

Memorandum

To: OHA-licensed mental health and substance use disorder residential treatment facilities

From: Chuck Hibner, Director, DHS|OHA Office of Training, Investigations and Safety
Margie Stanton, Interim Director, OHA Health Systems Division

Date: July 20, 2018

Subject: DHS|OHA implementation of Senate Bill 1540 (2018)

As you may know, the 2018 Oregon Legislative Assembly recently passed [Senate Bill 1540](#). Section 2 of this bill amends [Oregon Revised Statute 430.735](#) to expand various definitions in Oregon's abuse laws.

- There is an expanded list of abuse definitions. "Abuse" now includes abandonment, financial exploitation, verbal abuse and neglect for adults with mental illness.
- "Sexual abuse" now includes any sexual contact between a mental health (MH) or substance use disorder (SUD) treatment provider and their client.
- The protected population now includes individuals living with a Severe and Persistent Mental Illness, patients at the Oregon State Hospital, and individuals receiving SUD treatment in residential settings.
- "Community programs" now include any "provider that is paid directly or indirectly by the Oregon Health Authority to provide mental health treatment in the community."

Why is this happening?

This change, effective April 3, 2018, expands abuse protections and mandatory reporting responsibilities to all parts of Oregon's current MH/SUD delivery system, including coordinated care organizations, community mental health programs, residential facilities and individual treatment providers.

What should you do?

Later this year, DHS|OHA will announce trainings about how SB 1540 changes mandatory reporting requirements and your programs. Please be sure to attend these trainings once they become available.

In the meantime, DHS and OHA will work together on:

- Identifying any necessary changes to program-specific rules to ensure reporting, investigating and protection when alleged patient abuse is reported; and
- Procedures for residential facilities and treatment providers to release records related to mandatory reporting and investigations for patients in SUD treatment, in accordance with the Code of Federal Regulations.

Thank you for the work you do to ensure the health, safety and well-being of Oregonians in treatment and recovery. We look forward to working with you on this next step in ensuring patient safety.