

Chapter 430

1971 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 430.170 and 430.610 to 430.660, unless the context requires otherwise, "division" means the Mental Health Division.

[Derived from 1961 c.706 §1 and 1961 c.706 §37; 1969 c.597 §81]

MENTAL HEALTH DIVISION

430.020 [1961 c.706 §2; 1965 c.339 §20; repealed by 1969 c.597 §82 (430.021 enacted in lieu of 430.020)]

430.021 Functions of Mental Health Division. (1) The Mental Health Division is responsible for the administration of the state mental health programs and the mental health laws of the state.

(2) The division shall 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.

(3) The division shall 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.

(4) The division shall 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) The division shall 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) The division shall accept the custody of persons committed to its care by the courts of this state.

[1969 c.597 §83 (enacted in lieu of 430.020)]

430.030 Division not limited by ORS 430.021. The enumeration of duties, functions and powers under ORS 430.021 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 §3; 1969 c.597 §85]

430.040 [1961 c.706 §§6, 8(2); repealed by 1963 c.490 §1 (ORS 430.041 enacted in lieu of ORS 430.040)]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; compensation and expenses. (1) The Administrator of the Mental Health Division with the approval of the Governor, 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 and are entitled to compensation and expenses as provided in ORS 292.495. The administrator may remove any member of the board for misconduct, incapacity or neglect of duty.

(2) The administrator 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; 1969 c.314 §36; 1969 c.597 §86]

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 Publicizing effects of alcohol and narcotics. The Mental Health Division, in consultation with the Oregon Alcohol and Drug 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 and the intemperate use of narcotics, habit forming drugs and hallucinogenic drugs.

[1961 c.706 §7; 1967 c.263 §1]

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)]

430.095 Contracts with Federal Government for services to alcohol and drug-dependent persons. The Mental Health Division is authorized to contract with the Federal Government for services to alcohol and drug-dependent persons who are either residents or nonresidents of the State of Oregon.

[1969 c.637 §1]

430.100 Oregon Alcohol and Drug Education Council; compensation and expenses.

(1) The Administrator of the Mental Health Division with the approval of the Governor, shall appoint an Oregon Alcohol and Drug Education Council composed of at least nine members, to advise and assist the Mental Health Division in carrying out ORS 430.080. The members of the council shall serve for terms of four years and are entitled to compensation and expenses as provided in ORS 292.495. The administrator may remove any member for misconduct, incapacity or neglect of duty.

(2) The council shall advise the administrator regarding policies and goals of the division's alcoholism programs, and shall encourage public understanding and support of such programs.

(3) The Administrator of the Mental Health Division may make provision for technical and clerical assistance to the Oregon Alcohol and Drug Education Council and for the expenses of such assistance.

[1961 c.706 §19; 1967 c.263 §2; 1969 c.314 §37; 1969 c.597 §87; 1971 c.622 §5]

430.103 Drug abuse seminars; committee to conduct seminars. (1) The Mental Health Division shall establish a committee consisting of persons addicted to the use of narcotic drugs or dangerous drugs or who have been rehabilitated from such addiction.

(2) The committee shall conduct drug abuse seminars in as many high schools and junior high schools in the state as it can arrange in order to acquaint Oregon youth with the danger of drug use and abuse through the first-hand experience of members of the committee.

(3) The Mental Health Division shall pro-

vide all staff services to the committee and shall assign a qualified person to act in a supervisory capacity over the committee's activities under subsection (2) of this section.

(4) Members of the committee may be employed by the division, and may receive compensation for their services. Subject to any applicable law regulating travel and other expenses of state officers, each member shall receive his actual necessary and other expenses in the performance of his official duties.

[1969 c.459 §1; 1971 c.484 §1]

430.107 Drug addiction advisory committee. The Administrator of the Mental Health Division shall appoint an advisory committee to advise him on the administration of the program authorized by this section and ORS 475.715 and 475.725. Members of the advisory committee shall include the following:

(1) At least one physician licensed by the Board of Medical Examiners for the State of Oregon under ORS chapter 677 who is particularly informed about problems arising from drug addiction.

(2) At least one licensed pharmacist.

(3) At least one lawyer.

(4) At least one law enforcement officer.

(5) Representatives from the Board of Medical Examiners for the State of Oregon, the State Board of Pharmacy, the School of Pharmacy at Oregon State University, the University of Oregon Medical School and the Bureau of Narcotics and Dangerous Drugs of the United States Department of Justice.

[1969 c.442 §3]

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 as provided in ORS 176.620. The administrator shall be 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 430.021. The administrator shall be responsible for the duties imposed upon the division.

