

Health Systems Division: Behavioral Health Services - Chapter 309

Division 120

PATIENT TRANSFERS

309-120-0075

Definitions

As used in these rules:

- (1) "Close custody facility" means any of the secure facilities operated by the OYA, including, but not limited to, youth correctional facilities, work/study camps, and transition camps.
- (2) "Facility designated by the Oregon Health Authority (Authority)" means a hospital or secure non-hospital facility designated by the Authority to provide evaluation and treatment services for offenders under the age of 18.
- (3) "Hearing Officer" means an independent decision maker designated to conduct an administrative commitment hearing for an offender.
- (4) "Mentally ill offender" means an offender who, because of a mental disorder or a severe emotional disorder, is one or more of the following:
 - (a) Dangerous to self or others;
 - (b) Is unable to provide for basic personal needs and is not receiving such psychiatric care as is necessary for health or safety; or
 - (c) An offender, who unless treated, will continue, with a reasonable medical probability, to physically or mentally deteriorate so that the offender will become a person described under either or both subparagraph (4)(a) or (4)(b) of this rule.
- (5) "Offender" means a person placed in OYA close custody facility, including adults in the legal custody of the Department of Corrections (DOC).
- (6) "State Mental Hospital" as defined in ORS 426.010. Except as otherwise ordered by the Authority pursuant to ORS 179.325, the Oregon State Hospitals in Salem, Marion County, and Portland, Multnomah County, and the Blue Mountain Recovery Center in Pendleton, Umatilla County, will be used as state hospitals for the care and treatment of mentally ill offenders age 18 and over who are transferred by the OYA pursuant to these rules.

Statutory/Other Authority: ORS 179.040, 179.473, 179.479 & 413.042

Statutes/Other Implemented: ORS 179.471-179.486, 179.495-179.508 & 420.500-420.525

History:

MHD 9-2005, f. 12-28-05, cert. ef. 1-1-06

MHD 8-2005(Temp), f. & cert. ef. 7-15-05 thru 1-7-06

309-120-0200

Purpose

Purpose. These rules prescribe procedures by which adults in custody of Department of Corrections facilities may be transferred to a state mental hospital listed in ORS 426.010.

Statutory/Other Authority: ORS 179.040, 179.473, 179.479 & 413.042

Statutes/Other Implemented: ORS 179.471-179.486 & 179.495-179.508

History:

Renumbered from 309-120-0000, MHD 10-2005, f. 12-29-05, cert. ef. 1-1-06

MHD 7-2005(Temp), f. & cert. ef. 7-7-05 thru 1-3-06

MHD 1-2000, f. & cert. ef. 1-24-00

MHD 3-1995, f. & cert. ef. 4-13-95

MHD 8-1983, f. & cert. ef. 4-1-83, Renumbered from 309-023-0010(1), (2)

MHD 1-1983(Temp), f. & cert. ef. 1-5-83

MHD 1-1981, f. & cert. ef. 6-5-81

MHD 3-1980, f. & cert. ef. 4-1-80

MHD 12-1979(Temp), f. & cert. ef. 11-21-79

MHD 5-1979, f. & cert. ef. 8-14-79

MHD 43, f. & cert. ef. 11-5-76

309-120-0205

Definitions

As used in these rules:

(1) "Department of Corrections Facility" means any institution, facility or staff office, including the grounds, operated by the Department of Corrections.

(2) "Adult in custody" means any person under the supervision of the Department of Corrections who is not on parole, probation, or post-prison supervision status.

(3) "Mentally Ill Adult in Custody" means an adult in custody who, because of a mental disorder, is one or more of the following:

(a) Dangerous to self or others.

(b) Unable to provide for basic personal needs and is not receiving such care as is necessary for health or safety.

(c) An adult in custody who:

(A) Is chronically mentally ill, as defined in ORS 426.495;

(B) Within the previous three years, has twice been placed in a hospital or approved inpatient facility by the Oregon Health Authority under ORS 426.060;

(C) Is exhibiting symptoms or behavior substantially similar to those that preceded and led to one or more of the hospitalizations or inpatient placements referred to in subparagraph (3)(c)(B) of this rule; and

(D) Unless treated, will continue, to a reasonable medical probability, to physically or mentally deteriorate so that the adult in custody will become a person described under either or both subparagraph (3)(c)(A) or (3)(c)(B) of this rule.

