



PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 859

PSYCHIATRIC SECURITY REVIEW BOARD

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FILING CAPTION: Updates to Civil Commitment rules regarding jurisdiction, hearing types, certifying additional periods, examinations and reports.

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RULES:

859-200-0005, 859-200-0010, 859-200-0020, 859-200-0025, 859-200-0030, 859-200-0050, 859-200-0055, 859-200-0070, 859-200-0072, 859-200-0145, 859-200-0147, 859-200-0148

AMEND: 859-200-0005

RULE TITLE: Background and Purpose of Extremely Dangerous Civil Commitment Program

NOTICE FILED DATE: 04/28/2026

RULE SUMMARY: Jurisdictional Criteria were moved to another section. Modified this section to focus more on an overview of the program.

RULE TEXT:

(1) The Extremely Dangerous Person with Qualifying Mental Disorder statute, enacted by Senate Bill 421 in 2013, establishes a distinct civil commitment process under ORS 426.701 and ORS 426.702 for individuals whose qualifying mental disorders and past acts place others at extreme risk of grave or potentially lethal physical injury. The statute authorizes a district attorney or judge to initiate a commitment proceeding in circuit court when an individual with a qualifying mental disorder is alleged to have committed a qualifying act and the court determines, based on clear and

convincing evidence, that the person committed such an act and is extremely dangerous and resistant to treatment. Once committed, the person is placed under the jurisdiction of the Psychiatric Security Review Board (Board) for an initial period of up to 24 months, with additional periods of commitment possible upon the Board's certification or a hearing by the committing circuit court.

(2) The program is designed to provide individuals with structured supervision, treatment, and oversight by the Board, including the conduct of hearings to determine continued jurisdiction and placement. It establishes a process for conditional release when a person can be safely managed in the community and allows the Board to order a return to a state hospital if necessary. Discharge from the Board's jurisdiction occurs only when the person no longer meets the statutory criteria. Under those circumstances, a district attorney may also seek further competency evaluation to pursue reindictment of the charges associated with the qualifying act.

STATUTORY/OTHER AUTHORITY: ORS 426.701

STATUTES/OTHER IMPLEMENTED: ORS 426.701, ORS 426.702

AMEND: 859-200-0010

RULE TITLE: Rules Applicability

NOTICE FILED DATE: 04/28/2026

RULE SUMMARY: Updating language to reflect current term for qualifying mental disorder and removing language that no other rules apply because that is inaccurate.

RULE TEXT:

OAR 859-200-0005 through 859-200-0320 apply to a person who a court has civilly committed as an extremely dangerous person with a qualifying mental disorder under ORS 426.701 and who is placed under the jurisdiction of the Psychiatric Security Review Board (PSRB).

STATUTORY/OTHER AUTHORITY: ORS 426.701

STATUTES/OTHER IMPLEMENTED: ORS 426.701, ORS 426.702

RULE SUMMARY: Add and clarify definitions to align with statutory language, language in other PSRB rule divisions, and updated job titles.

(13) replaced "supervising individual" with "outpatient supervisor"

(8) replaced "community case monitor" with "outpatient supervisor"

RULE TEXT:

(1) "Administrative hearing" means a meeting of the Board where a quorum is present and where the Board considers requests for conditional release, requests for community evaluations or modifications to a person's current conditional release plan. At these hearings, parties are not present and testimony is not taken.

(2) "Administrative meeting" means any public meeting of the Board where a quorum is present for the purpose of considering matters relating to Board policy and administration. Administrative meetings follow Public Meetings Law. Minutes shall be taken during an administrative meeting and distributed to Board members and interested persons. Minutes shall be voted on and approved at subsequent administrative meetings.

(3) "Community evaluation" is a written report ordered by the Board and conducted by a qualified mental health professional from a local mental health program designated by the Board to determine if an individual can be adequately controlled with supervision and treatment if conditionally released and that supervision and treatment are available.

(4) "Commitment county" means the county in which the district attorney filed the initial petition. This is the same as the county in which the person is initially committed as an extremely dangerous person with mental illness under the jurisdiction of the Board.

