Chapter 444

(1963 reprint)

Special Medical Services for Children

CRIPPLED CHILDREN'S PROGRAM

444.010 State Board of Higher Education to administer program of services for crippled children

444.020 Power in administering crippled children's services

444.030 Dean of medical school to direct program

444.040 Crippled Children's Account; expenditure of funds; audit and payment of claims

444.050 Children not treated where parents object

CARE AND TREATMENT FOR SICK AND DEFORMED INDIGENT CHILDREN

444.110 Complaint; examination; report of physician; investigation

444.120 Hearing; notice; evidence; order directing free treatment

444.130 Reception and treatment of children

444.140 Rejection of patients referred

444.150 Physician not compensated for treatment

444.160 Account and statement of treatment

444.170 Approval of statement; payment of account

444.180 Appointment of attendant to accompany child

444.190 Compensation of attendant and examining physician

444.200 Reimbursing medical school for expenses in returning patients

444.210 Treatment of child at other hospital

444.220 Compensation for treatment at other hospitals

444.230 Unspecified treatment and experimentation prohibited

444.240 Preparation and distribution of examination blanks; printing cost

CROSS REFERENCES

Administrative procedures governing state agencies, 183.310 to 183.510

County welfare departments, custody and care of disabled children, 418.015

Dental inspection and treatment of school children, 336.380 to 336.420

Education and rehabilitation of the blind and deaf, Ch. 346

Educational facilities for handicapped children in certain institutions, 343.248

Institutions caring for venereally infected children, 418.355

Juvenile court, power to order medical or psychiatric treatment of child, 419.511

Local mental health services, 430.610 to 430.660

444.020

Application for federal aid to be approved by Department of Finance and Administration, 291.260

444.040

Expenditures without allotment prohibited in certain cases, 291.238

444.110

Jurisdiction over commitment of handicapped children in Multnomah County vests with circuit court exclusively, 3.310 and 3.330

Transfer of judicial jurisdiction of certain county courts to circuit court, 3.130 and 3.140

CRIPPLED CHILDREN'S PROGRAM

444.010 State Board of Higher Education to administer program of services for crippled children. (1) The State Board of Higher Education, acting through the University of Oregon Medical School, is designated as the agency of the state to administer a program the purpose of which is to enable the state to extend and improve services for locating crippled children and for providing medical, surgical, corrective and other services and care, and facilities for diagnosis, hospitalization and after care for children who are crippled or who are suffering from conditions which lead to crippling.

(2) The board shall also supervise the administration of those services included in the program which are not administered directly by it.

444.020 Power in administering crippled children's services. The State Board of Higher Education, acting through the University of Oregon Medical School, may:

(1) Make all necessary rules and regulations for administering services to crippled children under ORS 444.010 to 444.050.

(2) Accept, expend and disburse all federal funds made available to this state for services for crippled children and for the administration of the crippled children's program.

(3) Make such reports in such form and containing such information as are required by the Federal Government, and comply with such provisions as are found necessary to insure correctness and verification of such reports.

(4) Cooperate with medical, health, nursing and welfare groups and organizations and with any agencies in the state charged with administering state laws providing for vocational rehabilitation of physically handicapped children.

(5) Cooperate with the Federal Government through its appropriate agency or instrumentality in administering the crippled children's program.

(6) Accept and receive funds, money or other valuable things from relatives, corporations or interested persons or organizations for the care of crippled children and expend the same for the purposes for which such funds, money or other valuable things were received.

(7) Accept and receive fees for services rendered under ORS 444.010 to 444.050.

444.030 Dean of medical school to direct program. The dean of the University of Oregon Medical School shall serve, without additional compensation, as medical director of the crippled children's program under ORS 444.010 to 444.050 and may establish:

(1) Qualifications of medical, nursing and other personnel employed in connection with services to crippled children.

(2) Standards of medical practice, hospitalization, nursing and other services, and diagnostic clinics.

444.040 Crippled Children's Account; expenditure of funds; audit and payment of claims. (1) There is created in the General Fund of the State Treasury an account to be known as the Crippled Children's Account.

(2) All moneys received under ORS 444.020 shall be deposited in the Crippled Children's Account and shall be disbursed in the same manner as the moneys appropriated for carrying out ORS 444.010 to 444.050.