(4) (JBAC1) (LMF2) "State Mental Hospital" as defined in ORS 426.010. Except as otherwise ordered by the Oregon Health Authority pursuant to 179.325, the Oregon State Hospital in Salem, Marion County, and in Junction City, Lane County, shall be used as the state hospital for the care and treatment of mentally ill persons who are assigned to the care of such institutions by the Authority or who have previously been committed to such institutions.

Statutory/Other Authority: ORS 179.040, 179.473, 179.479 & 413.042

Statutes/Other Implemented: ORS 179.471-179.486 & 179.495-179.508

History:

Renumbered from 309-120-0005, MHD 10-2005, f. 12-29-05, cert. ef. 1-1-06

MHD 7-2005(Temp), f. & cert. ef. 7-7-05 thru 1-3-06

MHD 1-2000, f. & cert. ef. 1-24-00

MHD 3-1995, f. & cert. ef. 4-13-95

MHD 8-1983, f. & ef. 4-1-83, Renumbered from 309-023-0010(3)

MHD 1-1983(Temp), f. & cert. ef. 1-5-83

MHD 1-1981, f. & cert. ef. 6-5-81
MHD 3-1980, f. & cert. ef. 4-1-80
MHD 12-1979(Temp), f. & cert. ef. 11-21-79
MHD 5-1979, f. & cert. ef. 8-14-79
MHD 43, f. & cert. ef. 11-5-76

309-120-0210

Administrative Transfers (Mentally Ill Adults in custody)

(1) The Administrator of the Department of Corrections Counseling and Treatment Services Unit/designee may request the Superintendent/designee of a state mental hospital listed in ORS 426.010 to accept a transfer of a mentally ill adult in custody to a state mental hospital pursuant to these rules.

(2) An adult in custody may be transferred to a state mental hospital for stabilization and evaluation for mental health treatment for a period not to exceed 30 days unless the transfer is extended pursuant to a hearing conducted in accordance with these rules.

(3) If space is available and the Superintendent/designee of the state mental hospital approves, the adult in custody shall be transferred.

Statutory/Other Authority: ORS 179.040, 179.473, 179.479 & 413.042

Statutes/Other Implemented: ORS 179.471-179.486 & 179.495-179.508

History:

MHD 10-2005, f. 12-29-05, cert. ef. 1-1-06

309-120-0215

Hearings Process

(1) The Oregon Health Authority shall provide for an administrative commitment hearing conducted by a hearings officer employed or under contract with the Department of Corrections for administrative commitment or extension of the transfer of the adult in custody if:

(a) The Oregon Health Authority determines that administrative commitment for treatment for a mental illness is necessary or advisable or that the Authority needs more than 30 days to stabilize or evaluate the adult in custody; and

(b) The adult in custody does not consent to the administrative commitment or an extension of the transfer.

(c) Adults in custody that are in the legal custody of the Department of Corrections and in the physical custody of the Oregon Youth Authority (OYA) will be administratively committed through an OYA hearing, pursuant to OAR 416-425-0020. Adults in custody that are in OYA physical custody will be transferred directly from an OYA facility to a state mental hospital listed in ORS 426.010 or a hospital or facility designated by the Authority and returned directly to the OYA facility.

(2) It is the responsibility of the Superintendent/designee of the Oregon State Hospital to notify the hearings officer of the need for a hearing and to provide him or her with a transfer request containing the evidence justifying such action.

(3) The hearing shall be conducted by an independent hearing officer.

(4) The hearings officer shall not have participated in any previous way in the assessment process.

(5) The hearings officer may pose questions during the hearing.

