



Lincoln County Health and Human Services  
Pre-Commitment and Post Hospital Supervision Services

Lincoln County Health and Human Services provides pre-commitment investigations: Which includes recommendations to the court as to the need for a commitment hearing.

Lincoln County Health and Human Services provides Post Hospital Supervision for persons under commitment orders by the court.

## **Additional information about the commitment process and laws:**

### **Definition:**

“Mentally ill person” means a person who, because of a mental disorder, is one or more of the following: (426.005):

- A) Dangerous to self or others
- B) Unable to provide for basic personal needs and is not receiving such care as is necessary for health or safety
- C) A person who:
  - (i) Is chronically mentally ill, as defined in ORS 426.495;
  - (ii) Within the previous three years, has twice been placed in a hospital or approved inpatient facility by DHS OMHAS under ORS 426.060;
  - (iii) Is exhibiting symptoms or behavior substantially similar to those that preceded and led to one or more of the hospitalizations or inpatient placements referred to in sub-subparagraph (ii) of this subparagraph; and
  - (iv) Unless treated, will continue to a reasonable medical probability, to physically or mentally deteriorate so that the person will become a person described under either or both subparagraph (A) or (B) of this paragraph.

“Chronically mentally ill” means an individual who is (426.495):

- A) Eighteen years of age or older, and
- B) Diagnosed by a psychiatrist, a licensed clinical psychologist or a non-medical examiner certified by the DHS Office of Mental Health and Addiction Services as suffering from chronic schizophrenia, a chronic major affective disorder, a chronic paranoid disorder or another chronic psychotic mental disorder other than those caused by substance abuse. For purposes of providing services in the community, the DHS Office of Mental Health and

Addiction Services may adopt rules consistent with this section and accepted professional practices in the fields of psychology and psychiatry more specifically to specify other criteria for determining who is chronically mentally ill.

## **Five Basic Steps:**

### **1. Initiation:** of the commitment process:

- By two persons, Magistrate or Health Officer
- By Hospital Hold by a Physician (after Police or Designee custody)
- By Hospital Hold by a Physician (person already in hospital)

### **2. Investigation:** by Mental Health expert (only OMHAS-approved Investigators) and recommendation to the Court:

- That no commitment hearing take place
- That a 14 Day Diversion occur
- That a commitment hearing take place

### **3. A Hearing:**

- Testimony is given by the person and witnesses
- Examination by Court Mental Health experts and their recommendation to the Judge
- Examiner's Recommendations:
  - The person is not mentally ill
  - The person is mentally ill
  - Voluntary treatment options exist or do not exist
  - Person will or will not cooperate with voluntary options
  - If mentally ill and to able to benefit from voluntary treatment, what type of facility would best help the person recover from mental illness per ORS 426.120 (2)(a)

### **4. Judge's Disposition** of the case:

- Release the person from the commitment process
- Conditional release
- Commit the person to the Dept. of Human Services (DHS-OMHAS)

### **5. Placement** of a committed person is the prerogative of the DHS (OMHAS) per ORS 426.060 (2)(a). It may be delegated to the CMHP director per ORS 426.060 (2)(d).

- Placed in the community for outpatient services
- Placed in the hospital (local or state facility)

## **Initiation of Commitment: Two Party Petition (426.070):**

- Giving notice in writing (under oath) to the County Mental Health Program,
  - by two persons, the County Health Officer, or any Magistrate.
- The Court will notify the Community Mental Health Program.
- CMHP (within three judicial days) will contact the person and start an investigation.
- Investigation report to the court within 15 days.

- Information and help with filing is available at the South Beach location of Lincoln County Health and Human Services:  
4909 S. Coast Highway  
South Beach, OR 97365  
541-574-5960

## **Initiation of Commitment: Physician Emergency Admission (426.232):**

- A physician can initiate a hospital hold and detain the person for emergency care.

## **Civil Rights:**

- While on a hold the person shall not be subject to electro-shock therapy or unduly hazardous treatment.
- Shall receive medical treatment.
- Shall not be held more than five judicial days without a hearing.

## **The Investigation Process 426.074 and 309-033-0930:**

- A face to face interview with the client per 309-033-0930 (1)(b)(A) whenever feasible.
- The client is interviewed more than once per 309-033-0930 (1)(b)(B) whenever feasible.
- Obtain hospital treatment information
  - Clinical Record: per 426.074 (2)(c) "... The investigator shall include pertinent parts of the medical record in the investigation report."
  - Interview with staff
- Obtain outpatient treatment information, if possible, per 309-033-0930 (3)(a-b). Also, see your County counsel for his/her interpretation of ORS 179.505 (6) re: release of information without consent to cooperating providers.
- Obtain information from family, significant others or any person who is able to provide pertinent information
- Makes recommendation to the court:
  - A Commitment Hearing not occur
  - A Commitment Hearing occur
  - A client meets commitment criteria but has agreed to a 14 Day Diversion alternative (per ORS 436.237 and OAR 309-033-0260)

Links to DHS and Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR):

[www.dhs.state.or.us/policy/mentalhealth/main.htm](http://www.dhs.state.or.us/policy/mentalhealth/main.htm)

[www.or.gov/DHS/mentalhealth/index.shtml](http://www.or.gov/DHS/mentalhealth/index.shtml)