Chapter 412

1957 REPLACEMENT PART

Aid to the Blind and Disabled

AID TO THE BLIND

412.010 Definitions for ORS 412.010 to 412.170
412.020 Basis for granting aid to blind
412.030 Eligibility for aid to blind
412.040 How amount of aid is determined
412.050 Powers and duties of state commission
412.060 Application for aid
412.070 Investigation of applicant
412.080 Determination of eligibility, amount and commencement of aid
412.090 Appeal from failure to act on application or denial thereof or from modification or cancelation of aid
412.100 Reconsideration of aid; change or cancelation
412.110 Cancelation or reduction of aid upon receipt of property or income
412.120 County public welfare commission has action to recover aid improperly granted or for reimbursement
412.130 Aid is inalienable
412.140 Effect of removal of recipient to another county or state
412.150 Recipient shall not receive other public assistance
412.160 When aid is paid to guardian or conservator
412.170 Aid a claim against recipient's estate; when claim not enforced

AID TO THE PERMANENTLY AND TOTALLY DISABLED

412.510 Definitions for ORS 412.510 to 412.630
412.520 Eligibility for aid to disabled
412.530 Amount of aid to be granted
412.540 Certification that applicant is permanently and totally disabled
412.550 Powers and duties of state commission
412.560 Application for aid
412.570 Investigation of applicant
412.580 Appeal from failure to act on application or denial thereof or from modification or cancelation of aid
412.590 Reconsideration, cancelation and reduction of aid; payment of and accounting for county contributions
412.600 Recovery of aid from recipient's estate; transfer of real property in order to qualify for aid
412.610 Aid is inalienable
412.620 Effect of removal by recipient to another county or state
412.630 When aid is paid to guardian or conservator

CROSS REFERENCES

Administrative procedures and rules of state agencies, Ch. 183
Assistance to needy persons to enable them to attain self-care or self-support, 411.115
Provisions relating to aid to blind and permanently and totally disabled because such types of aid are public assistance, Ch. 411

412.010

Commission for the blind, 346.120
Definitions for statutes relating to aid to the needy, 411.010
Dog license where owner is blind, 609.100
Education of the blind, Ch. 346
Register of the blind, 346.160
Use of white canes, 483.214
Vending stands operated by blind persons in public buildings and grounds, Ch. 346

412.030

Transfers of real property, certain, effect on eligibility, for public assistance, 413.170

412.070

Investigations, subpena power, 411.375 to 411.390

412.170

Order of payment of claims, 117.110

412.520

See Cross References for ORS 412.030

412.570

Investigations, subpena power, 411.375 to 411.390

412.600

Order of payment of claims, 117.110

AID TO THE BLIND

412.010 Definitions for ORS 412.010 to 412.170. As used in ORS 412.010 to 412.170:

(1) "Applicant" means a person who has applied for aid under ORS 412.010 to 412.170.

(2) "Recipient" means any person who has received aid under ORS 412.010 to 412.170.

(3) "Aid" means money payments to, or medical, surgical, hospital or other remedial care in behalf of, blind persons in need, as provided in ORS 412.010 to 412.170.

412.020 Basis for granting aid to blind. Aid shall be granted on the basis of need but in any case only to the extent that funds are available for such purpose. In determining need of an applicant, there shall be exempted from computation as his resources such amount per month of his earnings or other income as may be in compliance with federal legislation and rules thereto applicable.

412.030 Eligibility for aid to blind. Aid shall be awarded to:

(1) Any needy individual, otherwise eligible under ORS 412.020 to 412.150, whose vision is so defective as to prevent the performance of ordinary activities for which eyesight is essential, as determined in accordance with rules and regulations of the State Public Welfare Commission and upon examination by an ophthalmologist licensed to practice medicine and surgery in Oregon or, if authorized by federal law governing participation of the United States in this aid, an optometrist licensed to practice optometry in Oregon and designated to make such examinations by the State Public Welfare Commission.

(2) Any needy blind person who has resided in the State of Oregon for a period of five years during the nine years immediately preceding the filing of the application for aid, the last year of which shall be continuous and immediately precede such application, except that any child under the age of five years who was born within the State of Oregon is eligible for such aid; who is not an inmate of a public institution (except as a patient of a public medical institution); who is not a patient in any institution for care and treatment of tuberculosis or mental diseases, or, even though diagnosed as having tuberculosis or psychosis, is not a patient in any medical institution as a result thereof; and who is in need of aid.

412.040 How amount of aid is determined. The amount of aid which any recipient shall receive, shall be determined by the county public welfare department on the basis of need, taking into account the income, resources and maintenance available to the individual from whatever source derived, his necessary expenditures and the conditions existing in each case, and in accordance with the rules and regulations made by the State Public Welfare Commission.

