

If yes, status options include:

- Contacted OHA Veteran Military and Behavioral Health
- Contacted US Department of Veteran Affairs
- Contacted Oregon Department of Veteran Affairs
- Other Community Veteran Serving Organizations Contacted: Enter Info

If the defendant was interested in Veteran/Military services but service coordination was not explored CMHP will provide an explanation of why.

### Recommendation of Aging and People with Disability Services & Prompts

CMHP will identify if the defendant was referred and/or if service coordination was explored. If yes, Service Coordination Status options include:

- Eligible - enter available date and what services will be provided.
- Pending
- Ineligible – enter date ineligible

If the defendant was not referred and service coordination was not explored, CMHP will provide an explanation of why.

### Recommendation of Intellectual and Developmental Disability Services (I/DD) & Prompts

Prompts are the same as a recommendation of Aging and People with Disability Services.

### Recommendation of Housing & Residential Services & Prompts

Options of Independent with Supports, Clean and Sober with Supports, Supported/Supportive Housing, Other Housing with Supports, Residential Mental Health Treatment, Licensed Residential, Non-Licensed Residential, Residential Co-Occurring Substance Use Disorder Treatment, Residential Intellectual and Developmental Disability Services, Secure Residential Treatment are available for CMHPs to choose from (more than one option can be chosen).

The following may be applicable when one or more Housing & Residential option is recommended during the completion of one of the forms within the Consultation Report:

- When a stop order hasn't been issued, the CMHP may identify an appropriate placement in-between Consultation Report submission- If this happens a 30-Day

Community Transition Planning Update, indicating an appropriate placement has been identified will be updated as well as any other Community Restoration Services recommended. See additional information about 30-Day Community Transition Planning Updates above.

- When a stop order hasn't been issued and the CMHP has secured an appropriate placement, a CMHP Notice of Available Placement will be submitted, and the appropriate placement that has been secured will be updated as well as any other Community Restoration Services recommended (it is important all recommended CR services are addressed because someone in a placement may not receive the recommended CR services. It is the CMHPs' responsibility to ensure a defendant is receiving all recommended CR services necessary to gain or regain fitness to proceed). Per ORS 161.371(5)(b), [OAR 309-088-0125](#) and [OAR 309-088-0130](#). See additional information about CMHP Notice of Available Placement above and additional instruction below.
- A party to the case has filed an objection to the proposed placement(s). Per ORS 161.371(4-6). See below for additional instruction

*Independent with Supports, Clean and Sober with Supports, Supported/Supportive Housing and Other Housing with Supports Options that are Recommended*

CMHP will identify if the placement is available and present

If the placement is available and present the CMHP will have two options:

- The Appropriate/Community Restoration Services Secured box (this is checked when this is a "CMHP Notice of Available Placement" to the Court, parties to the case, OHA and OSH).
  - Enter housing information and specific supports/services that will be provided to meet the defendant's restoration needs of gaining or regaining fitness to proceed. CMHP will also include date placement admission/community restoration services are available. It is helpful if CMHPs refer back to other supports and services identified above that may also be providing Community Restoration Services; or
- Other



- CMHP will include what the status is of the defendant's housing/placement

CMHP will identify if a party to the case has filed an objection to the proposed placement(s). If an objection has been filed CMHP will identify placement(s) proposed, who objected and status of the objection - which would be either that the placement is still an option or that the objection was upheld.

If the any of the housing options are not available and present, the CMHP will have an opportunity to list the status of the referrals made outside of the County of Responsibility. If referrals have not been made outside of the County of Responsibility, CMHP will provide an explanation of why.

*Residential Mental Health Treatment, Licensed Residential, Non-Licensed Residential, Residential Co-Occurring Substance Use Disorder Treatment, Residential Intellectual and Developmental Disability Services, Secure Residential Treatment that are Recommended.*

CMHPs will provide an explanation of why this level of service is necessary; and identify if the placement is available and present.

If the placement is available or present, the CMHP will be prompted to complete the Referral Status section, which will allow CMHP to choose more than one option and list more than one program/service. Referral Status options include:

- Not Accepting Referrals - list placements explored and date explored (ORS 161.371(3)(d)(A).
- Currently Screening - list where screenings are taking place, dates of screenings or dates of scheduled screenings.
- Waitlisted - list placements the defendant was waitlisted for, date waitlisted and where they're at on the waitlist (ORS 161.371(3)(d)(A).
- Denied - list placements the defendant was denied, date of denial and reason for denial.
- Secured- (this is checked when this is a "CMHP Notice of Available Placement" to the Court, parties to the case, OHA and OSH).

Enter placement information and specific supports/services that will be provided to meet the defendant's restoration needs of gaining or regaining fitness to proceed. CMHP will also include date placement admission/community restoration services are available. It is helpful if CMHPs refer to other supports and services identified above that may also be providing Community Restoration Services.

CMHP will identify if a party to the case has filed an objection to the proposed placement(s). If an objection has been filed CMHP will placement(s) proposed, who objected and status of the objection which would be either that the placement is still an option or that the objection was upheld.

If the placement is not available and present, the CMHP will have an opportunity to list the referrals and status of the referrals made outside of the County of Responsibility. If referrals have not been made outside of the County of Responsibility, CMHP will provide an explanation of why.

#### Recommended Release Conditions/Requirements

This section is available to make recommendation to the court for specific release conditions/requirements such as drug testing, number of contacts per week, NA/AA, voluntary medications, participation in behavioral health treatment, specific community services, peer services, number of meetings with providers, and/or a Community Restoration Plan co-developed with defendant.

#### Risk Mitigation Plan

This section is for use to describe any risk mitigation plans developed to specifically address the defendant's needs.

- If Jail Diversion was explored: Describe the outcome of exploring jail diversion and indicate whether jail diversion is present and available (CFAA): Yes or No options. If yes enter outcome. If no choose the appropriate reason.
- If the defendant was referred to community navigator services (CFAA): Yes or No options. If yes enter outcome. If no provide explanation.

- If defendant may be better served under a civil commitment (ORS 161.370(2)(c)(C)): Yes or No options. If yes enter examples of symptoms/behaviors of why.
- Other risk mitigation efforts (examples may be to avoid certain locations, medication changes, etc.)

While this section is like the “Recommended Release Conditions/requirements section, this section is used for planning specifically around the defendant’s risk factors.

### Summary of Consultation

This section is to be used to provide an overall summary of the Community Consultation and information that is not otherwise captured in other sections of the form. Subsections 1-7 must be completed.