

Rulemaking Summary



The Psychiatric Security Review Board (PSRB) recently completed rulemaking updates to OAR Chapter 859, Division 200 for the civil commitment program. This was a follow-up action to the package of civil commitment rules that went into effect on July 1, 2026.

- A Rules Advisory Committee convened four times in 2024 and once in April 2026 to consider this body of rules. Additional RAC meetings were not carried out.
- For OAR 859-200-0071 and 859-200-0073:
 - The Notice of Proposed Rulemaking was filed on April 28, 2026, and a public hearing was held on June 8, 2026.
- For OAR 859-200-0070 and 859-200-0148:
 - The Notice of Proposed Rulemaking was filed on July 27, 2026 and public hearing was held on August 24, 2026.
- The rules were approved by the Board on August 26 and went into effect on September 15, 2026.

Why did PSRB update the rules?



PSRB undertook this rulemaking to complete the process of updating the agency's civil commitment rules. These rules establish procedures when the Board certifies additional periods of commitment and when discharge recommendations are received and the person has unadjudicated criminal charges. The rule updates are intended to clarify how the Board meets notice and reporting requirements established in ORS 426.701 when a discharge recommendation is received, and, as a separate matter, how the Board upholds notice and appeal rights for individuals when certifying an additional period of commitment. The rules are intended to clarify the roles and responsibilities of the Board, counsel, circuit courts, outpatient supervisors and State Hospital Staff in these processes. Finally, the Board consolidated two rules into OAR 859-200-0070 to eliminate redundancy and provide clear guidance to examiners for submitting examination reports based on the hearing type.

What changed?



1. Who will be impacted most by the rule changes?

Circuit Courts

The certification rule outlines how the Board notifies the court when it certifies an additional period of commitment and when that certification is protested by the individual under the Board's jurisdiction. The rule distinguishes the relationship

between the Board order for additional periods of certification and the reciprocating order from the circuit court. When the Board orders that a person be certified for an additional period of commitment, the court must issue a new judgment to that effect. The rule underscores the Board's reliance on the timely entry of a new judgment by the court before substantive determinations, including decisions for conditional release placement, can be made.

District Attorneys

District attorneys have clearly defined authority to request fitness-to-proceed evaluations when discharge is being considered in cases involving unadjudicated criminal charges. District attorneys should be aware of the timelines for examination reports related to discharge requests and additional periods of commitment as the district attorney may concurrently request an order for evaluation from the court while awaiting the client's hearing before the Board.

Examiners

Examiners are expected to comply with timelines for submitting examination reports to the Board based on the hearing type. These were updated since the last FAQ was released and are described below.

Outpatient Supervisors and State Hospital Staff

The rules codify procedural requirements for hearings and certification of additional periods of commitment, which outpatient supervisors and hospital staff should understand. These include deadlines for serving certification orders, submitting reports, and how the Board manages conditional release modification or discharge requests. Outpatient supervisors and state hospital staff are expected to understand their role in preparing and submitting documentation specific to the hearing type, though no changes to these requirements were introduced by this rulemaking.

PSRB Clients

Overall, the rules package is meant to benefit clients by improving consistency in the application of evaluations and the timely submission of examination reports before hearings. The rules also specify the roles and timelines for serving the order of certification for additional periods of commitment to the client, and the timeframe in which a client may protest. Clients have 14 days from the day of service to protest the certification.

2. What changes do I need to understand?

Examination Report Submission Timelines Were Updated

OAR 859-200-0148 *Examination Submission Timelines* was repealed. All examination report submission timelines are now included in [OAR 859-200-0070 Hearing Types and Examination Report Requirements](#). Deadlines for submitting examination reports to the Board prior to a hearing are as follows:

- **Initial Hearings:** 60 days.

- **Hospital or Outpatient Supervisor Request for Discharge Hearings:** Submit with the request for discharge.
- **Conditional Release Hearings:** An examination report is only required for conditional release hearings when:
 - Parties agree that the conditional release hearing serves as the initial hearing. The examination report must be submitted 60 days before the hearing.
 - The request is accompanied by hospital request for discharge. The examination report must be submitted with the request.

For **certification of additional periods of commitment:** the examination report must be submitted 120 days *prior to the end of the commitment period*. The Board will notify parties 90 days before the end of the commitment period and schedule an administrative review. If the examination report does not recommend another period of commitment, the district attorney may either request a full hearing for the matter or request an order from the court for a fitness-to-proceed evaluation for criminal prosecution.

Procedures for Certifying Additional Periods of Commitment were Established

[OAR 859-200-0073](#) describes the process of notifying clients when an additional period of certification is ordered:

- Board delivers the order to and Notice of Rights to the staff and/or legal guardian responsible for the client's supervision and their counsel;
- Within 7 business days, the person responsible for supervision or their counsel serves the client;
- Within 14 calendar days of service, the client may protest. The person responsible for supervision or their counsel notifies the Board;
- If no protest is received, the Board certifies the commitment and notifies the court.
- If the client protests, the Board notifies the court and the court holds further proceedings.

While the Board may certify another period, the rules clarify that the Board relies upon the timely entry of a new judgment or order from the court to adhere to required hearing timelines during the new commitment period.

Board Procedures when Discharge is Requested were Updated

[OAR 859-200-0071](#) was updated to reduce redundancy with other rules regarding the steps that outpatient supervisors or the State Hospital must follow when requesting discharge. This rule defines how the Board will meet requirements to notify the court when discharge is recommended and reflects the district attorney's authority to request a fitness-to-proceed evaluation when there are unadjudicated criminal charges. The changes align PSRB administrative rule with ORS 426.701.

3. When are the changes effective?

All four rules went into effect on September 15, 2026.

How Can I Learn More?



1. Will there be training?

On September 16, 2026, the PSRB recorded a training inclusive of examination content, submission deadlines, and other guidance related to these rules. The recording is available by request to psrb@psrb.oregon.gov. If you would like additional guidance, please contact us!

2. Where can I view the rules?

The adopted rules are published on the Oregon Secretary of State's [website](#). View these and other PSRB OARs in [Chapter 859](#).

3. How can I learn more about PSRB rulemaking?

The PSRB Rulemaking [webpage](#) contains information for upcoming and recently adopted rules, including materials and recordings for Rules Advisory Committees (RACs), proposed rule language, public comments, and legislative history materials.

4. I still have questions. Who do I contact?

Please contact Alysson Bocciolatt, Rulemaking Coordinator, for questions regarding this or other rulemaking activities:

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