- (6) The evidence considered by the hearings officer will be of such reliability as would be considered by reasonable persons in the conduct of their serious affairs.
- (7) When confidential informant testimony is submitted to the hearings officer, the identity of the informant and the verbatim statement of the informant shall be revealed to the hearings officer in writing, but shall remain confidential.
- (8) In order for the hearings officer to rely on the testimony of a confidential informant, information must be submitted to the hearings officer from which the hearings officer can find that the informant is a person who can be believed or that the information provided in the case at issue is truthful.
- (9) At the conclusion of the hearing, the hearings officer will deliberate and determine whether by clear and convincing evidence that the adult in custody is a mentally ill person as defined in ORS 426.005 and will be administratively committed involuntarily to a state mental hospital. The hearings officer may postpone the rendering of a decision for a reasonable period of time, not to exceed three (3) working days from the date of the hearing, for the purpose of reviewing the evidence.
- (10) An adult in custody that is subject to an administrative commitment to a state mental hospital has the rights to which persons are entitled under ORS 179.485.
Statutory/Other Authority: ORS 179.040, 179.473, 179.479 & 413.042
Statutes/Other Implemented: ORS 179.471-179.486 & 179.495-179.508
History:
MHD 10-2005, f. 12-29-05, cert. ef. 1-1-06

309-120-0220

Representation

- (1) In all cases, the adult in custody is entitled to:
- (a) Speak in his or her own behalf; and
- (b) Be present at all stages of the hearings process, except when the hearings officer finds that to have the adult in custody present would present an immediate threat to facility security or safety of its staff or others. The reason(s) for the finding shall be part of the record.
- (2) Assistance by a qualified and independent person approved by the hearings officer will be ordered upon a finding that assistance is necessary based upon the adult in custody's financial inability to provide an assistant, language barriers, or competence and capacity of the adult in custody to prepare a defense, to understand the proceedings, or to understand the rights available to him or her. An adult in custody who is subject to an administrative commitment hearing may not receive assistance from another adult in custody.
Statutory/Other Authority: ORS 179.040, 179.473, 179.479 & 413.042
Statutes/Other Implemented: ORS 179.471-179.486 & 179.495-179.508
History:
MHD 10-2005, f. 12-29-05, cert. ef. 1-1-06

309-120-0225

Notice of Hearing

- (1) The adult in custody shall be given written notice that an administrative commitment to a state mental hospital listed in ORS 426.010, a hospital or facility designated by the Oregon

Health Authority, or an extension of the transfer is being considered by the Department of Corrections and the Authority.

(2) The notice will be provided by the hearings officer. Such notice must be provided far enough in advance of the hearing to permit the adult in custody to prepare for the hearing, but in no case shall notice be provided less than 24 hours prior to the hearing. The hearing shall take place no later than five (5) days from the date of service of the notice.

(3) The notice shall include a copy of this rule.

Statutory/Other Authority: ORS 179.040, 179.473, 179.479 & 413.042

Statutes/Other Implemented: ORS 179.471-179.486 & 179.495-179.508

History:

MHD 10-2005, f. 12-29-05, cert. ef. 1-1-06

309-120-0230

Investigation

(1) The adult in custody may request that an investigation be conducted. If an investigation is ordered, a designee of the hearings officer shall conduct the investigation. No person shall serve as an investigator who has participated in any previous way in the process.

(2) An investigation shall be conducted upon the adult in custody's request, if an investigation will assist in the resolution of the proceedings and the information sought is within the ability of the facility to procure or the adult in custody to provide with his or her own resources.

(3) The hearings officer may order an investigation on his or her own motion.

(4) The hearings officer shall allow the adult in custody access to the results of the investigation unless disclosure of the investigative results would constitute a threat to the safety and security of the facility, its staff or others, or to the orderly operation of the facility.

Statutory/Other Authority: ORS 179.040, 179.473, 179.479 & 413.042

Statutes/Other Implemented: ORS 179.471-179.486 & 179.495-179.508

History:

MHD 10-2005, f. 12-29-05, cert. ef. 1-1-06

309-120-0235

Documents/Reports

(1) An adult in custody may present documents or reports during the hearing, subject to the exclusion and restrictions provided in these rules.

(2) The reporting employee or other agents of the Department of Corrections or Oregon Health Authority who are knowledgeable may submit to the hearings officer documents or reports in advance of the hearing that are being relied upon for the administrative commitment or extension of the transfer. Such evidence must be disclosed to the adult in custody during the hearing.

