

## Chapter 430

### 1965 REPLACEMENT PART

## State and Local Mental Health Administration

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**DEFINITIONS**

**430.010 Definition for ORS 430.010 to 430.660.** As used in ORS 430.010 to 430.660, 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 Hospital and Training Center, F. H. Dammasch State Hospital, Columbia Park Hospital and Training Center, Fairview Hospital and Training Center 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.

(7) Accept the custody of persons committed to its care by the courts of this state. [1961 c.706 §2; 1965 c.339 §20]

**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** [1961 c.706 §§6, 8(2); repealed by 1963 c.490 §1 (ORS 430.041 enacted in lieu of ORS 430.040)]

**430.041 Rules and regulations; personnel.** In order to carry out the programs and responsibilities of the Mental Health Division, the division shall:

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

(2) Employ the assistants, technical or otherwise, necessary to carry out the purposes of the division.

[1963 c.490 §2 (enacted in lieu of ORS 430.040)]

**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** [1961 c.706 §9; repealed by 1963 c.490 §5]

**430.070** [1961 c.706 §10; repealed by 1963 c.490 §5]

**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 classified and unclassified employes of the division, prescribe their duties and fix their compensation, subject to the limitations prescribed by law. [1961 c.706 §17; 1963 c.471 §3]

**430.130** [1961 c.706 §12; repealed by 1963 c.490 §5]

**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** [1961 c.706 §§13, 14; repealed by 1963 c.490 §5]

**430.160 Federal funds deposited in special account.** All funds applied for and received by the Mental Health Division of the Oregon State Board of Control and allotted to the state by the Surgeon General, the Treasury Department, or other agency of the United States for the construction and operation of community facilities in carrying out the state plan for the promotion of mental health and retardation services, shall be deposited with the State Treasurer and shall be credited to a special account in the State Treasury, separate from the General Fund, to be used as a depository for such federal funds. Such funds hereby are continuously appropriated and shall be expended

solely for the purpose of construction and operation of community facilities and in accordance with the plan upon which the allotment to the state was based.

[1965 c.557 §5]

430.170 to 430.300 [Reserved for expansion]

430.310 [1961 c.706 §21; repealed by 1963 c.490 §5]

430.320 [1961 c.706 §22; repealed by 1963 c.490 §5]

430.330 [1961 c.706 §23; repealed by 1963 c.490 §5]

430.340 [1961 c.706 §11; repealed by 1963 c.490 §5]

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 section 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 no greater than 75 percent state funds to 25 percent county funds with the amount of state funds being determined by the amount of appropriation available. It is declared to be the intent of the Legislative Assembly that the matching formula shall be no less than 50 percent state funds to 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, up to 75 percent of the net amount expended from county funds. Any moneys received by the county from clinic fees, contributions or other sources for clinic purposes except federal funds shall be considered a portion of the county's contribution for the purpose of determining the net amount of county funds expended.

(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; 1963 c.490 §3; 1965 c.179 §1]

**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]

**430.670 Contracts to provide services; approval of division.** A community mental health clinic may provide services by contracting therefor with private nonprofit agencies, provided that any such contract is approved by the division. If a contract approved by the division so provides, such a private nonprofit agency shall be considered as a part of a community mental health clinic for all purposes of ORS 430.610 to 430.660.

[1963 c.117 §1]

**430.680 to 430.700** [Reserved for expansion]

#### **PROGRAM FOR TRAINABLE MENTALLY RETARDED CHILDREN**

**430.710 Definitions for ORS 430.710 to 430.750.** As used in ORS 430.710 to 430.750, unless the context requires otherwise:

(1) "Division" means the Mental Health Division of the Oregon State Board of Control, as established under ORS 430.020.

(2) "State agencies" means the State Board of Education, the State Board of Health, the State Public Welfare Commission and the State Board of Higher Education.

(3) "Trainable mentally retarded children" means children who are six years of age or older and under 17 years of age and whose mental capacity is such that they cannot achieve in a meaningful way in the usual academic program of the schools but who, as determined by the division, can profit from day care and from programs of instruction in self-care and in social and simple work skills.

[1963 c.581 §1]

**430.720 Establishment of day-care programs.** (1) The division shall establish research programs to provide services for eligible trainable mentally retarded children in day-care programs. Services to be provided shall include diagnosis, family counseling, day care, training in self-help, simple work skills and recreational activities.

(2) Communities eligible to participate in the research programs shall be selected by the division giving consideration to:

(a) Willingness of the community to have such a program.

(b) Financial ability of the community to provide suitable quarters and facilities for such a program.

(c) Availability of necessary resources in the community to assist such a program.

(d) Geographic and demographic factors to illustrate the problems of day programs in larger and smaller communities.

[1963 c.581 §2]

**430.730 Assistance of state agencies.**

(1) In conducting the research programs established under ORS 430.720, the division shall use the assistance of professional personnel from state agencies in establishing the standards and determining the eligibility of trainable mentally retarded persons for the research programs; in designing, conducting and evaluating the programs; and in

developing standards for the selection and training of personnel engaged in various activities of the programs.

(2) State agencies shall assist the division in administering the programs when requested to do so by the division.

[1963 c.581 §3]

**430.740 Personnel; training; supplies and equipment.** The division shall employ staff necessary for diagnosis, counseling, training, recreation and day-care services and shall arrange for training necessary to carry out the intent, purposes and provisions of ORS 430.710 to 430.750. The division shall provide supplies and equipment necessary to the programs.

[1963 c.581 §4]

**430.750 Advisory committee.** The division shall appoint an advisory committee consisting of one qualified, professional person from each of the named state agencies and two other persons who have a knowledge of and interest in the subject of the programs to advise the division in administering the programs. Members of the advisory committee from state agencies shall be appointed with the approval of the executive officer of their respective state agency.

[1963 c.581 §5]

**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 November 15, 1965.

Sam R. Haley  
Legislative Counsel