

November 19, 2013

Superintendent Greg Roberts
2600 Center Street NE
Salem Oregon 97301-2682

Superintendent Roberts and other concerned parties at Oregon State Hospital,

We have been contacted by a patient at the hospital, Mr. Todd Giffin, regarding his desire to retain appointments with his outside medical providers while at Oregon State Hospital. While it is the medical opinion of Dr. Brian Little that the services that Mr. Giffin needs are already available at the Oregon State Hospital, and we take no issue with that opinion, it is the opinion of Disability Rights Oregon that Oregon State Hospital's own Policies and Procedures, as well as Oregon and federal statute allow for Mr. Giffin to seek outside medical consultation within reason.

Oregon State Hospital Policy 7.005(A)(28) states, "All persons receiving treatment at Oregon State Hospital shall have the right to visit with family members, friends, advocates and legal and medical professionals." While visits can reasonably be limited for safety and security reasons, as outlined in Policy 8.026, a complete ban of outside medical services, when paid for out-of-pocket, violates policy. It is important to note that Mr. Giffin proposes to pay for his own services; therefore, Policy 4.012 which defines the parameters around the purchase of outside medical treatment by the hospital is not applicable.

This right is not only outlined in Oregon State Hospital's own policies, but also within state and federal law. Individuals receiving care from the hospital have the right to exercise all the same civil rights as those in the community, including the right to seek a second medical opinion (ORS Statutes §426.385 (o)). Allowing a patient to seek outside, out-of-pocket, medical treatment provides for treatment that is "most supportive of such a person's personal liberty" as recommended by 42 U.S.C.A §10841.

It is for these reasons that Disability Rights Oregon asks that Mr. Giffin's request for accommodation in seeking and coordinating outside medical treatment while in the care of Oregon State Hospital be granted. Furthermore, we ask that clarification of this right be disseminated among hospital staff so that other patients who desire to pay for their own outside medical treatment can exercise that right without undue delay.

Sincerely,



Alena M. Vazquez
Advocate