(3) The hearings officer may exclude documents or other evidence upon finding that such evidence would not assist in the resolution of the proceeding, or that such evidence would present an undue risk to the safety, security, and orderly operation of the facility. The reason(s) for exclusion shall be made part of the record.

(4) Notwithstanding subsection (2) of this rule, the hearings officer may classify documents or other evidence as confidential, and not disclose such evidence to the adult in custody, upon finding that disclosure of psychiatric or psychological information would constitute a danger to

another individual, compromise the privacy of a confidential source, or would constitute an immediate and grave detriment to the treatment of the individual, if medically contraindicated by the treating physician or a licensed health care professional in the written account of the adult in custody. The reason(s) for classifying documents or other evidence as confidential shall be made part of the record.

Statutory/Other Authority: ORS 179.040, 179.473, 179.479 & 413.042

Statutes/Other Implemented: ORS 179.471-179.486 & 179.495-179.508

History:

MHD 10-2005, f. 12-29-05, cert. ef. 1-1-06

309-120-0240

Witnesses

- (1) The hearings officer shall direct the scheduling and taking of testimony of witnesses at the hearing. Witnesses may include adults in custody, employees, or other persons. Testimony may be taken in person, by telephone, or by written report or statement.
- (2) Except as provided in this subsection, a hearings officer must provide an adult in custody or his or her representative with the opportunity to call witnesses to testify before the hearings officer and to confront and cross-examine witnesses called by the state. The hearings officer may deny the opportunity provided in this rule upon a finding of good cause. Good cause includes, but is not limited to, an undue risk to the safety, security, or orderly operation of the facility or an immediate and grave detriment to the treatment of the individual due to disclosure of psychiatric or psychological information, if medically contraindicated by the treating physician or a licensed health care professional. The reason(s) for any denial of the opportunity to call witnesses or confront and cross-examine witnesses shall be made part of the record.
- (3) If the adult in custody intends to call witnesses, the adult in custody must request that the hearings officer schedule witnesses to present testimony at the hearing. The request must be submitted to the hearings officer in writing in advance of the hearing, and include a list of the person(s) the adult in custody requests to be called to testify and direct examination questions to be posed to each person. The hearings officer shall arrange for the taking of testimony from such witnesses as properly requested by the adult in custody, subject to the exclusions and restrictions provided in these rules. The hearings officer, rather than the adult in custody, shall pose questions submitted by the adult in custody, including questions on cross-examination, if any. The hearings officer may briefly recess the hearing to allow the adult in custody, the adult in custody's assistant, or both, an opportunity to prepare cross-examination questions.
- (4) The hearings officer may limit testimony when it is cumulative or irrelevant.
- (5) All questions which may assist in the resolution of the proceedings, as determined by the hearings officer, shall be posed. The reason(s) for not posing a question will be made part of the record.
- (6) The hearings officer may, on his or her own motion, call witnesses to testify.
- (7) The hearings officer may exclude a specific adult in custody or staff witness upon finding that the witness' testimony would not assist in the resolution of the proceeding or presents an immediate undue hazard to facility security. If a witness is excluded, the reason(s) shall be made part of the record.
- (8) The hearings officer may exclude other persons as witnesses, after giving reasonable consideration to alternatives available for obtaining witness testimony, upon finding that the

witness' testimony would not assist the hearings officer in the resolution of the proceeding, the witness' appearance at the hearing would present an undue risk to the safety, security, or orderly operation of the facility or the safety of the witness or others, or that the witness is not reasonably available. The reason(s) for exclusion shall be made part of the record.

(9) Persons other than staff requested as witnesses may refuse to appear or testify.

Statutory/Other Authority: ORS 179.040, 179.473, 179.479 & 413.042

Statutes/Other Implemented: ORS 179.471-179.486 & 179.495-179.508

History:

MHD 10-2005, f. 12-29-05, cert. ef. 1-1-06

309-120-0245

Postponement

(1) A hearing may be postponed by the hearings officer for good cause and for reasonable periods of time.