(3) The State Board of Higher Education, acting through the University of Oregon Medical School, may expend from the Crippled Children's Account, and there hereby are appropriated, any amounts necessary to carry out the crippled children's program.

(4) The Secretary of State shall audit all claims duly approved by the State Board of Higher Education, acting through the University of Oregon Medical School, which have been incurred in pursuance of law and the appropriation in subsection (3) of this section, and shall draw his warrants on the State Treasurer in payment thereof.

444.050 Children not treated where parents object. In carrying out ORS 444.010 to 444.040, no state official, agent or representative shall take charge of any child over the objection of either of the parents of such child, or of the person standing in loco parentis to such child.

444.060 to 444.100 [Reserved for expansion]

CARE AND TREATMENT FOR SICK AND DEFORMED INDIGENT CHILDREN

444.110 Complaint; examination; report of physician; investigation. (1) Any county judge may on his own motion, or shall, on complaint filed by any probation officer, school teacher or school officer, relief officer or physician authorized to practice his profession in this state, alleging that the

child named therein is under 16 years of age and is afflicted with some deformity or suffering from some malady that can probably be remedied, and that the parents or other persons legally chargeable with the support of such child are unable to provide means for the surgical and medical treatment and hospital care of such child, appoint some physician who shall personally examine such child with respect to its deformation or malady.

(2) The examining physician shall make a written report to the county judge, in duplicate on blanks furnished as provided in ORS 444.240, within the time fixed by the county judge. The report shall answer the questions and set forth the information required on the blanks, giving such history of the case as will be likely to aid the surgical or medical treatment of the deformity or malady and describing it, all in detail, and stating whether or not, in the opinion of the physician, it can probably be remedied. The duplicate of the report shall be sent to the University of Oregon Medical School with the patient, together with a certified copy of the order of the county judge made pursuant to ORS 444.120.

(3) The county judge may also appoint some suitable person to investigate the other matters charged in the complaint.

444.120 Hearing; notice; evidence; order directing free treatment. (1) Upon filing a report under ORS 444.110, the county judge shall:

(a) Fix a day for a hearing upon the complaint.

(b) Cause the person or institution having legal custody of the child to be served with a notice of the hearing.

(c) Notify the district attorney, who shall appear and conduct the proceedings.

(2) At the hearing of the complaint, evidence may be introduced. If the county judge finds that the child is suffering from a deformity or malady which can probably be remedied by surgical or medical treatment and hospital care, and that the person or institution legally chargeable with his support is unable to pay the expenses thereof, the county judge, with the consent of the person or institution having the legal charge of the child, may enter an order directing that the child shall be taken or sent to the University of Oregon Medical School for free surgical and medical treatment and hospital care. The child shall also be provided with proper and sufficient clothing.

444.130 Reception and treatment of children. (1) The dean of the University of Oregon Medical School, or other person designated by the authorities in direction of the school shall:

(a) Upon receiving the child, provide for it, if available, hospital facilities.

(b) Designate the clinic of the medical school to which the patient shall be assigned for treatment of the deformity or malady in in each particular case.

(2) The medical school is not required to receive any child unless the physician or surgeon in charge of the department in which surgical or medical treatment is to be furnished is of the opinion that there is a reasonable probability that the child will be benefited by the proposed treatment.

(3) When any patient has been admitted to the clinic for treatment, the physician or surgeon in charge thereof shall proceed with all proper diligence to perform such operation and bestow such treatment upon the patient as in his judgment shall be proper. The patient shall receive proper hospital care during his stay there.

444.140 Rejection of patients referred. If the physician or surgeon of the clinic to which the child has been assigned for treatment declines to treat the child, he shall make a report, in duplicate, of his examination of the child and state therein his reasons for declining treatment. The duplicate copy of the report shall be preserved in the records of the medical school; the original shall be transmitted to the clerk of the court of the county where the order committing the child was entered.

444.150 Physician not compensated for treatment. No compensation shall be charged by or allowed to the physician or surgeon who treats a patient committed under ORS 444.120.

444.160 Account and statement of treatment. The superintendent of the hospital or other person designated by the authorities of the medical school shall:

(1) Keep a correct account of the medicine, treatment, nursing and maintenance furnished to the patient, and set forth therein the actual, reasonable and necessary cost thereof.

(2) Make and file monthly with the county judge of the county from which the

patient was committed, an itemized, sworn statement, as far as possible, of the expense incurred at the hospital other than the free surgical and medical treatment as provided in ORS 444.120.

