

Health Systems Division: Behavioral Health Services - Chapter 309

August 5, 2019

Round 1 Redline

Division 104. OSH: TELEPHONE USE BY PATIENTS AND RESIDENTS ~~IN STATE~~ **INSTITUTIONS**

309-104-0000 Purpose and Statutory Authority

(1) ~~Purpose~~. These rules prescribe policy and procedures for the use of telephones by Oregon State Hospital (OSH) patients and residents ~~in-state institutions~~.

(2) ~~Statutory Authority~~. These rules are authorized by ORS 179.040 and 413.042 and carry out the provisions of 426.385 and 427.031.

Statutory/Other Authority: ORS 179.040 & 413.042

Statutes/Other Implemented: ORS 179.040 & 413.042

History:

MHD 28-1982, f. 12-28-82, ef. 1-28-83

309-104-0005 Definitions

In addition to the definitions listed in OAR 309-001-0100, the following definitions apply with respect to this OAR chapter 309, division 104.

As used in these rules:

~~(1) "Administrator" means the Assistant Director, Human Resources, and Administrator for Mental Health.~~

~~(2) "Division" means the Addictions and Mental Health Division of the Oregon Health Authority.~~

~~(3) "Patient" means a person who is receiving care and/or treatment at in an OSH state institution for the mentally ill.~~

~~(4) "Qualified Mental Retardation Professional" means a person who meets the professional requirements prescribed by 42 CFR 442.401 or as amended.~~

~~(5) "Resident" means a person who is receiving care, treatment, and training in an OSH state institution for the mentally retarded.~~

~~(6) "State Institution" means Dammasch State Hospital in Wilsonville, Oregon State Hospital in Salem, Fairview Training Center in Salem, and Eastern Oregon Hospital and Training Center in Pendleton.~~

~~(7) "Superintendent" means the executive head of a state institution listed in section (6) of this rule.~~

Statutory/Other Authority: ORS 179.040 & 413.042

Statutes/Other Implemented: ORS 179.040 & 413.042

History:

MHD 28-1982, f. 12-28-82, ef. 1-28-83

309-104-0010 Policy

(1) All patients and residents have the right to make and receive telephone calls except as provided in section (4) of this rule.

(2) ~~State institutions~~OSH shall make available to patients and residents telephones which are accessible and ensure privacy.

(3) Except as stated in section (4) of this rule, no employee or any person acting through, or on behalf of, ~~the Division~~OSH shall monitor telephone conversations, or prevent or obstruct a patient or resident from making or receiving telephone calls.

(4) ~~State institutions~~OSH shall have the right to restrict use of telephones under the following circumstances:

(a) ~~State institutions~~OSH may set reasonable hours for telephone use by patients and residents for both incoming and outgoing calls. Exceptions to this provision are a patient's or resident's lawyer, clergy or personal physician, or in emergency situations;

(b) Unless the patient or resident objects, an employee may provide assistance in making or receiving telephone calls for those residents or patients who have physical or mental handicapping conditions which prevent them from performing these activities. Need for this assistance must be documented in the patient's or resident's chart by a physician or qualified mental retardation professional;

(c) ~~State institutions~~OSH ~~has~~ve the right to reasonably restrict telephone usage if a patient or resident misuses or abuses access to telephones.

(5) Access to telephones shall not be denied in connection with any behavioral contingencies or earned privileges.

(6) ~~State institutions~~OSH may install public telephones on living units for patients and residents as long as ~~it the institution~~ ensures that telephones are private, available, and accessible. Calls to a patient's or resident's attorney, private physician, or clergyman will not be restricted solely on account of funds.

(7) A patient or resident has the right to contest any restriction on access to telephones or other application of these rules as provided in OAR ~~chapter 309, division- 118-0000 through 309-118-0050~~ (~~Grievance Procedures for Use in State Institutions~~).

(8) Violation of the rights, policies, and procedures set forth in these rules by an employee of the Division constitutes cause for disciplinary action.

Statutory/Other Authority: ORS 179.040 & 413.042

Statutes/Other Implemented: ORS 179.040 & 413.042

History:

MHD 28-1982, f. 12-28-82, ef. 1-28-83

309-104-0015 Procedures

(1) ~~State institutions~~OSH shall make known telephone availability and any restrictions to patients and residents on each living area.

(2)(a) Any restrictions in telephone usage for individual patients or residents must be by order of the treating physician or qualified mental retardation professional;

(b) Decisions by the physician or qualified mental retardation professional to restrict telephone usage must be documented in the patient's or resident's record by that professional. Specific reasons for the restriction must be clearly stated with supporting documentation as needed.

(3) ~~State institutions~~OSH must notify, in writing, the affected patient or resident of restrictions within 24 hours after imposing a restriction. The notification must state the reasons and duration of the restriction. There must be at least an oral explanation of the patient's or resident's right to appeal the restriction through ~~the Division's~~OSH's grievance procedures.

(4) Decisions to restrict telephone usage must be reviewed and, if necessary, renewed at least monthly by the physician or qualified mental retardation professional. Restrictions will expire unless renewed.

Statutory/Other Authority: ORS 179.040 & 413.042

Statutes/Other Implemented: ORS 179.040 & 413.042

History:

MHD 28-1982, f. 12-28-82, ef. 1-28-83

309-104-0020 Notice of Telephone Policies ~~To Patients, Residents, and Employees~~

(1) Upon admission, OSH ~~state institutions~~ shall inform patients and residents, orally and in writing, of the rights, policies, and procedures set forth in these rules. In addition, a clear and simple statement of the title and number of these rules, their general purpose, and instructions on how to obtain a copy of the rules and how to seek advice about their content shall be prominently displayed in areas frequented by patients and residents in all ~~state institutions~~ OSH campuses.

(2) All OSH employees ~~of state institutions~~ shall be notified in writing at the commencement of their employment, or, for present employees, within a reasonable time of the effective date of these rules, of the rights, policies, and procedures set forth in these rules.

Statutory/Other Authority: ORS 179.040 & 413.042

Statutes/Other Implemented: ORS 179.040 & 413.042

History:

MHD 28-1982, f. 12-28-82, ef. 1-28-83