(2) Good cause includes, but is not limited to:

(a) Illness or unavailability of the adult in custody;

(b) Gathering of additional evidence; or

(c) Gathering of additional documentation.

(3) The reason(s) for the postponement shall be made part of the record.

Statutory/Other Authority: ORS 179.040, 179.473, 179.479 & 413.042

Statutes/Other Implemented: ORS 179.471-179.486 & 179.495-179.508

History:

MHD 10-2005, f. 12-29-05, cert. ef. 1-1-06

309-120-0250

Findings

(1) No Justification: The hearings officer may find that the evidence does not support placement in a state mental hospital listed in ORS 426.010 or a hospital or facility designated by the Oregon Health Authority, in which case the hearings officer will recommend that the adult in custody return to his or her former status with all rights and privileges of that status. The hearing record shall be processed with final action subject to review by the Superintendent/designee of the Oregon State Hospital. The findings must be on the merits. Technical or clerical errors in the writing or processing of the transfer request, or both, shall not be grounds for a no justification finding, unless there is substantial prejudice to the adult in custody.

(2) Justification: The hearings officer may find the evidence supports the adult in custody's placement in a state mental hospital listed in ORS 426.010 or a hospital or facility designated by the Oregon Health Authority, in which case the hearings officer will so inform the adult in custody and recommend that the adult in custody's administrative commitment exceed 30 days. The hearing record shall be processed with final action subject to review by the Superintendent/designee of the Oregon State Hospital. An adult in custody's administrative commitment to a state mental hospital shall not exceed 180 days unless the commitment is renewed in a subsequent administrative hearing in accordance with these rules.

Statutory/Other Authority: ORS 179.040, 179.473, 179.479 & 413.042

Statutes/Other Implemented: ORS 179.471-179.486 & 179.495-179.508

History:

MHD 10-2005, f. 12-29-05, cert. ef. 1-1-06

309-120-0260

Superintendent's Review

(1) The results of any hearing held to place an adult in custody in a state mental hospital for administrative commitment will be reviewed and approved by the Superintendent/designee of the Oregon State Hospital.

(2) The Superintendent/designee of the Oregon State Hospital shall review the "Findings-of-Fact, Conclusions, and Recommendation" of the hearings officer, in terms of the following factors:

(a) Was there substantial compliance with this rule;

(b) Was the decision based on substantial information; and

(c) Was the decision proportionate to the information and consistent with the provisions of this rule.

(3) Within three (3) days of the receipt of the hearings officer's report, the Superintendent/designee of the Oregon State Hospital shall enter an "order," which may:

(a) Affirm the recommendation;

(b) Modify the recommendation;

(c) Reverse the recommendation; or

(d) Reopen the hearing for the introduction and consideration of additional evidence.

(4) When the Superintendent/designee of the Oregon State Hospital takes action to modify or reverse, he or she must state the reason(s) in writing and immediately notify the adult in custody, hearings officer, and Administrator for Counseling and Treatment Services.

(5) When the Superintendent/designee of the Oregon State Hospital reopens the hearing under this rule, the hearings officer shall, pursuant to these rules, conduct the reopened hearing and prepare an amended hearing record within three (3) days of the reopened hearing. The Superintendent/designee of the Oregon State Hospital shall review the hearing officer's recommendation and enter an amended "order," which may affirm, modify, or reverse the hearing officer's recommendation.

Statutory/Other Authority: ORS 179.040, 179.473, 179.479 & 413.042

Statutes/Other Implemented: ORS 179.471-179.486 & 179.495-179.508

History:

MHD 10-2005, f. 12-29-05, cert. ef. 1-1-06

309-120-0265

Extension of Transfer

(1) If the Oregon Health Authority determines that the administrative commitment must exceed 180 days in order to stabilize the adult in custody, the administrative commitment must be renewed in a subsequent administrative commitment hearing held in accordance with these rules.

(2) Notwithstanding this rule, an administrative commitment may not continue beyond the term of incarceration to which the adult in custody was sentenced.