(5) "Conditional release" means a grant by the court or by the Board for the person to reside outside the state hospital in the community under conditions for monitoring and treatment of the mental disorder resistant to treatment and the mental and physical health of the person.

(6) "Discharge" means that the person is no longer under the jurisdiction of the Board because any of the following occurs:

(a) The Board or Court determines, after a hearing, that the person no longer suffers from affected by a qualifying mental disorder that is resistant to treatment or is no longer extremely dangerous; or

(b) The maximum 24-month period of commitment has expired, and the Board has not certified the person for continued treatment.

(7) "Hearing" means a hearing before the Board to consider any legal matter under its jurisdiction. The parties are provided with an opportunity to be heard, including the submission of evidence and the testimony of witnesses.

(8) "Incident Report" means a report completed by the outpatient supervisor that describes any significant behavioral or mental health changes, serious violations of conditional release requirements, psychotropic medication refusals, or any other information that is relevant to an individual's ability to be safely managed in a community setting. The incident report should contain the following information:

(a) A description of incident;

(b) A summary of the interventions that were used by community mental health provider staff;

(c) A summary of the debrief with the individual or a summary of why a debrief did not occur; and

(d) Any recommendations on how to mitigate future incidents, including but not limited to modifications to the individual's conditional release plan.

(9) "Qualifying Mental Disorder"

(a) Any diagnosis of mental disorder which is a significant behavioral or psychological syndrome or pattern that is associated with distress or disability causing symptoms or impairment in at least one important area of an individual's functioning.

(b) The term "qualifying mental disorder" excludes an abnormality manifested solely by repeated criminal or otherwise antisocial conduct.

(c) The term "qualifying mental disorder" excludes a disorder constituting solely a personality disorder.

(d) The term "qualifying mental disorder" excludes a diagnosis of an intellectual disability or developmental disability as defined in ORS 427.005.

(10) "Parties" includes the extremely dangerous person with a qualifying mental disorder and the State of Oregon.

(11) "Psychiatric Security Review Board (PSRB)" or "Board" refers to the Senate confirmed members of the PSRB.

(12) "Quorum" means the presence of at least three Board members.

(13) "Outpatient supervisor" or "community case monitor" means the individual whom the Board has designated as supervising the person on conditional release and who is required to report to the Board regarding the person's status.

(14) "State hospital; hospital" means a state hospital operated by the Oregon Health Authority.

(15) "Victim" means the person or persons who have suffered financial, social, psychological or physical harm as a result of one of the acts articulated in ORS 426.701(3)(a)(C) and for whom the extremely dangerous mentally ill person who is under the Board's jurisdiction. Victims include, in the case of a homicide or abuse of corpse in any degree, a member of the immediate family of the decedent and, in the case of a minor victim, the legal guardian of the minor. In no event shall the extremely dangerous mentally ill person be considered a victim.

STATUTORY/OTHER AUTHORITY: ORS 426.701

STATUTES/OTHER IMPLEMENTED: ORS 426.701, ORS 426.702

AMEND: 859-200-0025

RULE TITLE: Board Responsibilities for Extremely Dangerous Person Civil Commitments

NOTICE FILED DATE: 04/28/2026

RULE SUMMARY: Improvement to rule language and adding responsibilities related to examiners and the content of their reports for hearings before the PSRB.

RULE TEXT:

The Board shall have as its primary concern the protection of society. In addition, the Board's responsibilities shall include but not be limited to:

- (1) Conducting hearings, as required by law, to determine jurisdictional status and appropriate placement of persons under its jurisdiction.
- (2) Overseeing the supervision of persons on conditional release in the community, including approving conditional release and modifying release conditions, as appropriate.
- (3) Facilitating the certification process at the conclusion of each commitment period, including making determinations regarding continued jurisdiction and placement.
- (4) Developing criteria for the qualification and approval of examiners authorized to conduct evaluations for purposes of hearings before the Board.
- (5) Establishing the required content and format of examination reports prepared for use in Board hearings.

