

### **Important ORS 181.735 Highlights**

(2) Not later than seven days after receiving a completed enrollment form described in subsection (6)(a) of this section, a community mental health and developmental disabilities program director shall enter an individual's information into the medical health database if the director:

(a) Has verified that the individual has a qualifying mental illness; and

(b) Has obtained the express written consent of:

(A) The individual

(B) A person authorized to make medical decisions for the individual, if

the individual is subject to a guardianship, advanced directive for health care, declaration for mental health treatment or power of attorney that authorizes the person to make medical decisions for the individual; or

(C) A parent of the individual, if the individual is less than 14 years of age.

(3) To be valid, the express written consent described in subsection (2) (b) of this section must be witnessed by at least two adults as follows:

(a) Each witness shall witness either the signing of the instrument by the individual or the person described in subsection (2)(b)(B) or (C) of this section, or the individual's or person's acknowledgment of the signature of the individual or person.

(b) At least one witness shall be a person who is not:

(A) A relative of the individual by blood, marriage or adoption; or

(B) An owner, operator or employee of a health care facility in which the individual is a patient or resident.

(C) The individual's primary care physician or mental health service provider, or any relative of the physician or provider, may not be a witness.

(6) The Department of Human Services shall develop:

(a) An enrollment form that allows for the collection of information to be entered into the medical health database, and that clearly states that consent by the individual or person described in subsection (2)(b)(B)(C) of this section is voluntary, revocable and is not a precondition for receiving medical care or mental health treatment or for discharge from a facility or program.

(7) The medical health database must contain the following information:

- (a) The individual's name, date of birth, last known address and physical description;
- (b) Any pertinent information related to the individual's illness or condition, including related symptoms, that may assist law enforcement agencies in carrying out the purposes of this section;
  - (A) The individual's primary care physician;
  - (B) The individual's case manager in the community mental health and developmental disabilities program;
  - (C) A probation officer;
  - (D) A family member; or
  - (E) Any other person willing to serve as an emergency contact person for the individual.

(9) As used in this section:

- (d) "Qualifying illness or condition" means:
  - (A) Dementia;
  - (B) A developmental disability;
  - (C) An Axis I diagnosis that is described in the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; or
  - (D) A physical or behavioral disorder that causes disorientation or otherwise may impede an individual's ability to interact with a law enforcement officer.