[1961 c.706 §16; 1969 c.597 §88]

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 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 Revolving fund. (1) On written request of the Mental Health Division, the Executive Department shall draw warrants

on amounts appropriated to the Mental Health Division for operating expenses for use by the division as a revolving fund. The revolving fund shall not exceed the aggregate sum of \$25,000 including unreimbursed advances. The revolving fund shall be deposited with the State Treasurer to be held in a special account against which the division may draw checks.

(2) The revolving fund may be used by the division to pay for travel expenses for employes of the division and for any consultants or advisers for whom payment of travel expenses is authorized by law, or advances therefor, or for purchases required from time to time or for receipt or disbursement of federal funds available under federal law.

(3) All claims for reimbursement of amounts paid from the revolving fund shall be approved by the division and by the Executive Department. When such claims have been approved, a warrant covering them shall be drawn in favor of the division and charged against the appropriate fund or account, and shall be used to reimburse the revolving fund.

[1971 c.306 §8]

ALCOHOLISM TREATMENT

430.305 Definitions for ORS 430.305 to 430.335. As used in ORS 426.450 to 426.460, 430.100 and 430.315 to 430.335, unless the context requires otherwise:

(1) "Alcoholic" means any person who chronically, habitually or periodically uses alcoholic beverages to the extent that they injure his health or substantially interfere with his social or economic functioning.

(2) "Division" means the Mental Health Division.

(3) "Administrator" means the Administrator of the Mental Health Division.

(4) "Director of the treatment facility" means the person in charge of treatment and rehabilitation programs at a treatment facility.

(5) "Treatment facility" includes emergency stations, outpatient facilities, intermediate care facilities, inpatient facilities and such other facilities as the Mental Health Division determines suitable, any of which may provide diagnosis and evaluation, medical care, detoxification, social services or rehabilitation for intoxicated persons and

which operate in the form of a general hospital, a state hospital, a foster home, a hostel, a halfway house, a clinic, or other suitable form approved by the Mental Health Division.

[1971 c.622 §2]

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

430.315 Policy. The Legislative Assembly finds alcoholism is an illness. The alcoholic is a sick person and should be afforded treatment for his illness.

[1971 c.622 §1]

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

430.325 Prohibitions on local governments as to making alcoholism a crime or offense. (1) No political subdivision in this state shall adopt any local law, ordinance, resolution or regulation that makes any of the following an offense, a violation or the subject of criminal or civil penalties or sanctions of any kind:

(a) Public intoxication, except that the political subdivision may adopt a local law, ordinance, resolution or regulation identical to ORS 166.035.

(b) Public drinking, except as to places where any consumption of alcoholic beverages is generally prohibited.

(c) Drunk and disorderly conduct.

(d) Vagrancy or other behavior that includes as one of its elements either drinking in public or being a common drunkard or being found in specified places in an intoxicated condition.

(2) Nothing in subsection (1) of this section shall affect any local law, ordinance, resolution or regulation of any political subdivision in this state against drunken driving, driving under the influence of alcohol, or other similar offenses that involve the operation of motor vehicles.

[1971 c.622 §3]

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

430.335 Authority of Mental Health Division. Subject to the availability of funds therefor, the Mental Health Division may:

(1) Provide directly through publicly operated treatment facilities, which shall not be considered to be state institutions, or by contract with privately operated treatment facilities, for the care of alcoholics.

(2) Sponsor and encourage research of alcoholism.

(3) Seek to coordinate public and private programs relating to alcoholism.

(4) Apply for federally granted funds available for study or prevention and treatment of alcoholism.

[1971 c.622 §4]

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

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 state grants or 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; 1967 c.70 §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]

CHILDREN'S MENTAL HEALTH SERVICES

430.705 Mental health services for children. The State of Oregon, through the Children's Services Division created under chapter 401, Oregon Laws 1971, may establish the necessary facilities and provide comprehensive mental health services for children throughout the state. These services may include, but not be limited to the prevention of mental illness, and the prevention, treatment and restoration of emotionally disturbed, mentally ill and drug dependent children.

[1971 c.300 §2]

Note: The Legislative Counsel has not, pursuant to ORS 173.160, undertaken to substitute specific ORS references for the words "this Act" in ORS 430.705. Chapter 401, Oregon Laws 1971, enacted into law and amended ORS sections which may be found by referring to the 1971 Comparative Section Table located following the Index in volume 6 of Oregon Revised Statutes (1971 Replacement Parts).

430.710 [1963 c.581 §1; repealed by 1969 c.321 §9 and 1969 c.597 §281]

430.715 Hospital and day care and residential treatment programs. The Children's Services Division may contract for general hospital services and may provide or contract with public or private agencies or persons to provide day care and residential treatment programs to implement the objectives of ORS 430.705. The Children's Services Division may also purchase or contract for specific services and supplies for treatment of individual children.

