# Chapter 440

## 1967 REPLACEMENT PART
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# County Hospitals and Nursing Homes


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## COUNTY HOSPITALS AND NURSING HOMES GENERALLY

**440.010 Construction and operation of county hospitals or nursing homes; tax levy.** (1) The county court or the board of county commissioners in any county may erect, maintain and operate a hospital or a nursing home for persons for whom care is not otherwise available if there is no other hospital or nursing home in which space is available in the county.

(2) The county court or board of county commissioners may levy taxes, either annually or serially, upon all taxable property within the county for the purposes set forth in subsection (1) of this section. However, any serial tax so levied shall be subject to the limitations and procedures described in subsection (3) of ORS 440.030.

[Amended by 1963 c.607 §1; 1967 c.613 §1]

**440.020 Admission of paying patients; disposition of moneys.** In addition to providing care at a hospital or nursing home established under ORS 440.010, the county court or the board of county commissioners may admit such persons as may be financially able to pay for all or part of their hospital or nursing home care and treatment to any county-operated hospital or nursing home. The income thus derived shall be used for the maintenance and operation of the hospital or nursing home or for providing care pursuant to ORS 440.030. Any surplus remaining shall be paid into the general fund of the county.

[Amended by 1967 c.613 §2]

**440.030 Care of patients in counties not having hospital or nursing home; tax levy.** (1) The county court or board of county commissioners of any county not maintaining a county hospital or nursing home may provide and pay for hospital or nursing home care and treatment of persons for whom care is not otherwise available in any hospital or nursing home in operation in such county. If there is no hospital or nursing home in the county, the county court or county commissioners may contract with a hospital or nursing home in another county for such hospital or nursing home care and treatment of such persons.

(2) The county court or board of county commissioners may levy an annual tax for the purposes set forth in subsection (1) of this section in an amount not to exceed one-fortieth of one percent (.00025) of the true cash value of all taxable property within the county, computed in accordance with ORS 308.207.

(3) Notwithstanding subsection (2) of this section, the county court or board of county commissioners, upon approval of a majority of the electors of the county voting at an election held in accordance with ORS 310.330 to 310.400, may levy taxes serially outside the limitation imposed by section 11, Article XI, Constitution of the State of Oregon, for purposes set forth in subsection (1) of this section over such period as is authorized by the electors, but not exceeding 10 years.

(4) If taxes are levied serially under subsection (3) of this section, the amount levied each year shall not exceed the maximum amount permitted under subsection (2) of this section for such year.

[Amended by 1963 c.607 §2; 1967 c.613 §4]

**440.040 Right of patient to choose between public and private facility.** Nothing in ORS 440.010 or 440.030 authorizes a county to deny to a person requiring hospital or nursing home care at county expense the right to choose between a county-operated hospital or nursing home and a private facility in which space is available, either within or outside the county if the cost at such private facility is no greater than at the county hospital or nursing home.

[1967 c.613 §3]

## COUNTY HOSPITALS IN TILLAMOOK, HARNEY, CURRY, MORROW, WALLOWA AND JOSEPHINE COUNTIES

**440.110 Operation and maintenance of hospitals in certain counties.** The county courts of Tillamook, Harney, Curry, Morrow and Wallowa Counties, respectively, may each establish, acquire, construct, maintain and operate a county hospital for the care of the sick in their respective counties.

**440.120 Operation and additions to Josephine County hospital.** The county court of Josephine County may continue to operate and maintain the county hospital existing on July 16, 1949, and may establish, acquire, construct, maintain and operate that county hospital and any additions thereto for the care of the sick in Josephine County.

**440.130 Powers of the county courts.** In executing the powers granted under ORS

440.110 and 440.120, the respective county courts may:

(1) Purchase or acquire by other means, including the exercise of the power of eminent domain, such lands, buildings and personal property as may be necessary or convenient for the purpose.