Statutory/Other Authority: ORS 179.040, 179.473, 179.479 & 413.042

Statutes/Other Implemented: ORS 179.471-179.486 & 179.495-179.508

History:

MHD 10-2005, f. 12-29-05, cert. ef. 1-1-06

309-120-0270

Handling of Adult in custody Money and Personal Property

(1) When an adult in custody is transferred to a state mental hospital, the Department of Corrections shall send a check for the balance of the adult in custody's account to the business office of the state mental hospital.

(2) The adult in custody's personal property will be transferred from the Department of Corrections facility in accordance with standards and limitations set by the state mental hospital to which the adult in custody is transferred.

(3) When the adult in custody is returned to a Department of Corrections facility, the adult in custody's money and personal property, as allowed by the Department of Corrections Rules for Personal Property (Adult in custody) (OAR 291-117) and Trust Accounts (Adult in custody) (OAR 291-158), will be returned with the adult in custody. All property not allowed under the Department of Corrections rules for Personal Property (Adult in custody) shall be handled, controlled and disposed of in accordance with Oregon Health Authority rules (309-108-0000 through 309-108-0020).

Statutory/Other Authority: ORS 179.040, 179.473, 179.479 & 413.042

Statutes/Other Implemented: ORS 179.471-179.486 & 179.495-179.508

History:

Renumbered from 309-120-0030, MHD 10-2005, f. 12-29-05, cert. ef. 1-1-06

MHD 1-2000, f. & cert. ef. 1-24-00

MHD 3-1995, f. & cert. ef. 4-13-95

MHD 8-1983, f. & ef. 4-1-83, Renumbered from 309-023-0010(5)

MHD 1-1983(Temp), f. & cert. ef. 1-5-83

MHD 1-1981, f. & cert. ef. 6-5-81

MHD 3-1980, f. & cert. ef. 4-1-80

MHD 12-1979(Temp), f. & cert. ef. 11-21-79

MHD 5-1979, f. & cert. ef. 8-14-79

MHD 43, f. & cert. ef. 11-5-76

309-120-0275

Visiting Privileges

(1) When an adult in custody is transferred to a state mental hospital, the Department of Corrections facility shall provide a copy of the adult in custody's approved list of visitors.

(2) All visitors shall be approved according to the state mental hospital's procedure.

(3) When an adult in custody is returned to a Department of Corrections facility, any new names added to the list will be subject to review and approval according to the Department of Corrections Rule on Visiting (Adult in custody) (OAR 291-127) before admission of new visitors will be allowed.

Statutory/Other Authority: ORS 179.040, 179.473, 179.479 & 413.042

Statutes/Other Implemented: ORS 179.471-179.486 & 179.495-179.508

History:

Renumbered from 309-120-0035, MHD 10-2005, f. 12-29-05, cert. ef. 1-1-06

MHD 1-2000, f. & cert. ef. 1-24-00
MHD 3-1995, f. & cert. ef. 4-13-95
MHD 8-1983, f. & cert. ef. 4-1-83, Renumbered from 309-023-0010(5)
MHD 1-1983(Temp), f. & cert. ef. 1-5-83
MHD 1-1981, f. & cert. ef. 6-5-81
MHD 3-1980, f. & cert. ef. 4-1-80
MHD 12-1979(Temp), f. & cert. ef. 11-21-79
MHD 5-1979, f. & cert. ef. 8-14-79
MHD 43, f. & cert. ef. 11-5-76

309-120-0280

Short-Term Transitional Leaves, Emergency Leaves and Supervised Trips

When an adult in custody is administratively transferred to a state mental hospital, no short-term transitional leaves, emergency leaves, or supervised trips shall be approved by the state mental hospital without approval of the functional unit manager of the Department of Corrections facility.