STATUTORY/OTHER AUTHORITY: ORS 426.701, ORS 426.110

STATUTES/OTHER IMPLEMENTED: ORS 426.701, ORS 426.110, ORS 426.702

AMEND: 859-200-0030

RULE TITLE: Jurisdictional Criteria

NOTICE FILED DATE: 04/28/2026

RULE SUMMARY: This rule clarifies the jurisdictional criteria required for the Board to maintain jurisdiction or certify to the circuit court that another period of commitment is appropriate.

RULE TEXT:

- (1) The Board has jurisdiction over persons committed by a circuit court as extremely dangerous persons with a qualifying mental disorder that is resistant to treatment and who continue to meet the jurisdictional criteria set forth under ORS 426.701.
- (2) To remain under the Board's jurisdiction or be certified to a circuit court for another period of commitment, a person must meet all of the following criteria:
 - (a) The person is at least 18 years old.
 - (b) The person suffers from a qualifying mental disorder.
 - (c) The person continues to exhibit symptoms or behaviors of the qualifying mental disorder that are substantially similar to those that preceded the qualifying prior act for which they were committed. For the purposes of this rule, "substantially similar" refers to manifestations of the qualifying mental disorder that reflect a continuing risk to others of the same general nature as that associated with the qualifying act. The symptoms or behaviors need not be identical in form, intensity or presentation.
 - (d) The person's qualifying mental disorder is resistant to treatment. A qualifying mental disorder is considered resistant to treatment when the following conditions are met:
 - (A) The person has received reasonable psychiatric or therapeutic care, including adequate treatment options appropriate to the disorder, or has refused such care; and
 - (B) Despite the care provided or treatment refusal, the person continues to exhibit significant impairment in their ability to:
 - (i) make competent decisions; and
 - (ii) be aware of and control extremely dangerous behavior; and
 - (e) Because of the qualifying mental disorder that is resistant to treatment:
 - (A) The person has committed one or more acts listed in ORS 426.701(3)(a)(C). For the purposes of this finding, the Board takes judicial notice of the committing court's determination that the person committed a qualifying act; and
 - (B) The person presents a serious danger to the safety of other persons by reason of an extreme risk that the person will inflict grave or potentially lethal physical injury on other persons. For purposes of this rule, "extreme risk" means that, because of the person's qualifying mental disorder, the risk of future physical harm to others exists in a very high degree; and
 - (C) Unless committed, the person will continue to represent an extreme risk to the safety of others in the foreseeable future. For purposes of this rule, "foreseeable future" is given its ordinary meaning as a period of time that can be reasonably foreseen based on the available evidence. It is not defined by a fixed duration, but by the period during which the person's risk of engaging in behavior that poses an extreme risk to others can be anticipated if the person is not committed.
- (3) Once committed, the circuit court places the person under the Board's jurisdiction for 24 months. At the end of the 24-month commitment period, the Board may provide the following certification to the circuit court in the county of original commitment:
 - (a) The person continues to be extremely dangerous and suffer from a qualifying mental disorder that is resistant to treatment; and
 - (b) The person can or cannot be adequately controlled in the community with proper care, medication, supervision, and treatment.

STATUTORY/OTHER AUTHORITY: ORS 426.701

STATUTES/OTHER IMPLEMENTED: ORS 426.701, ORS 426.702

REPEAL: 859-200-0050

RULE TITLE: Purpose of Hearings

NOTICE FILED DATE: 04/28/2026

RULE SUMMARY: This rule is redundant and does not offer any information or clarification that is not otherwise included in statute. Jurisdiction is in 859-200-0030, standard of proof 859-200-0105. Issues before the board for hearing types is 859-200-0070.

RULE TEXT:

The Board conducts hearings for persons committed to its jurisdiction. For the Board to have jurisdiction over those persons, the Board must determine if jurisdictional criteria (see OAR 859-200-0030) exist. If, at the time of the hearing, the jurisdictional criteria are not proven by a preponderance of the evidence, the person must be discharged. If jurisdictional criteria exist at the time of the hearing, the Board then makes a determination about appropriate residential placement of the person based on the record as a whole.