[1971 c.300 §3]

430.720 [1963 c.581 §2; repealed by 1969 c.321 §9 and 1969 c.597 §281]

430.725 Gifts and grants. The Children's Services Division shall have authority to contract with private, nonprofit agencies and persons for receipt of grants-in-aid and other funds to be applied to child mental health service programs.

[1971 c.300 §4]

430.730 [1963 c.581 §3; repealed by 1971 c.109 §1]

430.740 [1963 c.581 §4; repealed by 1969 c.321 §9]

430.750 [1963 c.581 §5; repealed by 1969 c.321 §9]

PROGRAM FOR TRAINABLE MENTALLY RETARDED

430.760 "Trainable mentally retarded" defined. As used in ORS 430.760 to 430.820 unless the context requires otherwise, "trainable mentally retarded" means a mentally retarded person who is incapable of meaningful achievement in traditional academic subjects but who is capable of profiting to a meaningful degree from instruction in self-care, social skills and simple job and vocational skills but does not include mentally retarded children as defined in ORS 343.410.

[1969 c.253 §1]

430.770 Duties of Mental Health Division. In order to provide programs for trainable mentally retarded persons, the Mental Health Division, subject to limitation of funds appropriated by the legislature therefor, may:

(1) Contract with school districts or intermediate education districts to provide, or cause to be provided by a private agency, classes for trainable mentally retarded children if:

(a) The school districts within the intermediate education district approve the contract by a resolution adopted in the manner provided in subsection (2) of ORS 334.175; or

(b) Any school district within the intermediate education district contracts with the intermediate education district in the manner provided in subsection (3) of ORS 334.175 for such classes.

(2) Contract with private agencies to provide classes for trainable mentally retarded persons.

(3) Provide or contract with public or private agencies to provide diagnostic and evaluation services necessary for the mentally retarded.

(4) Provide counseling services to parents or guardians of mentally retarded persons or may contract with public or private agencies or persons to provide such services. [1969 c.253 §2]

430.780 Programs conducted under contracts with school districts. (1) Any child who participates in classes under subsection (1) of ORS 430.770 shall be considered enrolled in school in the district in which he resides for purposes of any financial aid to the school district that is based on or distributed according to enrollment.

(2) Any school district with a child residing therein who is participating in classes under subsection (1) of ORS 430.770 for the trainable mentally retarded in another school district shall contribute to the school district providing or causing to be provided, the classes, an amount equal to the per capita operating cost of the district providing or causing to be provided, the classes for each such child.

(3) A school district providing or causing to be provided by a private agency classes under subsection (1) of ORS 430.770 or any school district contracting with an intermediate education district in the manner provided in subsection (3) of ORS 334.175 for such class for the trainable mentally retarded shall be reimbursed by the Mental Health Division, within the limit of funds appropriated therefor, for its approved costs in providing or causing to be provided by a private agency or by an intermediate education district such classes less the school district's per capita operating cost multiplied by the number of children participating in such classes.

(4) Any intermediate education district providing or causing to be provided classes under subsection (1) of ORS 430.770 for trainable mentally retarded children in the manner provided in subsection (2) of ORS 334.175 shall be reimbursed by the Mental Health Division, within the limit of funds appropriated therefor, for its approved costs in providing, or causing to be provided by a pri-

ate agency, such classes, less the school district's per capita operating cost of each participating district multiplied by the number of children residing in each such district. [1969 c.253 §3]

430.790 Reimbursement of programs conducted by private agencies. Programs offered pursuant to contract under subsection (2) of ORS 430.770 shall be reimbursed from funds appropriated therefor at a uniform rate of not less than 60 percent and not more than 75 percent of the approved costs of the program. [1969 c.253 §4]

430.810 Mental Health Division to administer programs. (1) The Mental Health Division shall determine:

(a) Eligibility for participation of trainable mentally retarded persons in programs contracted for by the division pursuant to ORS 430.760 to 430.820.

(b) Qualifications for contracting with the division to provide any program for mentally retarded persons.

(c) Approved costs, considering expenses for staff, equipment and supplies, transportation of children and such other costs as the division may consider necessary.

(2) All determinations of the division are final and are not subject to administrative or judicial appeal. [1969 c.253 §5]

430.820 Standards for contractors. In entering into contracts under ORS 430.770, the Mental Health Division shall consider:

(1) The financial ability of the program contractor to carry on the program under the state reimbursement schedule.

(2) The adequacy of the program, including the training of program personnel.

(3) The safety of the facilities used for the program.

(4) The compliance of the program contractor with all applicable licensing laws and safety regulations. [1969 c.253 §6]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, 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, 1971.

Robert W. Lundy
Legislative Counsel