412.050 Powers and duties of state commission. The State Public Welfare Commission shall:

(1) Supervise and control the administration of the aid by the county public welfare departments.

(2) Make all rules and regulations and take such action as may be necessary or desirable for carrying out the provisions of ORS 412.010 to 412.170.

(3) Accept and disburse any and all federal funds made available to the State of Oregon for blind aid purposes and for the purposes of administration under ORS 412.010 to 412.170.

412.060 Application for aid. Application for the aid shall be made to the county public welfare department of the county in which the applicant resides. The application shall be in writing or reduced to writing in the manner and upon the forms prescribed by the State Public Welfare Department and shall be verified by the oath of the applicant.

412.070 Investigation of applicant. Whenever a county public welfare department receives the application for aid, it shall cause an investigation to be made to ascertain the facts supporting the application and such other information as may be required by the rules and regulations of the State Public Welfare Commission. The county public welfare departments shall have the power to issue subpenas for witnesses and compel their attendance and the production of papers and writings and may examine witnesses under oath. [Amended by 1955 c.364 §5]

412.080 Determination of eligibility, amount and commencement of aid. Upon completion of the investigation, the county public welfare department shall decide whether the applicant is eligible for aid and determine the amount of the aid and the date on which it shall begin.

412.090 Appeal from failure to act on application or denial thereof or from modification or cancelation of aid. If an application is not acted upon by the county public welfare department within a reasonable time after the filing of the application or is denied in whole or in part, or if any award of aid is modified or canceled, the applicant or recipient may petition the county public welfare commission for review of the case and may appeal from the decision of the county public welfare commission on review to the State Public Welfare Commission. The state commission shall give the appellant an opportunity for a fair hearing and any appeal shall be held in the county where the appealing person elects. The findings and decision of the state commission are binding upon the county public welfare departments.

412.100 Reconsideration of aid; change or cancelation. All aid granted under ORS 412.010 to 412.170 may be reconsidered from time to time and as frequently as may be required by the rules and regulations of the State Public Welfare Commission or of the county public welfare commission; and the State Public Welfare Department and county public welfare departments may change the aid granted or cancel the same when either of such departments finds that the circumstances have changed sufficiently to warrant such action.

412.110 Cancelation or reduction of aid upon receipt of property or income. Whenever it is ascertained that the recipient of aid, or the husband or wife of such recipient, has become possessed of property or income sufficient to maintain such recipient, the aid granted to such recipient shall be canceled or reduced to that amount which the county public welfare department may determine is sufficient for the required aid. Such recipient shall notify the county public welfare department immediately of the receipt or possession of such property or income.

412.120 County public welfare commission has action to recover aid improperly granted or for reimbursement. If it is ascertained that the aid has been improperly granted or that the recipient has become possessed of property or income which would enable him to make reimbursement for grants previously received, the county public welfare department from which such aid was received shall have cause of suit or action against such recipient, which shall be instituted in the name of the county public welfare commission by the district attorney of such county to recover from such person so liable the amount paid to such person, with interest thereon, together with the necessary costs of suit or action.

412.130 Aid is inalienable. Aid granted to blind persons in need is not transferable or assignable. Money paid or payable under ORS 412.010 to 412.170 is not subject to execution, levy, attachment or garnishment.

412.140 Effect of removal of recipient to another county or state. The removal of any recipient to another state or from one county to another in this state does not disqualify him from continuing to receive aid in accordance with rules and regulations made by the State Public Welfare Commission.

412.150 Recipient shall not receive other public assistance. No recipient shall at the same time receive any other public assistance, as defined in ORS 411.010, from the state or from any instrumentality or political subdivision thereof, except for medical or surgical assistance.

412.160 When aid is paid to guardian or conservator. If the recipient or applicant is found incapable of taking care of himself or his money, the county public welfare department may pay the aid to any person or corporation that has been duly appointed the guardian or conservator of such person if the payment does not result in the loss or reduction of federal matching moneys, if any, otherwise available. [Amended by 1957 c.56 §1]

412.170 Aid a claim against recipient's estate; when claim not enforced. On the death of any recipient, the total amount of aid paid under ORS 412.010 to 412.170 shall be allowed as a claim against the estate of such person. No claim shall be enforced against any property of a recipient set apart by order of the court or judge, as provided in ORS 116.010. [Amended by 1955 c.444 §3]

412.180 [Repealed by 1953 c.500 §12]

412.190 to 412.500 [Reserved for expansion]

AID TO THE PERMANENTLY AND TOTALLY DISABLED

412.510 Definitions for ORS 412.510 to 412.630. As used in ORS 412.510 to 412.630:

(1) "Aid" means money payments to, or

payments for medical, surgical, hospital or other remedial care in behalf of, a permanently and totally disabled person.

