



Division 200 – Civil Commitment
Rules Advisory Committee
April 21, 2026

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Agenda



2:00 – 2:10: Introductions & Orientation

2:10 – 2:20: Review of Scope and Progress

2:20 – 4:20: Rules Review

4:20 – 4:30: Next Steps

Public Involvement in Rule Drafting

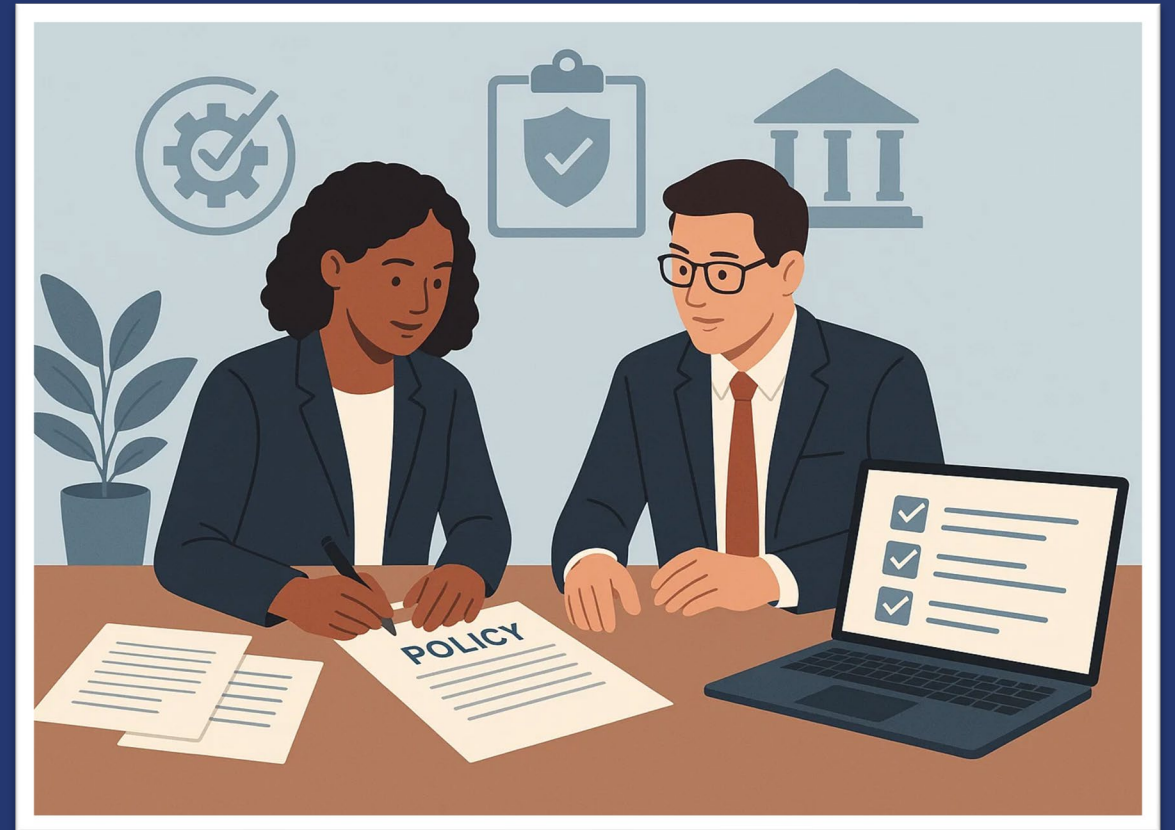
ORS 183.333

- ◆ Opportunities for public input:
 - ◆ Community Engagement
 - ◆ Rule Advisory Committees
 - ◆ Public Comment
- ◆ RAC members are appointed to assist agencies in drafting rules.



Purpose of the RAC

- ◆ RAC members represent the interests of persons and communities likely to be affected by the rule.
- ◆ Draft rule language,
- ◆ Fiscal impact, extent of impact on small businesses
- ◆ Effect on racial equity
- ◆ Oregon Public Meetings Law
ORS 192.610 to 192.705



Progress Review of RAC

RAC 1: Identified Key Problems



Unclear Statutory Definitions

Terms like “extreme risk,” “foreseeable future,” and “treatment resistant” lack definition leading to inconsistent interpretation by courts, clinicians, and PSRB



Inconsistent Expert Testimony:

Evaluators apply their own standards due to lack of guidance which reduces reliability of opinions used in hearings



Procedural Inefficiencies:

Multiple, overlapping hearings create confusion and resource strain which increase burdens on our partners/collaborators/those we serve, including victims and practitioners



Lack of Examiner Standards:

No uniform training or certification requirements resulting in variability in evaluations and recommendations



