



NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 291
DEPARTMENT OF CORRECTIONS

FILED

10/02/2025 11:51 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Repeal rule related to review of suicides

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/27/2025 12:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S)

The objective of this rulemaking action is to repeal OAR 291-076-0040, a rule establishing a specific multi-disciplinary review procedure in the event of a suicide, as that rule does not reflect current practice or policy of the Department.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

None.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The Department of Corrections anticipates that the proposed repeal will have a neutral or no impact on racial equity in the state of Oregon. The repeal has no practical effect on long-standing and current practices and procedures of the department.

FISCAL AND ECONOMIC IMPACT:

This change repeals and outdated rule related to suicide review by the Inspector General's Office. The Medical Examiner determines the cause of death, not DOC, therefore, the department is unable to know if a death is the result of suicide until much later than is dictated in the current rule process. Thus, the process that is set forth currently in rule 291-076-0040 does not align with the current death review practice.

The rule change is not anticipated to have additional costs or staffing fiscal impacts on the department, other state agencies or partners, local governments (the counties), AICs, or the general public.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the

expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

None.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the development of these rules as they will not be impacted by these rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The department has determined that use of an advisory committee would not have provided any substantive assistance in drafting these rule revisions because of the technical nature of the revisions.

REPEAL: 291-076-0040

RULE SUMMARY: Repeal rule. The rule establishes a specific multi-disciplinary review procedure in the event of a suicide that does not reflect current practice or policy.

CHANGES TO RULE:

~~291-076-0040~~

~~Review~~

~~(1) Suicide Review: If a suicide occurs, a formal suicide review will be completed as assigned by the Inspector General, including a review of the inmate's Health Services files, related materials, and interviews of staff.¶¶~~

~~(a) The actual review of the Health Services files, related materials, and interviews of staff will be conducted by a multi-disciplinary team comprised of an assigned Special Investigations Unit manager, Assistant Superintendent of Security, Medical Services manager and Behavioral Health Services manager from a facility other than the facility where the suicide occurred.¶¶~~

~~(b) The Inspector General will appoint the chair of the team.¶¶~~

~~(c) The team will write a review and submit it to the Inspector General.¶¶~~

~~(d) The Inspector General will submit the review to the Director, Deputy Director, Assistant Director for Operations, Health Services Administrator, Behavioral Health Services Administrator, and the functional unit manager where the suicide occurred.¶¶~~

~~(2) Attempted Suicide Review: The Director, Deputy Director, Inspector General, Health Services Administrator, Assistant Director for Operations or Behavioral Health Services Administrator may request a formal review from a multi-disciplinary team as described in (1) above for any suicide attempt.~~

~~Statutory/Other Authority: ORS 179.040, 423.020, 423.030, 423.075~~

~~Statutes/Other Implemented: ORS 179.040, 423.020, 423.030, 423.075~~