(2) Accept gifts, bequests or devises of money or property, either real or personal, for such purposes, and apply them to the benefit of the respective hospitals in accordance with the terms of such gift or in accordance with the limitations placed thereon by the donor and hold, invest and manage the corpus of such gifts and the income therefrom in accordance with the terms thereof.

**440.140 Hospital boards; appointment; duties.** (1) The county courts of Curry, Harney, Morrow and Tillamook Counties shall each appoint a county hospital board, consisting of five citizens and residents of the respective counties. Each board shall, under the supervision of its county court, operate and manage its respective hospital.

(2) The county court of Josephine County shall appoint a county hospital board, consisting of five citizens and inhabitants of the county. The board shall, under the supervision of the county court, continue the operation and management of the hospital, together with the maintenance thereof and the building of any addition to the hospital building existing on July 16, 1949, or other buildings in connection therewith.

**440.150 Hospital boards; terms; vacancies; removals; compensation.** (1) The term of office of each member of the hospital boards in Tillamook, Morrow, Harney and Josephine Counties shall be five years. Annually, upon the expiration of the term of one member, a new member shall be appointed. The term of office of each member of the board in Curry County shall be six years, and biennially, upon the expiration of the term of one member, a new member shall be appointed.

(2) The respective county courts may remove any member of their boards for cause and may appoint a successor. Failure of any member of the respective boards to attend three consecutive meetings of the board, unless his absence is excused by formal action of the board, constitutes cause for removal of such member from the respective board.

(3) Appointments to fill vacancies on the respective hospital boards shall be for the unexpired term.

(4) The county courts may fix the per diem of their respective board members while in attendance at the meetings.

**440.160 Board officers; appointment and salary of general manager.** In the Counties of Tillamook, Harney, Curry, Morrow and Josephine, the hospital board shall:

(1) Elect from among its members a president, vice president and secretary.

(2) Appoint a general manager of the hospital, who shall hold office at its pleasure.

(3) Fix the salaries of the general manager and all other employes within the limit of the appropriation made therefor by the respective county court. Such salaries shall be compensation in full for all services rendered by such employes or general manager to the hospital.

**440.170 Duties of hospital board.** In the Counties of Tillamook, Harney, Curry, Morrow and Josephine, the hospital board shall:

(1) Have general management and supervision of the hospital and of the grounds, buildings, officers and employes thereof and of all matters relating to the government, discipline, contracts and fiscal concerns thereof.

(2) Make such rules and regulations as it may deem necessary for the government of the hospital, subject to the approval of the respective county court.

(3) Maintain an effective inspection of the hospital and keep itself informed of the affairs and management thereof.

(4) Meet at the hospital at least once each month and at such other times as may be necessary.

(5) Hold its annual meeting at least three weeks prior to the annual budget meeting of the respective county court.

(6) Keep in a book, provided for that purpose, a proper record of its proceedings, which shall be open at all times to the inspection of its members and to the respective county court.

(7) Approve and pay all just bills and accounts, including salaries and wages.

(8) Make to the respective county court annually a detailed report of the operations of the hospital during the preceding year, together with suitable recommendations as to future operation of the hospital and full and detailed estimates of the appropriations

required for the maintenance of the hospital for the ensuing year.

(9) From time to time, furnish to the respective county court such information as to the affairs of the hospital as the county court may require.

(10) Cause to be deposited with the county treasurer concerned all moneys in excess of an operating fund designated by the respective county court.

**440.180 Duties of county court of Wallowa County in operating county hospital.** The county court of Wallowa County shall:

(1) Employ a general manager of the hospital.

(2) Fix the salaries of the general manager and all other employes within the limit of the appropriation made therefor by the county court. Such salaries shall be compensation in full for all services rendered by such employes or general manager to the hospital.

(3) Have general management and supervision of the hospital and of the grounds, buildings, officers and employes thereof and of all matters relating to the government, discipline, contracts and fiscal concerns thereof.

(4) Make such rules and regulations as it may deem necessary for the government of the hospital, including the admission of patients, which shall apply to all residents of the county, and the charges to be made for hospital services.