(2) "Applicant" means a person who applies for aid under ORS 412.510 to 412.630.

(3) "Permanently and totally disabled" means having a bodily impairment that is both permanent and total. A permanent disability is one likely to continue without substantial improvement throughout life or for an indeterminate period. A total disability is one which prevents performance of substantially all the ordinary duties of occupations in which a disabled individual is capable of engaging, having due regard to his training, experience and circumstances.

(4) "Recipient" means a person who receives aid under ORS 412.510 to 412.630.

412.520 Eligibility for aid to disabled. Aid shall be granted to any needy person 18 years of age or older who is permanently and totally disabled and who:

(1) Has resided in the state for one year immediately preceding application for such aid.

(2) Is not an inmate of a public institution (except as a patient in a medical institution) or an institution for tuberculosis or mental diseases.

(3) Is not a patient in a medical institution as a result of having tuberculosis or psychosis, so diagnosed.

(4) Is not receiving any other public assistance from the state or from any instrumentality or political subdivision thereof, except for medical or surgical assistance, or any other type of federally aided public assistance.

412.530 Amount of aid to be granted. The amount of aid to be granted shall be determined by the county public welfare department on the basis of need, within the limits of available public assistance funds, with due regard to any other income and resources of the applicant and the conditions existing in each case, and in accordance with the rules and regulations made by the State Public Welfare Commission.

412.540 Certification that applicant is permanently and totally disabled. No application for aid to the permanently and totally disabled shall be approved until a physician licensed by the Board of Medical Examiners has examined the applicant and certified his findings of disability in the manner and form required by the State Public Welfare Commission.

412.550 Powers and duties of state commission. The provisions of ORS 411.060 to 411.110 and 411.260 to 411.290, pertaining to the powers and duties of the State Public Welfare Commission, are applicable to the program for aid to the permanently and totally disabled.

412.560 Application for aid. Any person who believes he is eligible may apply to the county public welfare department for aid as a permanently and totally disabled person.

412.570 Investigation of applicant. When a county public welfare department receives the application for aid, it shall cause an investigation to be made to ascertain the facts as to the applicant's training, experience, capacity for employment and any other material facts which may be required by the rules of the State Public Welfare Commission. Members and administrators of the county public welfare commissions may administer oaths and examine witnesses thereunder and issue subpenas to compel their attendance and the production of papers and writings. [Amended by 1955 c.364 §6]

412.580 Appeal from failure to act on application or denial thereof or from modification or cancelation of aid. If an application is not acted upon by the department with reasonable promptness or is denied in whole or in part, or if any award of assistance is modified or canceled, the applicant or recipient may appeal from the decision of the county public welfare commission to the State Public Welfare Commission. The State Public Welfare Commission shall give the appellant an opportunity for a fair hearing, and the hearing shall be held in the county selected by the appellant. If required by either the appellant or the commission, the hearing shall include a review of the medical findings as to disability and the social data as to appellant's capacity for employment. The findings and decision of the State Public Welfare Commission shall be binding upon the county public welfare departments.

412.590 Reconsideration, cancelation and reduction of aid; payment of and accounting for county contributions. In administering the program for aid to the permanently and totally disabled, the reconsideration of aid, the cancelation or reduction of aid and the payment and deposit of and ac-

counting for county contributions shall be handled in the manner provided in the laws relating to the program for aid to the blind, particularly ORS 412.100 to 412.120. [Amended by 1953 c.500 §12]

412.600 Recovery of aid from recipient's estate; transfer of real property in order to qualify for aid. The right of recovery of public assistance from the estates of deceased recipients shall exist and the transfer of real property shall disqualify applicants or recipients for aid, in all respects as provided in subsection (1) of ORS 413.170 and in ORS 413.200.

412.610 Aid is inalienable. Aid given under ORS 412.510 to 412.630 is not transferable or assignable and moneys paid to any recipient are not subject to execution.

412.620 Effect of removal by recipient to another county or state. Any recipient may move from one county in the state to another or to another state and on such removal shall remain eligible to receive aid in accordance with the rules of the State Public Welfare Commission.

412.630 When aid is paid to guardian or conservator. If the recipient or applicant is incapable of taking care of himself or his money, aid may be paid to his duly appointed guardian or conservator if the payment does not result in the loss or reduction of federal matching moneys, if any, otherwise available. [Amended by 1957 c.56 §2]

412.640 to 412.980 [Reserved for expansion]

412.990 [Repealed by 1953 c.500 §12]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 2, 1957.

Sam R. Haley
Legislative Counsel