

Chapter 430

1961 REPLACEMENT PART

State and Local Mental Health Administration

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Note: This chapter becomes operative on July 1, 1962.

DEFINITIONS

430.010 Definition. As used in this chapter, unless the context requires otherwise, "Mental Health Division" or "division" means the Mental Health Division of the Oregon State Board of Control.

[Derived from 1961 c.706 §1 and 1961 c.706 §37]

MENTAL HEALTH DIVISION

430.020 Mental Health Division established; programs. The Mental Health Division is established as a division of the Oregon State Board of Control. The division, under the direction of the Board of Control, is responsible for the administration of the state mental health programs and the mental health laws of this state, and shall in general:

(1) Direct, promote, correlate and coordinate all the activities, duties and direct services in the fields of mental illness, mental retardation, alcoholic education and rehabilitation and mental health; and promote, correlate and coordinate the mental health activities of all governmental organizations throughout the state in which there is any direct contact with mental health programs.

(2) Develop cooperative programs with interested private groups throughout the state to effect better community awareness and action in the field of mental health, and encourage and assist in all necessary ways community general hospitals to establish psychiatric services.

(3) Govern, manage and administer the affairs of the following state mental institutions: Eastern Oregon State Hospital, F. H. Dammasch State Hospital, Columbia Park State Home, Oregon Fairview Home and Oregon State Hospital.

(4) Establish, coordinate, assist and direct a community mental health clinic program in cooperation with local government units and integrate such a program with the total state mental health program.

(5) Promote public education in the state concerning mental health and act as the liaison center for work with all interested public and private groups and agencies in the field of mental health.

(6) Conduct and coordinate basic and operational research, epidemiological investigations and statistics in mental illness and mental health in Oregon.

[1961 c.706 §2]

430.030 Division and Board of Control not limited by ORS 430.020. The enumeration of duties, functions and powers in ORS 430.020 shall not be deemed exclusive nor construed as a limitation on the powers and authority vested in the division or the Oregon State Board of Control by other provisions of law.

[1961 c.706 3]

430.040 General powers and duties of division; employing assistance. (1) The Mental Health Division shall:

(a) Have an official seal which shall bear the names of the division and the Oregon State Board of Control.

(b) Govern, manage and administer the affairs of the mental institutions that may from time to time be created by law and come within the jurisdiction of the division.

(c) Enter into contracts for the erection, completion and furnishings of all new buildings or additions at the mental institutions.

(d) Subject to any applicable provisions of ORS 279.710 to 279.746 and 291.652 to 291.726, enter into contracts for the purchase of supplies for the institutions, as well as for fuel, heat, light, water, telephone equipment, repairs, improvements and betterments.

(e) Make rules and regulations consistent with law for the government of the mental institutions.

(2) The Mental Health Division may:

(a) In the name of the division, sue and plead in all courts of law and equity.

(b) Condemn land and rights of way for water pipes, sewers, telegraph, telephone and transmission lines.

(c) Perform all legal and peaceful acts requisite and necessary for the successful management and maintenance of the mental institutions.

(d) Make rules and regulations, not inconsistent with the law, for the administration of the division.

(3) The division shall employ the assistants, clerical, technical or otherwise, necessary in carrying out the purposes of this section and ORS 430.090.

[1961 c. 706 §§6, 8 (2)]

430.050 Mental Health Advisory Board.

(1) The Oregon State Board of Control shall appoint a Mental Health Advisory Board, composed of both lay and professionally trained individuals, qualified by training or experience to study the problems of mental

health and make recommendations for the development of policies and procedures with respect to the state mental health programs. The members of the board shall serve for terms of four years without pay, but shall be reimbursed for actual and necessary expenses in accordance with laws and regulations governing state officers. The Board of Control may remove any member of the board for misconduct, incapacity or neglect of duty.

(2) The Oregon State Board of Control may make provision for technical and clerical assistance to the Mental Health Advisory Board and for the expenses of such assistance.

[1961 c.706 §18]

430.060 Division may take, assign and convey property. (1) Subject to subsection (2) of this section, the Mental Health Division may receive, take and hold property, both real and personal, in trust for the state or for any mental institution within the jurisdiction of the division, and may sell, transfer, assign, allot, set over or convey the property pursuant to legislative authority.

(2) When the division has assigned or allotted land for the use of a state agency and the agency has taken possession thereof and made lasting and valuable improvements thereon, the land may not be reassigned or reallocated to another state agency or sold without specific legislative authority, and then only upon payment for the value of the improvements. If the cost of the improvements has been paid for from funds derived from any source other than a direct property tax, the consideration paid shall be returned to the funds of the agency from which the cost was paid; otherwise, it shall be returned to the General Fund.

[1961 c.706 §9]

430.070 Assignment of property for use of institutions. All real and personal property owned by the state and devoted to the uses of any of the mental institutions shall be treated by the division as if held in common for the use and benefit of all state institutions. In the apportionment and assignment of lands for the future use of the institutions the needs of each, the proximity of the lands and ability to cultivate shall be given due consideration.

[1961 c.706 §10]

430.080 Division and Alcohol Education Committee to publicize effects of alcohol, tobacco and narcotics. The Mental Health Division, in consultation with the Oregon Alcohol Education Committee, shall take such means as it considers most effective to bring to the attention of the general public, and particularly to the youth of the state in the schools, places of recreation and homes, the evil and harmful effects of over-indulgence in, and excessive consumption of, alcoholic beverages or the intemperate use of tobacco, narcotics and habit forming drugs.

[1961 c.706 §7]

430.090 Alcoholic rehabilitation clinic and agency. The Mental Health Division shall maintain and operate a rehabilitation clinic and agency for the treatment of persons addicted to the excessive use of alcoholic beverages. A reasonable charge may be made for such treatment to persons financially able to pay a charge.

[1961 c.706 §8(1)]

430.100 Oregon Alcohol Education Committee. (1) The Oregon State Board of Control shall appoint an Oregon Alcohol Education Committee composed of five members, to advise and assist the Mental Health Division in carrying out ORS 430.080. The members of the committee shall serve for terms of four years without pay, but shall be reimbursed for actual and necessary travel and other expenses in accordance with laws and regulations governing state officers. The Board of Control may remove any member of the committee for misconduct, incapacity or neglect of duty.

(2) The Oregon State Board of Control may make provision for technical and clerical assistance to the Oregon Alcohol Education Committee and for the expenses of such assistance.

[1961 c.706 §19]

430.110 Administrator of Mental Health Division. The Mental Health Division shall be under the supervision and control of an administrator, who shall be appointed and removed by the Oregon State Board of Control. The administrator is responsible for the performance of the duties imposed upon the division. The Board of Control shall appoint as administrator a person who, by training and experience, is well qualified to perform the duties of the office and to direct the activities of the division in carrying out ORS 430.020.

[1961 c.706 §16]

430.120 Appointment of subordinates within division. The administrator of the division may appoint all subordinate officers and employes of the division, prescribe their duties and fix their compensation, subject to the applicable provisions of the State Civil Service Law.
[1961 c.706 §17]

430.130 Acceptance by division of federal assistance in preparing for construction of public buildings and works. The Mental Health Division may in its discretion accept financial assistance and grants and (to the extent that moneys have been appropriated for the repayment thereof) advances, from the United States or any of its agencies, subject to the terms and conditions thereof, to aid in financing the cost of engineering and architectural surveys, designs, plans, working drawings, specifications or other action preliminary to and in the preparation for the construction of public buildings and works.
[1961 c.706 §12]

430.140 Division to obtain and use federal grants for promoting mental health. (1) The Mental Health Division is designated as the state agency to apply to and receive from the Federal Government or any agency thereof such grants for promoting mental health, including grants for mental hygiene programs, as may be available to this state or any of its political subdivisions or agencies.

(2) For the purposes of subsection (1) of this section, the division is designated the Mental Health Authority for the State of Oregon and shall:

(a) Disburse or supervise the disbursement of all funds made available at any time by the Federal Government or this state for those purposes, except the funds made available by the state for the care of dependent or delinquent children in public or private institutions.

(b) Adopt, carry out and administer plans for those purposes. Plans so adopted shall be made statewide in application in so far as reasonably feasible, possible or permissible, and shall be so devised as to meet the approval of the Federal Government or any of its agencies, not inconsistent with the laws of the state.

[1961 c.706 §15]

430.150 Mental Health Division Account. (1) There is established in the General Fund the Mental Health Division Ac-

count, classified separately as to federal and other moneys.

(2) All federal apportionments or contributions, and other moneys from any source, received by the Mental Health Division shall be turned over to the State Treasurer by the division and shall be credited to the Mental Health Division Account.

(3) All moneys credited to the Mental Health Division Account hereby are appropriated for the purposes of this chapter and made available for the payment of expenses of the division, subject to appropriation by the Legislative Assembly or authorization by the Emergency Board.

(4) The Mental Health Division shall keep a record of all moneys deposited in the Mental Health Division Account. This record shall indicate by separate cumulative accounts the source from which the moneys are derived and the activity or program against which each withdrawal is charged.
[1961 c.706 §§13, 14]

430.160 to 430.300 [Reserved for expansion]

SUPERVISION OF MENTAL INSTITUTIONS

430.310 Petty cash funds for mental institutions; reimbursement from appropriations for institutions. (1) The superintendent of each mental institution may execute a claim voucher against the Institutional Betterment Fund to the credit of his institution, in favor of himself, in an amount approved by the Mental Health Division, for use by the institution as a cash revolving fund in paying the petty claims and incidental expenses arising in the proper conduct of the institution. The Secretary of State shall issue a warrant upon the State Treasurer for such amount to be paid from such fund.

(2) The superintendent shall present his claims on the first of each month, with proper vouchers attached, showing the expenditures from the revolving fund during the preceding month. The claims, when approved by the division, shall be paid by warrant upon the State Treasurer against the appropriation for that institution, and when so paid shall be used to reimburse the revolving fund of such institution created under subsection (1) of this section.

[1961 c.706 §21]

430.320 Auditing and paying claims; approval of vouchers. Subject to any applicable provision of ORS 279.710 to 279.746, 291.232

to 291.260 and 291.652 to 291.726, the Secretary of State shall audit and pay all claims for supplies or materials furnished or services rendered to institutions upon the presentation of duly verified vouchers therefor, approved in writing by the superintendent of the mental institution affected and the administrator of the Mental Health Division.

[1961 c.706 §22]

430.330 Interest in contracts by person connected with division or institution prohibited. No officer or employe of the Mental Health Division, or officer, employe or other person connected with a mental institution, may be pecuniarily interested in any contract for supplies or services furnished or rendered to a mental institution, other than the services of his regular employment.

[1961 c.706 §23]

430.340 Acceptance of federal grants of funds; cooperation with federal agencies; disposition of balances of appropriations. The Mental Health Division may accept and receive grants of funds from the United States or any of its agencies for the construction, equipment and betterment of any of the mental institutions under the control of the division and may cooperate with the United States or its agencies in such construction, equipment and betterment. Any balances of appropriations for capital outlay for any mental institution under the control of the division resulting from the use of funds so received shall be placed in a common fund. The division may in its discretion expend such common fund or any portion thereof in the construction, equipment or betterment of any mental institution.

[1961 c.706 §11]

430.350 to 430.600 [Reserved for expansion]

LOCAL MENTAL HEALTH SERVICES

430.610 Legislative policy on local mental health services. It is declared to be the policy and intent of the Legislative Assembly that the State of Oregon shall encourage, aid and financially assist its county governments in the establishment and development of mental health services, including but not limited to services for the mentally retarded and the alcoholic, through county administered community mental health clinics.

[1961 c.706 §36]

430.620 Establishment of community mental health clinic by one or more counties.

(1) The county court or board of county

commissioners, or its representatives designated by it for the purpose, of any county, on behalf of the county, may:

(a) Under the direction and in conformity with the regulations of the Mental Health Division, establish and operate a community mental health clinic.

(b) Cooperate, coordinate or act jointly with any other county or counties or any appropriate officer or agency of such counties in establishing and operating a community mental health clinic to service all of such counties in conformity with the regulations of the division.

(c) Expend county moneys for the purposes referred to in paragraph (a) or (b) of this subsection.

(d) Accept and use or expend property or moneys from any public or private source made available for the purposes referred to in paragraph (a) or (b) of this subsection.

(2) All officers and agencies of a county, upon request, shall cooperate in so far as possible with the county court or board of county commissioners, or its designated representatives, in conducting programs and carrying on and coordinating activities under subsection (1) of this section.

[1961 c.706 §39]

430.630 Services to be provided by mental health clinic; alternative and additional services. (1) In addition to any other requirements which may be established and promulgated by the Mental Health Division, each community mental health clinic shall provide the following basic services:

(a) Mental health counseling service to community agencies; public education in mental health; and mental health community information and records coordination.

(b) Basic testing, diagnostic, screening and referral services.

(2) In order to qualify as a basic program clinic, a community mental health clinic shall also provide at least two of the following alternative services:

(a) Child guidance and counseling.

(b) Family guidance, including marriage counseling.

(c) Alcoholic education and rehabilitation.

(d) Training and assistance to the families of mentally retarded persons.

(e) Outpatient psychiatric treatment.

(f) Follow-up program for patients from state hospitals and their families.

(g) Community inpatient psychiatric treatment.

(3) Subject to the review and approval of the division, a community mental health clinic may initiate additional services after the clinic is established.

[1961 c.706 §40]

430.640 Duties of division in assisting and supervising mental health clinics. (1) The Mental Health Division, in carrying out the legislative policy declared in ORS 430.610, shall in general:

(a) Assist and direct Oregon counties and groups of Oregon counties in establishing, financing, staffing and operating community mental health clinics.

(b) Establish and promulgate the standards and requirements to be met by a county plan of operation for the establishment of a community mental health clinic.

(c) Approve or disapprove a county plan of operation for the establishment of a community mental health clinic. No subsequent amendments to or modifications of approved plans shall be placed in effect without prior approval of the division.

(d) Make all necessary and proper rules and regulations to govern the establishment and operation of community mental health clinics.

(2) The enumeration of duties and functions in subsection (1) of this section shall not be deemed exclusive nor construed as a limitation on the powers and authority vested in the division by other provisions of law.

[1961 c.706 §38]

430.650 State aid to counties rendering community mental health services. (1) Community mental health expenditures made by a county pursuant to ORS 430.610 to 430.660 and the regulations of the Mental Health Division shall be reimbursed by the state in accordance with the provisions of this sec-

tion and the regulations of the division promulgated pursuant to ORS 430.610 to 430.660.

(2) Upon the approval of a county's operation plan for a community mental health clinic in accordance with paragraph (c) of subsection (1) of ORS 430.640, the division shall enter into a matching fund relationship with the county to finance the community mental health clinic. In all cases the matching formula shall be 50 percent state funds and 50 percent county funds.

(3) Subject to appropriation therefor, there shall be paid to each county on account of expenditures subject to reimbursement by the state pursuant to this section, 50 percent of the net amount expended from county funds. Except federal granted funds, any moneys received by the county from clinic fees, contributions or other sources for clinic purposes shall be deducted and considered a portion of the county's contribution for the purpose of determining such net amount.

(4) With respect to counties which have established joint community mental health clinics, expenditures subject to reimbursement shall mean the prorated expenditures of such counties as provided by the agreements establishing such clinics.

(5) When certified by the administrator of the division, claims for state reimbursements shall be presented to the Secretary of State for payment in the manner that other claims against the state are paid.

[1961 c.706 §41]

430.660 Federal laws, rules and regulations govern activities under ORS 430.610 to 430.660 when federal granted funds involved. In all cases where federal granted funds are involved, the federal laws, rules and regulations applicable thereto shall govern notwithstanding any provision to the contrary in ORS 430.610 to 430.660.

[1961 c.706 §42]

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 1, 1961.

Sam R. Haley
Legislative Counsel