(5) Maintain an effective inspection of the hospital and keep itself informed of the affairs and management thereof.

(6) Meet at the hospital at least once each month and at such other times as may be necessary.

(7) Approve all just bills and accounts, including salaries and wages.

[Amended by 1967 c.317 §1]

**440.190 General managers of county hospitals; powers and duties; bond.** (1) The general manager of the county hospital in Tillamook, Harney, Curry, Morrow and Josephine Counties shall be the chief executive officer of the hospital and shall manage the same in accordance with the directions of the county hospital board and in accordance with the rules and regulations adopted by it and shall be responsible for the internal affairs and discipline of the hospital. The general manager may discharge from the hospital any patient who wilfully or habitually violates the rules thereof.

(2) Before entering upon the discharge of his duties the general manager shall give a bond in such sum as the hospital board may determine to secure the faithful performance of his duties.

**440.200 Powers and duties of general manager of Wallowa County hospital; bond.** The general manager of the county hospital of Wallowa County shall:

(1) Be the chief executive officer of the hospital and shall manage the same in accordance with the directions of the county court and in accordance with the rules and regulations adopted by it and he shall be responsible for the internal affairs and discipline of the hospital. He may discharge from the hospital any patient who wilfully or habitually violates the rules thereof.

(2) Make to the county court monthly a detailed report of the operations of the hospital during the preceding month.

(3) Annually submit suitable recommendations as to future operation of the hospital and full and detailed estimates of the appropriations required for the maintenance of the hospital for the ensuing year.

(4) From time to time, furnish to the county court such information as to the affairs of the hospital as the county court may require.

(5) Maintain an operation and maintenance bank account designated by the county court for the payment therefrom of all just bills and accounts, including salaries and wages, approved by the county court.

(6) Cause to be deposited with the county treasurer all moneys in excess of the operation and maintenance bank account designated by the county court.

(7) Before entering on the discharge of his duties, give a bond in such sum at the county court determines to secure the faithful performance of his duties.

[Amended by 1967 c.317 §2]

**440.210 Rates and charges; admission of poor.** (1) The hospital board in Tillamook, Harney, Curry, Morrow and Josephine Counties shall:

(a) Fix and establish rates and charges for accommodations and service supplied to patients of each hospital.

(b) Admit to the hospital for care and treatment the poor of the county, in accordance with the rules established therefor by the county court.

(2) The county court of Wallowa County shall:

(a) Fix and establish rates and charges for accommodations and service supplied to patients of its hospital.

(b) Admit to the hospital for care and treatment the poor of the county, in accordance with its rules established therefor.

**440.220 County hospital budget; tax levy.** (1) The county courts of Tillamook, Harney, Curry, Morrow, Josephine and Wallowa Counties may include in their annual county budgets such sums as in their discretion seem adequate to provide for the acquisition, construction, equipment, maintenance, operation and improvement of their respective hospitals, taking into account the revenue received from the operation of their hospitals.

(2) The listed county courts may levy taxes annually upon all the taxable property of their respective counties to produce such sums.

(3) Notwithstanding subsection (2) of this section, the county court of a listed county may levy taxes serially for purposes set forth in subsection (1) of this section, subject to the limitations and procedures described in subsection (3) of ORS 440.030.
[Amended by 1963 c.607 §3]

**440.230 Authority to spend funds on hand.** (1) The county courts of Tillamook, Harney, Curry, Morrow and Wallowa Counties may expend for the acquisition, construction, operation and maintenance or improvement of their respective county hospitals any moneys on hand or to be realized from the proceeds of any tax authorized or levied for county hospital purposes under ORS 440.220.

(2) The county court of Josephine County may expend for the operation and maintenance of its county hospital and for the acquisition, construction and improvement of the hospital existing on July 16, 1949, or additions thereto, any moneys on hand or to be realized from the proceeds of any tax authorized or levied for county hospital purposes, as well as the revenues and money derived from the operation of the hospital up to that date.

**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, 1967.

Robert W. Lundy
Legislative Counsel