Rising Caseload & Indefinite Commitment Concerns:

Significant growth in cases with very few discharges raises questions about long-term system outcomes

Progress Review of RAC

RAC 2: Core Issues and Tensions



Core Issue:

Statute lacks clear definitions → inconsistent application

Courts, providers, PSRB using subjective interpretations



Problem Areas

“Extreme Risk” → unclear since inception

“Competent Decision-Making” → undefined + overlaps with other legal standards

Scope → mostly A&A cases, but statute not limited to them



Central Tension

Public Safety vs. Risk of Overbread / Indefinite Commitment



Key Insights

Statute is a “gap-filler”

Not prosecutable

Not civilly committable

But still high risk



Direction

Need clearer definitions

Avoid being too rigid or too broad

Focus on:

- Treatment resistance
- Functional decision-making ability

Progress Review of RAC

RAC 3: Pause & Reset

Draft rules introduced

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graph TD; A[Draft rules introduced] --> B[Insufficient time to review draft]; B --> C[New Court of Appeals case released (TLB) impacting definitions]; C --> D[Agreed to pause rulemaking discussion to allow time to review draft rules and analyze new case law];
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Insufficient time to review draft

New Court of Appeals case released (TLB) impacting definitions

Agreed to pause rulemaking discussion to allow time to review draft rules and analyze new case law

Progress Review of RAC

RAC 4: Pressure-Testing the Draft Rules

Review of Draft Language	First line-by-line review of draft rules Focus moved from concepts → specific language
Provided Legislative History	SB 421, hearings links, prior RAC when rules first created to inform understanding of statutory intent
Significant Feedback	“Background & Purpose” rejected because it was seen as opinion and at risk of creating unintended legal history. There were strong concerns about over-interpreting the statute
Definitions under pressure:	“Extreme Risk” → align with Court of Appeals (TLP) “Foreseeable Future” → no timelines / no added standards “Resistant to Treatment” → avoid expanding beyond statute
Examiner vs. Board roles	Examiner = provides info Board/Court = makes legal determinations
Direction Emerged	Provide clarity vs. Create new legal requirements Stay tethered to statute + case law Avoid rigid definitions and extra proof requirements

RAC 5: Summary of Rule Actions

Rule	Action	Significance
859-200-0005: Background and Purpose of Extremely Dangerous Civil Commitment Program	Amend	Focus of overview of program
859-200-0020: Definitions	Amend	Update and clarify terminology
859-200-0025: Board Responsibilities for Extremely Dangerous Person Civil Commitments	Amend	Clarifications and add role related to examinations
859-200-0030: Jurisdictional Criteria	Amend	Improve descriptions of jurisdictional criteria, including defining terms
859-200-0047: Content of Examination Reports for PSRB Hearings	Adopt	Brand new section that clarifies guidelines and required content, format of examinations
859-200-0070: Board Hearing Types and Issues	Amend	Describe purpose/decisions for different hearings; Clarifies when scope of hearings can be limited.
859-200-0145: Examiners for Board Proceedings	Amend	Clarify examiner qualifications, training

Required Rulemaking Considerations

◆ **Fiscal Impact (ORS 183.335(2)(b)(E))**

- ◆ What fiscal impacts, if any, do you anticipate these proposed rules may have on state agencies, local governments, or the public? Please consider both direct and indirect costs, potential cost shifts, and any operational or administrative impacts that may result from implementation.

◆ **Small Business Impact (ORS 183.336)**

- ◆ What potential economic effects might these proposed rules have on small businesses? In your view, are there aspects of the rules that could result in a significant impact, and are there ways those impacts could be minimized while still achieving the purpose of the rule?

◆ **Racial Equity Impact**

- ◆ How might the adoption of these proposed rules affect racial equity in Oregon? Please consider whether the rules may have differing impacts across communities, including potential unintended consequences, and identify any opportunities to mitigate disparities or promote more equitable outcomes.