Statutory/Other Authority: ORS 179.040, 179.473, 179.479 & 413.042

Statutes/Other Implemented: ORS 179.471-179.486 & 179.495-179.508

History:

Renumbered from 309-120-0040, MHD 10-2005, f. 12-29-05, cert. ef. 1-1-06

MHD 1-2000, f. & cert. ef. 1-24-00

MHD 8-1983, f. & cert. ef. 4-1-83, Renumbered from 309-023-0010(6)

MHD 1-1983(Temp), f. & cert. ef. 1-5-83

MHD 1-1981, f. & cert. ef. 6-5-81

MHD 3-1980, f. & cert. ef. 4-1-80

MHD 12-1979(Temp), f. & cert. ef. 11-21-79

MHD 5-1979, f. & cert. ef. 8-14-79

MHD 43, f. & cert. ef. 11-5-76

309-120-0285

Releases from a State Mental Hospital

An adult in custody who is transferred to a state mental hospital may be discharged and transferred back to a Department of Corrections facility for one of the following reasons:

(1) Completion of treatment;

(2) He/she could receive mental health services within the Department of Corrections, and there was a mutually agreed upon continuity of care plan developed by the state mental hospital and the Administrator of the Department of Corrections Counseling and Treatment Services Unit/designee; or

(3) He/she does not meet the requirements to continue treatment at a state mental hospital.

Statutory/Other Authority: ORS 179.040, 179.473, 179.479 & 413.042

Statutes/Other Implemented: ORS 179.471-179.486 & 179.495-179.508

History:

Renumbered from 309-120-0045, MHD 10-2005, f. 12-29-05, cert. ef. 1-1-06

MHD 1-2000, f. & cert. ef. 1-24-00 MHD 3-1995, f. & cert. ef. 4-13-95 MHD 8-1983, f. & cert. ef. 4-1-83, Renumbered from 309-023-0010(7) MHD 1-1983(Temp), f. & cert. ef. 1-5-83 MHD

1-1981, f. & cert. ef. 6-5-81 MHD 3-1980, f. & cert. ef. 4-1-80 MHD 12-1979(Temp), f. & cert. ef. 11-21-79 MHD 5-1979, f. & cert. ef. 8-14-79 MHD 43, f. & cert. ef. 11-5-76

309-120-0290

Reporting of Unusual Incidents

Reporting of unusual incidents involving adults in custody administratively transferred to a state mental hospital shall be handled in accordance with the Department of Corrections policy on Unusual Incident Reporting Process.

Statutory/Other Authority: ORS 179.040, 179.473, 179.479 & 413.042

Statutes/Other Implemented: ORS 179.471-179.486 & 179.495-179.508

History:

Renumbered from 309-120-0050, MHD 10-2005, f. 12-29-05, cert. ef. 1-1-06

MHD 1-2000, f. & cert. ef. 1-24-00

MHD 3-1995, f. & cert. ef. 4-13-95

MHD 8-1983, f. & cert. ef. 4-1-83, Renumbered from 309-023-0010(8)

MHD 1-1983(Temp), f. & cert. ef. 1-5-83

MHD 1-1981, f. & cert. ef. 6-5-81

MHD 3-1980, f. & cert. ef. 4-1-80

MHD 12-1979(Temp), f. & cert. ef. 11-21-79

MHD 5-1979, f. & cert. ef. 8-14-79

MHD 43, f. & cert. ef. 11-5-76

309-120-0295

Confidentiality and Sharing of Information

(1) Department of Corrections records and other adult in custody information shall not be available to adults in custody or persons not employed by, nor under contract to, the Oregon Health Authority.

(2) Authority records and information will be handled in accordance with ORS 179.495, 179.505, 192.515, 192.517, and 42 CFR Part 2 relating to confidentiality of medical treatment records.

Statutory/Other Authority: ORS 179.040, 179.473, 179.479 & 413.042

Statutes/Other Implemented: ORS 179.471-179.486 & 179.495-179.508

History:

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MHD 1-2000, f. & cert. ef. 1-24-00

MHD 3-1995, f. & cert. ef. 4-13-95

MHD 8-1983, f. & cert. ef. 4-1-83, Renumbered from 309-023-0010(9)

MHD 1-1983(Temp), f. & cert. ef. 1-5-83

MHD 1-1981, f. & cert. ef. 6-5-81

MHD 3-1980, f. & cert. ef. 4-1-80

MHD 12-1979(Temp), f. & cert. ef. 11-21-79

MHD 5-1979, f. & cert. ef. 8-14-79

MHD 43, f. & cert. ef. 11-5-76