STATUTORY/OTHER AUTHORITY: ORS 161.387(1), 2013 OL Ch. 715 (SB 421)

STATUTES/OTHER IMPLEMENTED: ORS 161.387(1), 2013 OL Ch. 715 (SB 421)

AMEND: 859-200-0055

RULE TITLE: Notice of Hearings; Administrative Reviews

NOTICE FILED DATE: 04/28/2026

RULE SUMMARY: Removal of notice requirement consistent with changes to the statute.

RULE TEXT:

Written notice shall be given to the following persons or entities within a reasonable time prior to any hearing:

- (1) The person;
- (2) The person's attorney, if represented;
- (3) The office of the district attorney of the committing county, or its designee;
- (4) The community mental health provider or outpatient supervisor, if the person is on conditional release or being proposed for conditional release;
- (5) The victim, if the court or Board finds the victim requests notification;
- (6) Hospital staff, if the person resides at an Oregon Health Authority hospital; and
- (7) The county mental health agency in the county where the person resides if the person is on conditional release.

STATUTORY/OTHER AUTHORITY: ORS 426.701

STATUTES/OTHER IMPLEMENTED: ORS 426.701, ORS 426.702

AMEND: 859-200-0070

RULE TITLE: Board Hearing Types and Issues

NOTICE FILED DATE: 04/28/2026

RULE SUMMARY: Provides clarifications of what occurs at each hearing type and adds exceptions to reflect the current practice.

(1)(b), (4)(b), (6)(b), (7)(b) Updated OAR, added "report"

RULE TEXT:

(1) Initial Hearings

(a) The Board shall conduct an initial hearing following each period of civil commitment ordered by a circuit court under ORS 426.701, no earlier than six (6) months after the commencement of the commitment period, except as described in section (d) of this rule. For each subsequent period of commitment, the Board shall conduct further hearings only upon entry of a new judgment committing the person to the Board's jurisdiction.

(b) An examiner described in OAR 859-200-0145 shall submit an examination report described in OAR 859-200-0147 no less than sixty (60) days prior to the hearing. If the examiner's report indicates that the person does not meet the criteria for continued commitment, the district attorney from the committing county may concurrently request that the court in the county where the criminal charges were initiated order an evaluation to determine the person's fitness to proceed in the criminal case.

(c) At an initial hearing, the Board shall determine whether the person continues to meet jurisdictional criteria. If the Board finds that jurisdictional criteria are not met, the person shall be discharged. If the Board finds that jurisdictional criteria are met, the Board shall determine the appropriate placement, including whether the person should remain in a state hospital, be conditionally released, or whether a community evaluation should be ordered.

(d) For subsequent periods of commitment only, the Board may conduct a hearing prior to the initial hearing upon receipt of a hospital request for conditional release or outpatient supervisor request for modification. If all parties agree, the Board may treat such hearing as the initial hearing and make determinations regarding both jurisdictional criteria and placement. In the absence of agreement by all parties, the hearing shall be limited to issues of placement only and shall not satisfy the requirement to conduct an initial hearing.

(2) Revocation Hearings

(a) A revocation hearing will be held within thirty (30) days of a person's return to the state hospital as a result of a PSRB Order of Revocation.

(b) At a revocation hearing, the Board's review is limited to the appropriateness of the revocation. The Board shall determine whether the person can be continued on conditional release or should be committed to the state hospital. The Board may also consider a request for evaluation at a revocation hearing.

(3) Hospital Request for Conditional Release Hearings

(a) At any time while a person is committed to the state hospital, the hospital may apply to the Board for conditional release if it is the hospital's opinion that the person continues to have a qualifying mental disorder that is resistant to treatment and makes the person extremely dangerous, but can be safely managed in the community with proper care, medication, supervision, and treatment.

(b) A hospital request for conditional release must be accompanied by a report from a member of the person's treatment team outlining the facts supporting the request, as well as a verified conditional release plan. The report shall include relevant information consistent with the examination content requirements set forth in these rules, as necessary to assist the Board in making its determination.

(c) At a hearing on a hospital request for conditional release, the Board's review is limited to determining whether the person can be safely managed in the community and does not reconsider the person's jurisdictional status, except when the hearing also qualifies as an initial hearing or the request is accompanied by a hospital request for discharge.

