



Hearing Procedures Rule Advisory Committee

October 22, 2026

Agenda



- Objectives for the RAC
- RAC Feedback on Staff Concepts
- Additional Concepts from RAC
- Closing - Next Steps

Public Involvement in Rule Drafting

ORS 183.333

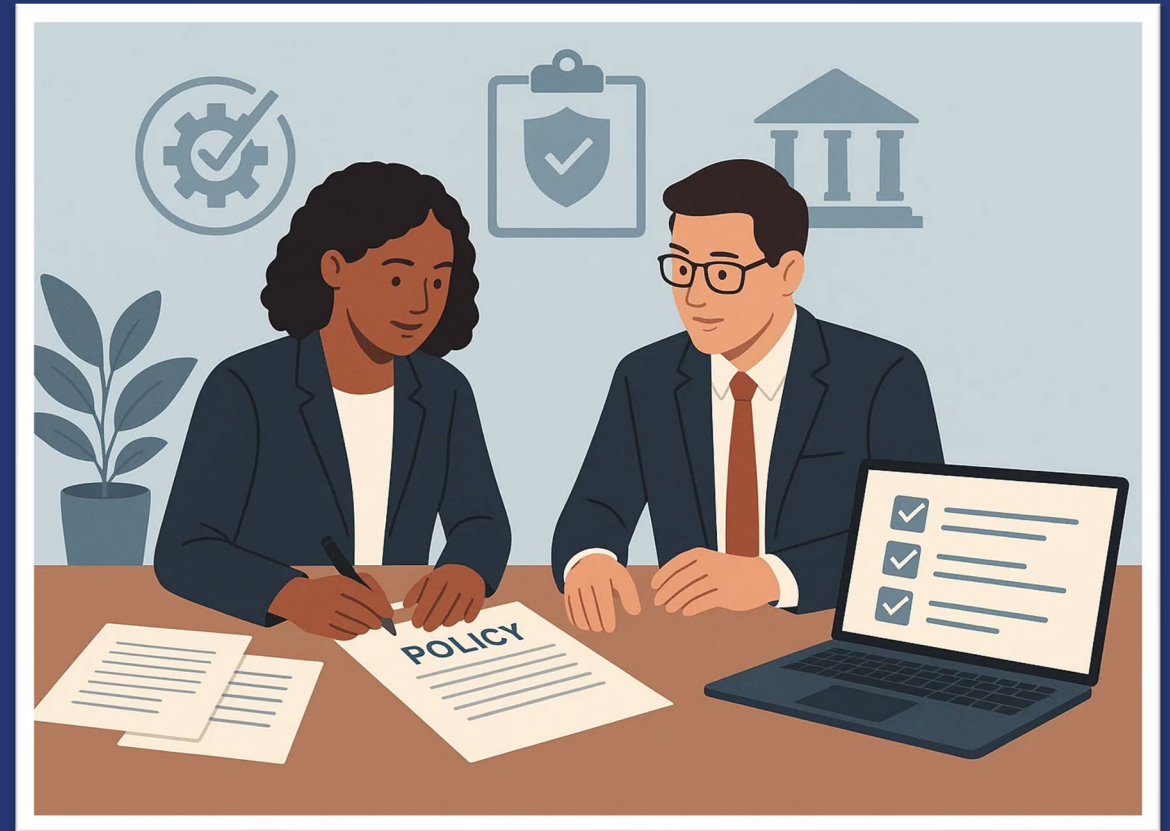
- ◆ Opportunities for public input:
 - ◆ Community Engagement
 - ◆ Rule Advisory Committees
 - ◆ Public Comment
- ◆ RAC members are appointed to assist agencies in drafting rules.



Purpose of the RAC

ORS 183.333, 183.335

- ❖ 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



Objectives for the Hearing Procedure RAC

- Focusing on hearing procedure rules that are applicable to all three programs:
 - GEI (Division 50)
 - Civil Commitment (Division 200)
 - REI (Division 550)
- Consolidate – Amend and Repeal
- Identify rules that are outdated
- Draft new rules if needed
- Rules vs. Policy vs. Education vs. other

Factors to Consider

- Changes in legislation or statute
 - HB 2804 (one panel, alternate member)
- Changes in practice
 - Remote hearings
- Gaps or Recurring Problems
- Timeliness and Quantity of Hearings



Yes, this is a known issue and fit for rulemaking.



No, this is not rule issue (use a different mechanism or approach).

Concepts from PSRB

Document Requests for Upcoming Hearings

What documents attorneys and parties must submit (e.g., exhibits, witness lists).

The deadline for submitting materials before a hearing.

Procedures for attorneys to submit to PSRB.

Clarifying “Goes to Attorney”

What types of materials are automatically routed to attorneys (e.g., Board notices, written reports, treatment updates).

The Board’s responsibility to provide timely disclosure that allows for meaningful case preparation.

Remote Hearing Procedures

Update rules to reflect that all hearings are conducted remotely or leave in-person as an option?

Concepts from PSRB

Hearings Exceeding Two Hours

A requirement that parties file a motion when requesting a hearing expected to exceed two hours.

What must be included in that motion (estimated time, reason for extended length, witness list) and deadline for filing the motion.

Timelines for Submitting Exhibits

For parties: witnesses, time allotment required for hearing, preparation for hearing.

Processes for Conditional Release to DOC

Expectations about information-sharing so attorneys can meaningfully review an individual's status and progress.

Concepts from PSRB

Community Evaluations: Requirements and Standards

More prescriptive rules regarding community evaluations and the process

Define “risk review” and whether Board can deem risk review as necessary.

Scope of Hearings

Define issues to be considered at hearings and when the Board can limit scope.

Handling jurisdiction at revocation hearings (state burden, no request for discharge)

No rule related to inpatient status hearings, such as when it is reviewed at end of jurisdiction and scope of the hearing.

Clarify When the Burden of Proof Shifts to the State

Concepts from RAC Members

Start: Gaps

What is missing from OARs that could make hearings processes more clear, effective, and efficient?

What could be added based on changes in practice and/or legislation?

Stop: Impediments

Are there rules that cause inefficiencies or impede due process?

Are there rules that are outdated or no longer consistent with statute or current practice that should be repealed?

Continue but Improve: Pain Points

What issues come up that could be addressed through a rule amendment?

Are there existing rules that could be improved for greater clarity?

What rules need to be updated to reflect changes in statute or practice?