

SENATE AMENDMENTS TO SENATE BILL 1064

By COMMITTEE ON HEALTH POLICY

June 1

1 On page 1 of the printed bill, delete lines 4 through 30 and delete page 2 and insert:

2 “**SECTION 1.** ORS 430.210 is amended to read:

3 “430.210. (1) While receiving services, every person shall have the right to:

4 “(a) Choose from available services those which are appropriate, consistent with the plan de-
5 veloped in accordance with paragraphs (b) and (c) of this subsection and provided in a setting and
6 under conditions that are least restrictive to the person’s liberty, that are least intrusive to the
7 person and that provide for the greatest degree of independence.

8 “(b) An individualized written service plan, services based upon that plan and periodic review
9 and reassessment of service needs.

10 “(c) Ongoing participation in planning of services in a manner appropriate to the person’s ca-
11 pabilities, including the right to participate in the development and periodic revision of the plan
12 described in paragraph (b) of this subsection, and the right to be provided with a reasonable expla-
13 nation of all service considerations.

14 “(d) Not receive services without informed voluntary written consent except in a medical
15 emergency or as otherwise permitted by law.

16 “(e) Not participate in experimentation without informed voluntary written consent.

17 “(f) Receive medication only for the person’s individual clinical needs.

18 “(g) Not be involuntarily terminated or transferred from services without prior notice, notifica-
19 tion of available sources of necessary continued services and exercise of a grievance procedure.

20 “(h) A humane service environment that affords reasonable protection from harm and affords
21 reasonable privacy.

22 “(i) Be free from abuse or neglect and to report any incident of abuse without being subject to
23 retaliation.

24 “(j) Religious freedom.

25 “(k) Not be required to perform labor, except personal housekeeping duties, without reasonable
26 and lawful compensation.

27 “(L) Visit with family members, friends, advocates and legal and medical professionals.

28 “(m) Exercise all rights set forth in ORS 426.385 and 427.031 if the individual is committed to
29 the Department of Human Services.

30 “(n) Be informed at the start of services and periodically thereafter of the rights guaranteed by
31 this section and the procedures for reporting abuse, and to have these rights and procedures prom-
32 inently posted in a location readily accessible to the person and made available to the person’s
33 guardian and any representative designated by the person.

34 “(o) Assert grievances with respect to infringement of the rights described in this section, in-
cluding the right to have such grievances considered in a fair, timely and impartial grievance pro-

1 cedure.

2 “(p) Have access to and communicate privately with any public or private rights protection
3 program or rights advocate.

4 “(q) Exercise all rights described in this section without any form of reprisal or punishment.

5 “(2) **An individual who is receiving developmental disability services under ORS 430.630**
6 **has the right to be informed and have the individual’s guardian and any representative des-**
7 **ignated by the individual be informed that a family member has contacted the department**
8 **to determine the location of the individual, and to be informed of the name and contact in-**
9 **formation, if known, of the family member.**

10 “[2] (3) The rights described in this section are in addition to, and do not limit, all other
11 statutory and constitutional rights which are afforded all citizens including, but not limited to, the
12 right to vote, marry, have or not have children, own and dispose of property, enter into contracts
13 and execute documents.

14 “[3] (4) The rights described in this section may be asserted and exercised by the person, the
15 person’s guardian and any representative designated by the person.

16 “[4] (5) Nothing in this section [shall] **may** be construed to alter any legal rights and respon-
17 sibilities between parent and child.

18 “**SECTION 2. (1) The Department of Human Services shall establish a process by rule**
19 **that implements the reconnection of family members with an individual with a developmental**
20 **disability as defined in ORS 427.330.**

21 “(2) **The rules adopted under subsection (1) of this section shall include a process that**
22 **provides guidance for the release of information about the individual to family members**
23 **when:**

24 “(a) **The individual is incapable of providing consent for the release of information;**

25 “(b) **The individual does not have a guardian or any representative designated by the in-**
26 **dividual who is authorized to release information; and**

27 “(c) **The release of information is in the best interests of the individual as determined**
28 **by the department.”.**

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