(4) Hospital Request for Discharge Hearings

- (a) At any time while a person is committed to the state hospital, the hospital may apply to the Board for the person's discharge if it is the hospital's opinion that the person no longer meets jurisdictional criteria.
- (b) An examiner described in OAR 859-200-0145 shall submit an examination report described in OAR 859-200-0147 along with the hospital's request for discharge.
- (c) Upon receipt of an examination for the purposes of this hearing type, the district attorney from the committing county may concurrently request that the court in the county where the criminal charges were initiated order an evaluation to determine the person's fitness to proceed in the criminal case.
- (d) At a hearing on a hospital request for discharge, the Board shall determine whether the person continues to meet jurisdictional criteria. If the Board finds that jurisdictional criteria are not met, the person shall be discharged. If the Board finds that jurisdictional criteria are met, the Board shall determine the appropriate placement, including whether the person should remain in a state hospital, be conditionally released, or whether a community evaluation should be ordered.

(5) Outpatient Supervisor Request for Conditional Release Modification Hearings

- (a) At any time during the person's conditional release, the outpatient supervisor may request a hearing to amend or modify the person's conditions of release by submitting a completed Board Modification Request form.
- (b) The request for the hearing shall be accompanied by a proposed Summary of Conditional Release Plan that reflects the requested modifications and new conditions.
- (c) At a hearing on a request for conditional release modification, the Board's review is limited to modification(s) being requested and does not reconsider the person's jurisdictional status, except when the hearing also qualifies as an initial hearing or the request is accompanied by an outpatient supervisor request for discharge. The Board shall determine whether the person can continue to be safely managed in the community with proper care, medication, supervision, and treatment if the proposed modifications are granted.
- (d) Modifications to a person's conditional release plan may include: adding conditions to the plan, removing conditions from the plan, and/or changing existing conditions in the plan.
- (e) If there is no objection to the outpatient supervisor's requested modification(s), the hearing may be handled by administrative review.
- (f) At any time, if either the person or the State objects to the requested conditional release plan modification(s), the person or the State may request a full hearing regarding the requested modification(s) rather than an administrative review.

(6) Outpatient Supervisor Request for Discharge Hearings.

- (a) At any time during a person's conditional release, the PSRB case monitor may apply to the Board for the person's discharge if it is the outpatient supervisor's opinion that the person no longer meets jurisdictional criteria.
- (b) An examiner described in OAR 859-200-0145 shall submit an examination report described in OAR 859-200-0147 along with the outpatient supervisor's request for discharge.
- (c) At the hearing, the Board shall determine whether the person continues to meet jurisdictional criteria. If the Board finds that jurisdictional criteria are not met, the person shall be discharged. If the Board finds that jurisdictional criteria are met, the Board shall determine the appropriate placement, including whether the person should remain conditionally released.

(7) Certification Hearing

- (a) Within the last four (4) months of a person's 24-month period of commitment, the Board shall hold a certification hearing to determine whether to certify to the court in the county in which the person was originally committed that the person is still extremely dangerous and suffers from a qualifying mental disorder that is resistant to treatment.
- (b) One hundred-twenty (120) days prior to the end of each commitment period, an examiner described in OAR 859-200-0145 with the Oregon State Hospital, or the outpatient supervisor if the person is on conditional release, shall submit an examination report as described in OAR 859-200-0147.
- (c) The Board will provide the parties with the examiner's opinion ninety (90) days prior to the end of the commitment period and schedule an administrative review to determine whether to certify the person for a further period of

commitment.

(d) If the examiner's report recommends that the person is not appropriate for another period of commitment, the District Attorney in the commitment county may do either or both of the following:

(A) Request the Board schedule a full hearing and take testimony regarding the issue of certification.

(B) Request an order from the court in the county where the criminal charges were initiated for an evaluation to determine if the person is fit to proceed in the criminal proceeding.

(e) The Board retains the ultimate decision-making authority as to whether or not to certify the person for a further period of commitment.

(A) In a case where the examiner recommends, and the Board decides not to certify the person for a further period of commitment, the PSRB will notify the parties without unreasonable delay.

(B) A person who is not certified for another period of commitment will nonetheless complete their current period of commitment.

