

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF _____

State of Oregon

Plaintiff

v.

Case No: _____

**ORDER FOR DISCLOSURE OF
PROTECTED HEALTH
INFORMATION BY
COMMUNITY MENTAL
HEALTH PROGRAM AND
CORRECTIONS HEALTH**

Defendant

This matter came before the Court on _____ (date) concerning Defendant's fitness to proceed pursuant to ORS 161.370.

Defendant ☐ appeared (in person or remotely) / ☐ did not appear, represented by counsel (name/ bar number) _____.

The State appeared through (name/ bar number) _____.

Based on the Court's review and consideration of (check all that apply):

- ☐ a report from a local community mental health program (CMHP) dated: _____
- ☐ a report from a certified evaluator dated: _____
- ☐ the court's inquiry and observation of Defendant at the hearing
- ☐ statements from counsel
- ☐ other information:

THE COURT FINDS (check all that apply):

- ☐ 1. The Court has reason to doubt that Defendant is fit to proceed in this case.
- ☐ 2. Defendant is unfit to proceed in this case.
- ☐ 3. The Court finds good cause for ordering CMHPs and corrections health services with whom Defendant has received services to disclose Defendant's protected health information as follows.

THE COURT ORDERS:

- 1. CMHPs and corrections health services with whom Defendant has received services are to disclose information from Defendant's designated medical record as requested by the Court at any time during pendency of the case in case staffing, open court, and between proceedings.
- ☐ 2. (check if applicable) **Substance Use Treatment Records:** To the extent any information or records described in section (1) of this Order relates to a substance use

disorder diagnosis or treatment, as defined in 42 C.F.R. Part 2, ORS 430.399(6), and ORS 430.475(2), the court finds that: (i) disclosure is not for the purpose of criminal investigation and prosecution; (ii) the information or records shall be used solely for the purpose of evaluating Defendant's fitness to proceed; (iii) other ways of obtaining the information are not available or would not be effective; and (iv) the public interest in and need for disclosure outweigh the potential injury to Defendant's relationship with treatment providers. Any public body and private provider disclosing substance use treatment records pursuant to this Order is to disclose the minimally necessary records and information that are essential to fulfill the objectives of this Order.

3. Records disclosed under this Order cannot be used for any other pending or subsequent matter absent order of the Court, except pursuant to standard releases of information.

☐ Future hearing(s) on this case are set for (date/time/location):

<input type="checkbox"/> Prepared by the Court	<input type="checkbox"/> Submitted by attorney for: <input type="checkbox"/> Defendant <input type="checkbox"/> State
	_____ Printed Name
	_____ Signature
	_____ OSB #

Judge Signature:
