

## Chapter 442

### 1961 REPLACEMENT PART

## Homes for the Aged and Infirm

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### CROSS REFERENCES

Administrative procedures and rules of state agencies, Ch. 183	Employes, labor-management relations, 662.705 to 662.795
Deaths, report of by supervisors of institutions to coroner or medical investigator, 146.030, 146.115, 146.440	Nursing homes and nursing home administrators, 678.510 to 678.620
Discrimination by race, creed, color or national origin prohibited, 30.670	Statistics to be kept by supervisors of institutions, 432.165
	442.053
	Requirements for operation of nursing home, 678.520



**442.005 Definitions.** As used in this chapter:

(1) "Aged person" means a person of the age of 65 years or more, or a person of less than 65 years who by reason of infirmity requires domiciliary care.

(2) "Home" means any home or other institution that maintains facilities for rendering board and domiciliary care for compensation to three or more aged persons not related to the operator by blood or marriage. [1955 c.533 §2]

**442.010 License required to establish or maintain a home.** No person shall establish or maintain any home without first obtaining a license therefor from the State Board of Health. Such licenses shall be in the form of a certificate as prescribed by the State Board of Health, shall be renewed annually and are not transferable, either with reference to a different home or a different operator.

[Amended by 1955 c.533 §3]

**442.020 Application for license.** Any application for license under this chapter shall be accompanied by a plan of the home proposed to be occupied, describing the buildings and the use intended, the extent and location of grounds appurtenant thereto and the number of aged persons proposed to be received therein, together with such other information as the State Board of Health may require.

[Amended by 1955 c.533 §4]

**442.030 Examination of premises.** The State Board of Health shall not grant or renew any license under this chapter without first having made, or caused to be made, an examination of the home to be licensed, nor unless the State Board of Health is satisfied that the home is substantially as described and otherwise fit and suitable for the purpose for which it is designed to be used. Nor shall any license be granted or renewed unless the State Fire Marshal or his representative, pursuant to ORS 479.220 has issued a certificate of compliance.

[Amended by 1955 c.533 §5; 1961 c.316 §8]

Note: The 1961 amendment to ORS 442.030 takes effect January 1, 1962. Until then, ORS 442.030 (1957 Replacement Part) (replaced in 1961) remains in effect.

**442.040 Regulations relating to operation of homes may be adopted and enforced.** The State Board of Health may prescribe and enforce reasonable regulations relating

to the homes licensed under this chapter and governing:

(1) The number and qualifications of the personnel necessary in homes in order to care adequately for the resident aged persons.

(2) The facilities for heating, lighting, ventilation, plumbing and the disposal of waste.

(3) The procedures and facilities for handling food and maintaining sanitary conditions.

(4) Housing, including sleeping, social and recreation facilities.

(5) Arrangements for availability to the resident aged persons of the services of a duly licensed physician in the State of Oregon. But such arrangements may not be required in the case of homes supervised by and operated exclusively for persons who rely for healing upon prayer or spiritual means in accordance with the creed or tenets of a well-recognized church or religious denomination.

[Amended by 1955 c.533 §6]

**442.050 License fee; account and disposition of fees.** (1) Subject to the provisions of ORS 442.030 and 442.040, a license may be granted, or may be renewed annually, for the fiscal year beginning on July 1 upon payment of a fee as follows:

(a) Less than 11 beds, \$15.

(b) Eleven but not more than 30 beds, \$25.

(c) More than 30 beds, \$35.

(2) The State Health Officer shall keep a correct account of all fees received and turn them over to the State Treasurer to be used by the State Board of Health for the administration of this chapter.

[Amended by 1957 c.697 §3]

**442.053 Restrictions concerning nursing care.** Except in the case of a home licensed under this chapter which is also the subject of a license for the provision of nursing care, no person operating a home licensed under this chapter shall:

(1) Admit to the home any aged person requiring nursing care.

(2) Provide nursing care at the home for any aged person resident therein for more than eight consecutive days.

[1955 c.533 §7]

**442.055 Person requiring nursing care to be moved from home, when, where.** When any aged person resident in a home licensed under this chapter has required nursing care

for seven consecutive days and it appears to a duly licensed physician in the State of Oregon that he requires further nursing care, he shall on the following day be removed to an institution in respect to which a license authorizing the rendering of nursing care is in force and effect.

[1955 c.533 §8]

**442.060 Inspection.** The State Health Officer, or his representative, may at any or all times inspect any home or other institution licensed pursuant to this chapter. He shall so inspect such institutions four times each year.

**442.070 Revocation or suspension of license; notice; hearing; findings and action.**

(1) If it is found that any licensee has failed to maintain or conduct any home or institution in conformity with this chapter or with the regulations of the State Board of Health authorized by this chapter, notice of the violation shall forthwith be given to such institution including the fact that, at a time and place certain, the State Board of Health will consider the question of revocation of such license.

(2) At the time and place stated in the notice, a hearing shall be held at which the licensee and any witnesses the licensee desires to call shall be heard.

(3) The hearings shall be reported, and a record made thereof.

(4) If it is found by the State Board of

Health after any hearing that an institution is being maintained or conducted in violation of this chapter or the duly promulgated regulations, and not in the interests of the inmates thereof, it may amend or revoke such license by an order which shall take effect within such time after service thereof on the licensee as the State Board of Health determines.

(5) Notwithstanding subsections (1), (2), (3) and (4) of this section, if the State Fire Marshal, or his representative, issues a certificate of noncompliance pursuant to ORS 479.220 the State Board of Health shall revoke or suspend the license of the offending institution.

[Amended by 1961 c.316 §9]

Note: The 1961 amendment to ORS 442.070 takes effect January 1, 1962. Until then, ORS 442.070 (1957 Replacement Part) (replaced in 1961) remains in effect.

**442.080 Jurisdiction over prosecutions.** Justice courts shall have concurrent jurisdiction with district and circuit courts in all prosecutions arising under this chapter.

442.090 [Repealed by 1955 c.533 §10]

442.100 to 442.980 [Reserved for expansion]

**442.990 Penalties.** Violation of ORS 442.010 or 442.053 is punishable, upon conviction, by a fine of not less than \$100 nor more than \$500, or by imprisonment in the county jail for not less than 30 days nor more than six months, or both.

[Amended by 1955 c.533 §9]

**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