STATUTORY/OTHER AUTHORITY: ORS 426.701

STATUTES/OTHER IMPLEMENTED: ORS 426.701, ORS 426.702

REPEAL: 859-200-0072

RULE TITLE: Further Periods of Commitment

NOTICE FILED DATE: 04/28/2026

RULE SUMMARY: This rule is integrated in 859-200-0070

RULE TEXT:

(1) For each subsequent period of commitment, the Board shall hold an initial hearing six months after the expiration of the previous period of commitment.

(2) A new order signed by the court in the commitment is required for the Board to hold that the person is still extremely dangerous and suffers from a qualifying mental disorder that is resistant to treatment.

STATUTORY/OTHER AUTHORITY: ORS 161.387, ORS 426.701

STATUTES/OTHER IMPLEMENTED: ORS 161.387, ORS 426.701, ORS 426.702

AMEND: 859-200-0145

RULE TITLE: Examiners for Board Proceedings

NOTICE FILED DATE: 04/28/2026

RULE SUMMARY: Adds clarification of who is qualified to conduct the evaluation and training requirements, and that the Board will require examination for its hearings.

RULE TEXT:

(1) For hearings before the Board that require an examination report, the Oregon State Hospital or, if on conditional release, the community provider responsible for the person's care and supervision shall ensure that an examination is conducted and a written report is prepared by an examiner who meets the qualifications set forth in this rule.

(2) For purposes of hearings before the Board, an examiner shall be:

(a) A psychiatrist;

(b) A psychologist; or

(c) A psychiatric mental health nurse practitioner.

(3) The examiner will typically be the licensed medical practitioner responsible for providing the person's psychiatric care, including prescribing psychiatric medication. If that provider does not meet the qualifications in section (2) of this rule or is not reasonably available, another qualified examiner may be used.

(4) The examiner shall be sufficiently familiar with the person, the purpose of the hearing, and the statutory framework governing the Board's determinations under ORS 426.701 and 426.702, including the terms and criteria relevant to those determinations, to provide clear and informed written and oral testimony at a hearing before the Board.

(5) The examiner provides professional opinions and may address statutory terms, but shall not make legal conclusions. The Board is responsible for applying the statutory criteria and making the ultimate legal determinations.

(6) The Board may establish minimum training requirements for examiners. Training requirements must be completed by an examiner prior to conducting an examination under these rules.

(7) The attorney representing the state may, at the state's expense, choose a psychiatrist, psychologist, or psychiatric nurse practitioner to conduct an additional examination of the person for purposes of the proceedings.

STATUTORY/OTHER AUTHORITY: ORS 426.701, ORS 426.110

STATUTES/OTHER IMPLEMENTED: ORS 426.701, ORS 426.110, ORS 426.702

ADOPT: 859-200-0147

RULE TITLE: Content of Examination Reports for PSRB Hearings

NOTICE FILED DATE: 04/28/2026

RULE SUMMARY: Establishes the content of an examination for the purpose of a hearing before the PSRB.

RULE TEXT:

(1) The requirements in this rule apply to examination reports prepared for use in hearings before the Psychiatric Security Review Board (Board). The examination is conducted to provide clinical and behavioral information to assist the Board in making determinations regarding jurisdiction, certification, placement, and supervision in proceedings before the Board under ORS 426.701 and 426.702. The examiner is not required to provide ultimate legal conclusions or use statutory terminology.

(2) The examination report shall be prepared using a format or template approved by the Board. The Board may prescribe the structure and content of the report to ensure consistency and completeness of information presented for Board review.

