

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE FIFTH JUDICIAL DISTRICT
CLACKAMAS COUNTY

In the Matter of	)	PRESIDING JUDGE ORDER
	)	No. 2024-06
ADSS DESIGNATION	)	
	)	
_____	)	

The Court makes the following FINDINGS:

1. Oregon law requires this court to designate agencies or organizations to perform the screening interview and treatment when a defendant is convicted of driving while under the influence of intoxicants in violation of ORS 813.010. ORS 813.260(1).
2. Oregon Evaluation Services, LLC DBA Oregon ADSS. ("Oregon ADSS") meets the minimum standards established pursuant to ORS 430.357 and is certified by the Director of the Oregon Health Authority to perform such screening interviews. ORS 813.260 (1).
3. Oregon ADSS shall conduct a screening interview for the purpose of determining appropriate placement in a program for alcoholism, drug dependency or dependency on inhalants. ORS 813.021(2).
4. Oregon ADSS shall monitor the progress of the defendant referred and shall make a report to the referring court stating the person's successful completion or failure to complete all or any part of the screening interview or of the treatment program to which the defendant was referred. The report shall be in a form determined by agreement between the court and Oregon ADSS. ORS 813.021(4).
5. To monitor a defendant's progress and report to the Court about compliance, a screening interviewer must be allowed access to information obtained during the course of treatment of problem drinking, alcoholism, or drug dependency. Such information may include protected health information within the meaning of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, 42 USC sec. 201 et. seq. ("HIPPA"), 42 CFR Part 2 and ORS 192.556(11). Such information may include data or information relevant to:
 - a. Whether the defendant successfully completed or failed to complete all or any part of the defendant's treatment program;
 - b. Assessment results, progress in treatment, level of care recommendations, compliance with court directives, attendance records, referrals to other treatment programs and services, UA results, laboratory results,

prescribed or unprescribed medications, substance use, alcohol use, and diagnostic conclusions relevant to a defendant's progress.

6. A screening interviewer or treatment provider may disclose protected health information pursuant to a court order under HIPPA and Oregon law. 45 USC sec. 164.512(e)(1)(i); 45 CFRJ 164.512(e)(2)(b); 42 CPR Part 2; and ORS 192.558(2)(b).
7. This Order is intended to allow Oregon ADSS and any authorized DUII treatment provider and UA service providers to disclose protected health information in connection with the Court's DUII related court proceedings.
8. It is also the intent of this court to continue the requirement that DUII defendants submit to random UAs consistent with the screening interviewer's responsibility to monitor compliance and progress.

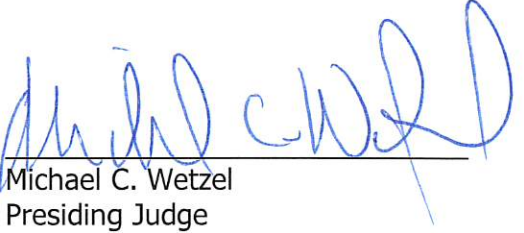
Accordingly, IT IS HEREBY ORDERED:

1. Oregon Evaluation Services, LLC DBA Oregon ADSS shall continue as the designated screening interviewer of defendants in the 5th Judicial District, Clackamas County ("Clackamas County").
2. Oregon Evaluation Services, LLC DBA Oregon ADSS shall continue to refer DUII defendants to treatment programs, so long as such programs:
 - a. Meet minimum standards under ORS 430.357 to provide treatment for problem drinking, alcoholism and drug dependency;
 - b. The Director of the Oregon Health Authority has certified the treatment program as required under ORS 813.260(1); and
 - c. Such programs cooperate with this court's requirements for the monitoring of the defendant's progress in the DUII program, including the requirement that a defendant participate with a program of random UAs and disclose to the screening interviewer and the Court the protected health information described at paragraph 8 of the Findings.
3. Any designated screening interviewer in Clackamas County must require DUII defendants to participate with a program of random UA testing to determine whether the defendant has used intoxicants. If the defendant selects a certified treatment provider that does not provide random UAs, then defendant must arrange for such random UAs through a separate provider. In such a circumstance, either the Court or the screening interviewer may approve such separate UA provider.
4. Consistent with paragraph 5 of the Findings, at or near the date of the screening interview, all defendants must sign a form of release. The release form must be sufficient to allow the screening interviewer and any DUII treatment provider or UA provider to disclose or redisclose to each other and the Court any protected

health information relating to the defendant's compliance with treatment and progress in the DUII program. The use of such information shall be as authorized in the release form. The release will continue in effect until the DUII program is completed or until probation is completed. Thereafter, the release will terminate.

5. Consistent with OAR 415-054-0530(1), the screening interviewer shall report to the Court the defendant's successful completion or failure to complete all or any part of the DUII program not more than 30 days from receipt of such notification from a DUII treatment provider.
6. The form of any screening interviewer or treatment provider report may include data or information described in the Findings at paragraph 5 above (including data or information obtained after any treatment program is completed) so long as such data or information is relevant to the defendant's progress in the diversion program.
7. This Order supersedes this Court's General Order No. 2020-04

DATED this 29th day of February, 2024.



Michael C. Wetzel
Presiding Judge
Clackamas County Circuit Court