444.170 Approval of statement; payment of account. The county judge shall present the statement of the medical school to the board of county commissioners. Upon being satisfied that the statement is correct and reasonable, the board of county commissioners shall approve it and direct that warrants be drawn by the county clerk upon the county treasurer for the amount of such bills allowed. The warrants as drawn by the county clerk shall be transmitted to the treasurer of the University of Oregon. The treasurer shall place them to the credit of the university funds which are set aside for the support of the hospital under the direction of the University of Oregon Medical School. The county treasurer shall pay the warrants out of the funds collected for the relief of the poor of the county.

444.180 Appointment of attendant to accompany child. The county judge may, in his discretion, appoint some person to accompany the child from the place where he is to the University of Oregon Medical School, or from the medical school to such place as is designated by the county judge with the consent of the person having legal custody of the child.

444.190 Compensation of attendant and examining physician. (1) Any person appointed as attendant by the county judge under ORS 444.180 or to make an investigation and report of any questions involved in the complaint other than the examining physician, shall receive $3 per day for time actually spent in making an investigation and for actual and necessary expenses incurred in making an investigation or trip except that no compensation shall be paid in cases where the person appointed is a parent or relative or where the officer appointed receives a fixed salary or compensation.

(2) Upon demand, the examining physician shall be paid no more than $5 for each examination and report made and his actual necessary expenses incurred in making an investigation under ORS 444.110.

(3) A person making claim for compensation under this section shall present to the county judge an itemized sworn statement thereof and when such claim has been approved by the county judge, it shall be filed and allowed by the board of county commissioners and paid out of the funds of the county collected for the relief of the poor.

444.200 Reimbursing medical school for expenses in returning patients. (1) The medical school, in the discretion of the person designated by the authorities in control thereof, may pay:

(a) Actual, reasonable, necessary expenses of returning the patient to his home.

(b) The attendant his actual, reasonable and necessary expenses incurred in accompanying a patient to his home and no more than $3 per day for the time thus necessarily employed, unless he is a parent or relative or an officer or employe receiving other compensation.

(2) The per diem and expenses shall be itemized and verified, and presented to and allowed by the board of county commissioners of the county from which the patient was committed, as provided in ORS 444.170.

444.210 Treatment of child at other hospital. (1) Upon the written request of the person or institution having legal custody of a child, filed with the county judge at the time of the hearing under ORS 444.120, to the effect that the person or institution having legal custody of the child desires the child taken or sent to a designated hospital or medical school of recognized standing or character which is not under the direction or supervision of the University of Oregon Medical School, the judge may make and enter an order directing that the child be taken or sent to the designated institution for free surgical and medical treatment and hospital care, including the furnishing of proper and sufficient clothing.

(2) The reception by an institution of such child as a patient, pursuant to court order, is considered an acceptance on its part of all the provisions of ORS 444.110 to 444.240 which relate to or in anywise apply to hospitalization of children at the University of Oregon Medical School, except as provided in ORS 444.220. Such institution shall furnish the child with all proper and requisite medical or surgical care and attention without compensation, and comply with ORS 444.110 to 444.240 while the child remains in the institution as a patient.

444.220 Compensation for treatment at other hospitals. When any child, pursuant to ORS 444.210, becomes a patient at any insti-

tution not affiliated with the University of Oregon Medical School, the person in charge thereof shall perform all duties and requirements set forth in ORS 444.160; and all warrants in payment of any bills or accounts therein mentioned shall be made payable to such institution.

444.230 Unspecified treatment and experimentation prohibited. (1) No child under the terms of ORS 444.110 to 444.240 shall be treated for any ailment except as is described by the order of the court under ORS 444.120, unless permission for such treatment is granted by the parents or guardians.

(2) No child shall be used for the purpose of experimentation.

444.240 Preparation and distribution of examination blanks; printing cost. (1) The faculty of the medical school shall prepare blanks containing such questions and requiring such information as may in its judgment be necessary and proper to be obtained by the physician who examines the patient under order of court.

(2) A supply of such blanks shall be sent to the county judge of each county. The dean of the medical school shall determine the number of blanks to be printed and distributed to the county judges.

(3) The bills for the printing of blanks shall be audited, allowed and paid in the same manner as the printing bills of the University of Oregon Medical School.