

Mary Lee Fay
Authorized Signature

Number: SPD-AR-12-009
Issue Date: 2/15/2012

Topic: Developmental Disabilities

Due Date:

Subject: Reporting Civil Commitment Information

Applies to (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> All DHS employees | <input checked="" type="checkbox"/> County Mental Health Directors |
| <input type="checkbox"/> Area Agencies on Aging | <input type="checkbox"/> Health Services |
| <input type="checkbox"/> Children, Adults and Families | <input type="checkbox"/> Seniors and People with Disabilities |
| <input checked="" type="checkbox"/> County DD Program Managers | <input type="checkbox"/> Other (please specify): |

Action Required: The Office of Developmental Disability Services is required to report to the Oregon State Police (OSP) certain information on **individuals who have been committed by a court to the Department of Human Services under ORS 427.290, based on a finding that the person is found to have an intellectual disability (mentally retarded) and is dangerous to self or others.** To comply with this expectation, reporting is required for those individuals meeting this criteria and who are currently enrolled in developmental disability services. We will also need to report if someone enrolled becomes subject to an ORS 427 civil commitment in the future.

To immediately comply with federal and state requirements, the following actions are required of the Community Developmental Disability Programs (CDDPs):

1. Reporting of currently enrolled individuals.
 - a. Identify individuals currently enrolled in any developmental disability service that have a past or present record of an ORS 427.290 civil commitment.
 - i. This identification is based upon receipt of official documentation, as part of an enrolled individual's case record or file, from an Oregon court.
 - ii. Individuals do not have to be currently under civil commitment, but do have a record of civil commitment under the ORS 427.290.
 - b. Complete the [reporting form](#) per the general instructions.
 - c. Submit the required report by Friday March 9, 2012.
 - d. Submit the report to your CDDP's assigned Eligibility Specialist Liaison (Chelas Kronenberg or Kelsey Walter).
2. Future reporting for enrolled individuals civilly committed under ORS 427.290.
 - a. Complete and submit the report per the instructions.

- b. These subsequent reports are due within five (5) working days of notification of the civil commitment.
- 3. Reporting on individuals previously enrolled in DD services not currently enrolled.
 - a. The collection of this data is still under discussion with representatives of the Oregon State Police.
 - b. Toward that end, CDDP's upon their submission of the initial report under #1 above, are asked to advise ODDS if information about the civil commitment status of individual with archived files (those currently not actively enrolled in CDDP services) is stored on a retrievable electronic format or data base of some type.

To facilitate reporting each CDDP will be provided, under separate cover, a list of individuals in their County previously known to ODDS as having an ORS 427 commitment and already reported to the OSP. The individuals listed will not need to be reported by the CDDP as part of step #1 of this request.

This action is effective upon receipt of the Transmittal and will remain in effect until notified otherwise.

Reason for Action: Current Federal law, via Brady Handgun Violence Prevention Act, established the National Instant Check System (NICS). This Act requires federal firearms license gun dealers to contact the NICS before transferring a firearm to an unlicensed person for information on whether the proposed transferee is prohibited from receiving or possessing a firearm under state or federal law.

To comply with this federal act, Oregon law was enacted in 2009 under ORS 181.740 requiring the Department of Human Services, the Oregon Health Authority, the Psychiatric Security Review Board and the Oregon Judicial Department to provide the Oregon-State Police (OSP) with minimum information necessary regarding Oregon mental health records, for individuals that are prohibited under federal law from purchasing, possessing, transporting or receiving a firearm. Upon receipt of this information, OSP shall access, maintain and transmit the information to the federal government for placement into the NICS Index as required under federal law.

Field/Stakeholder review: Yes No

If yes, reviewed by:

If you have any questions about this action request, contact:

Contact(s):	Chelas Kronenberg Kelsey Walter		
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