Next Steps

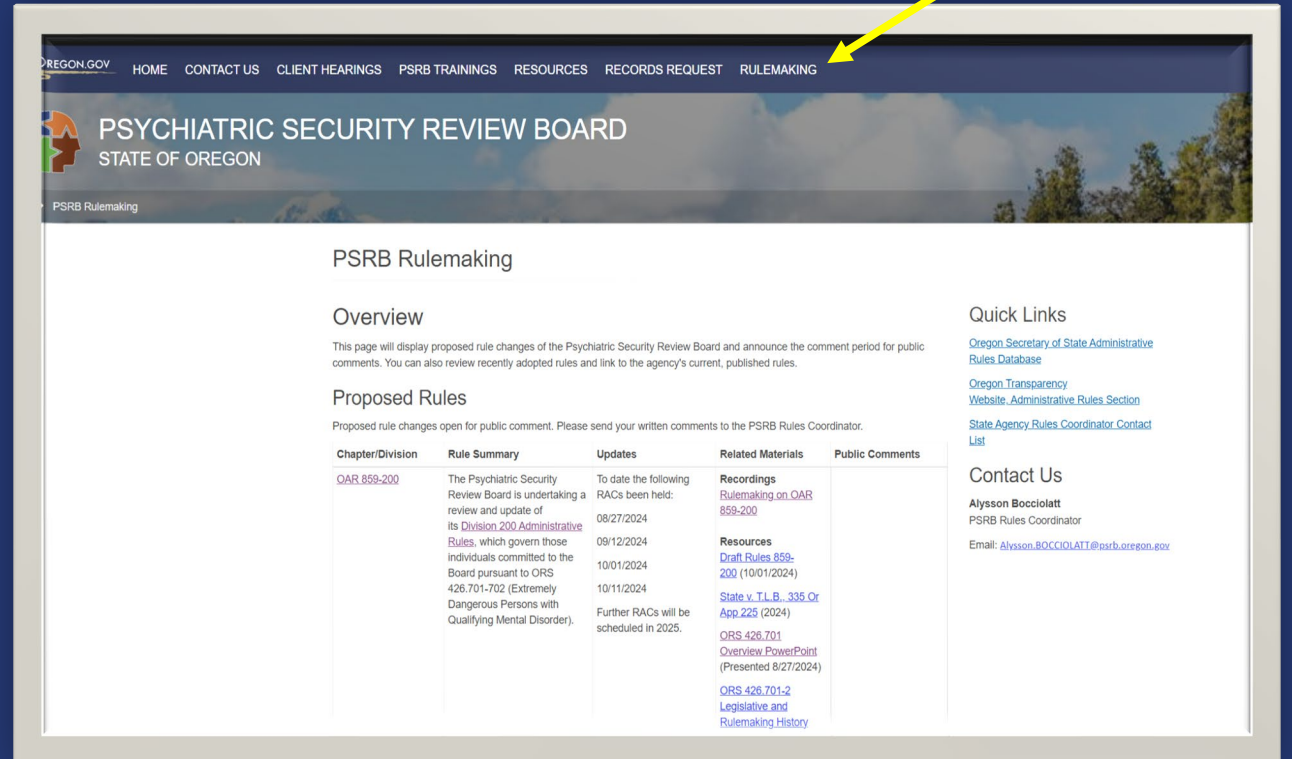
April 24, 2026: Minutes and recording posted on the website

May 12, 2026: Notice to Legislature

June 9, 2026: Public hearing and end of public comment period

June 16, 2026: Board votes on rules

June 30, 2026: Anticipated date that rules go into effect



The screenshot shows the website for the Psychiatric Security Review Board (PSRB) of the State of Oregon. The navigation menu at the top includes 'HOME', 'CONTACT US', 'CLIENT HEARINGS', 'PSRB TRAININGS', 'RESOURCES', 'RECORDS REQUEST', and 'RULEMAKING'. A yellow arrow points to the 'RULEMAKING' link. The main content area is titled 'PSRB Rulemaking' and includes an 'Overview' section, a 'Proposed Rules' section with a table, and 'Quick Links' and 'Contact Us' sections.

PSRB Rulemaking

Overview

This page will display proposed rule changes of the Psychiatric Security Review Board and announce the comment period for public comments. You can also review recently adopted rules and link to the agency's current, published rules.

Proposed Rules

Proposed rule changes open for public comment. Please send your written comments to the PSRB Rules Coordinator.

Chapter/Division	Rule Summary	Updates	Related Materials	Public Comments
OAR 859-200	The Psychiatric Security Review Board is undertaking a review and update of its Division 200 Administrative Rules , which govern those individuals committed to the Board pursuant to ORS 426.701-702 (Extremely Dangerous Persons with Qualifying Mental Disorder).	To date the following RACs been held: 08/27/2024 09/12/2024 10/01/2024 10/11/2024 Further RACs will be scheduled in 2025.	Recordings Rulemaking on OAR 859-200 Resources Draft Rules 859-200 (10/01/2024) State v. T.L.B., 335 Or App 225 (2024) ORS 426.701 Overview PowerPoint (Presented 8/27/2024) ORS 426.701-2 Legislative and Rulemaking History	

Quick Links

- [Oregon Secretary of State Administrative Rules Database](#)
- [Oregon Transparency Website: Administrative Rules Section](#)
- [State Agency Rules Coordinator Contact List](#)

Contact Us

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Thank you!



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