



NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 859

PSYCHIATRIC SECURITY REVIEW BOARD

FILED: 07/27/2026 3:31 PM

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Updates Civil Commitment hearing and examination report requirements and submission timelines to ensure clarity.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/24/2026 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:

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HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 08/24/2026

TIME: 2:30 PM - 3:00 PM

OFFICER: Alysson Bocciolatt

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-446-4951

SPECIAL INSTRUCTIONS:

Join Online: <https://teams.microsoft.com/meet/239961872631243?p=TYfvoMkPTDQx0d9iOM>

Meeting ID: 239 961 872 631 243

Passcode: 9Sf6DZ6D

Join By Phone:

1-503-446-4951

Conference ID: 326 782 018#

NEED FOR THE RULE(S):

This rulemaking action aims to simplify the rule structure and make it easier for parties to find information relevant to hearing procedures and examination submission timelines according to the hearing type. 859-200-0148 repeats submission timelines that are stated in 859-200-0070. 859-200-0148 will be updated to specify the hearing type, issues, when an examination report is required and specify the submission timeframe. The repeal is necessary because the information was repetitive, which could be confusing for examiners, and also included a 14-day submission requirement which was not applicable in any hearing scenario.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Materials provided to the previous RAC for Civil Commitment rules, including prior versions of each of these rules, is available on the PSRB Rulemaking webpage.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

The agency does not anticipate this rulemaking to affect racial equity in the state.

FISCAL AND ECONOMIC IMPACT:

There is no anticipated fiscal or economic impact associated with this rulemaking.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

This rule consolidates language that exists elsewhere in the rules and does not alter existing procedures. (1) There is no anticipated economic impact for state agencies, local government or members of the public. Consolidating the two rules will reduce administrative burden on the PSRB if future updates are required. (2) There is no anticipated effect on small businesses associated with this rulemaking due to the limited scope of the rules' applicability.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small business were not involved in rule development.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The PSRB recently adopted the two rules that are proposed to be amended and repealed. This iteration of the rules consolidates language and guidelines that were previously reviewed by a Rule Advisory Committee which met on five occasions between 2024-2026. This action simplifies the rule structure and is not introducing major procedural changes. To fulfill its commitment to the values of transparency, participation, and stewardship of state resources, the agency will solicit feedback from interested parties, including former RAC members, in lieu of carrying out a committee meeting process.

RULES PROPOSED:

859-200-0070, 859-200-0148

AMEND: 859-200-0070

RULE SUMMARY: Defines Board hearing types, issues, and examination submission requirements for Civil Commitments under 426.701 and 426.702.

CHANGES TO RULE:

859-200-0070

~~Board Hearing Types and Issues~~ Examination Report Requirements

(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.¶

(d) An examination report is not required for a hospital request for conditional release unless:¶

(A) The request is accompanied by a hospital request for discharge, in which case the examination report must be submitted with the request for discharge as provided in section (4)(b) of this rule; or¶

(B) All parties agree that the conditional release hearing will also serve as an initial hearing under section (1)(d) of this rule, in which case the examination report must be submitted as provided in section (1)(b) of this rule.¶

(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: 859-200-0148

RULE SUMMARY: Rule sets forth submission timelines for examinations.

CHANGES TO RULE:

~~859-200-0148~~

~~Examination Submission Requirements~~

- ~~(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~~