(3) The examination shall include information relevant to the person's mental health condition and behavior in the foreseeable future if the person were not committed, including how the person may function without the structure, supervision, or treatment associated with civil commitment. To the extent possible, the examination will include the following:

(a) The nature, course, and current severity of the person's qualifying mental disorder, including symptom presentation over time;

(b) The relationship between the qualifying mental disorder and the person's prior qualifying act, as well as any subsequent serious incidents associated with the qualifying mental disorder;

(c) Whether the person continues to exhibit symptoms or behaviors of the qualifying mental disorder that are substantially similar to those that preceded the qualifying act, including consideration of the type, pattern, and severity of such symptoms or behaviors;

(d) The extent to which the qualifying mental disorder affects the person's ability to make informed and safe decisions, recognize and understand the relationship between their mental disorder and potential for harmful behavior, and regulate behavior to avoid actions that may pose a risk to the safety of others;

(e) The person's response to and engagement with treatment, including the type, duration, and outcome of treatment provided, and any history of accepting or refusing treatment;

(f) The extent to which symptoms or impairments associated with the qualifying mental disorder persist despite treatment or in the absence of treatment;

(g) The person's history of stability or decompensation associated with the qualifying mental disorder under varying levels of supervision, structure, or treatment;

(h) Any conditions, structure, or supports that have affected the manifestation of the qualifying mental disorder, and the extent to which those conditions are expected to continue or be available if the person is not committed;

(i) The extent to which any progress made during commitment is likely to be sustained if the person is not committed;

(j) Protective, stabilizing, or mitigating factors relevant to the person's behavior, including strengths, skills, insight, treatment gains, support systems, and environmental conditions that reduce the likelihood of behavior that may pose a risk to the safety of others.

(k) Any limitations in the available information or evaluation that may affect the examiner's observations; and

(l) Any other information the examiner considers relevant to the relationship between the qualifying mental disorder and the person's potential for behavior that may pose a risk to the safety of others.

(4) The examination shall include information relevant to the Board's determination of whether the person can be adequately controlled in the community with proper care, medication, supervision, and treatment if conditionally released.

(5) To the extent available, the examination should include:

- (a) Current placement, level of care, and privileges;
 - (b) Stability, compliance, and performance at the current level of care;
 - (c) History of success or difficulty with privileges or community access;
 - (d) Relevant clinical, treatment, or risk review recommendations and whether they have been incorporated;
 - (e) Risk assessment information supporting community management;
 - (f) Availability of supports, supervision, and treatment in the community;
 - (g) Dependence on current placement structure and supports.
- (6) The examination shall also provide information relevant to determining whether the person could be controlled in the community with proper care, medication, supervision, and treatment.
- (a) If the person currently resides at the Oregon State Hospital, the examination should incorporate information from the person's treatment team, the hospital risk review panel, the psychology department, and other relevant collateral contacts to provide an opinion as to whether the person should remain hospitalized or be considered for conditional release.
- (b) If the person is on conditional release, the examination should incorporate information from the person's designated case monitor, treatment team, including residential team, as well as relevant collateral contacts, to assess whether the current level of care, supervision, and treatment remains appropriate or should be modified. Any specific proposed modifications to conditions must be submitted separately using a Board-approved template for modification requests.

STATUTORY/OTHER AUTHORITY: ORS 426.110, ORS 426.701

STATUTES/OTHER IMPLEMENTED: ORS 426.110, ORS 426.701, ORS 426.120, ORS 426.702

ADOPT: 859-200-0148

RULE TITLE: Examination Submission Requirements

NOTICE FILED DATE: 04/28/2026

RULE SUMMARY: Provides clarification of timelines associated with examinations.

RULE TEXT:

- (1) This rule governs the timing for submission of examination reports required for hearings before the Board.
- (2) Unless otherwise specified, an examination report required for a hearing under OAR 859-200-0070 shall be submitted no later than fourteen (14) days prior to the scheduled hearing date.
- (3) If an examination report includes an opinion that the person may no longer meet jurisdictional criteria, including in connection with a request for discharge under OAR 859-200-0071, the examination shall be submitted no later than forty-five (45) days prior to the hearing date.
- (4) An examination report conducted for purposes of certification under ORS 426.702 shall be submitted no later than ninety (90) days prior to the end of the current term of commitment.
- (5) If an examination is not submitted in accordance with this rule, the Board may:
 - (a) Continue the hearing; or
 - (b) Proceed with the hearing as necessary to comply with applicable time requirements.

STATUTORY/OTHER AUTHORITY: ORS 426.701

STATUTES/OTHER IMPLEMENTED: ORS 426.701, ORS 426.702, ORS 426.120