

Chapter 442

1971 REPLACEMENT PART

Homes for the Aged and Infirm

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CROSS REFERENCES

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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 Health Division. Such licenses shall be in the form of a certificate as prescribed by the division, 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; 1971 c.650 §20]

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 Health Division may require.

[Amended by 1955 c.533 §4]

442.030 Examination of premises. The Health Division 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 Health Division 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 if the State Fire Marshal, his deputy, or approved authority pursuant to ORS 479.215 or 479.220 has issued a certificate of noncompliance.

[Amended by 1955 c.533 §5; 1961 c.316 §8; 1967 c.89 §4]

442.040 Regulations relating to operation of homes may be adopted and enforced. The Health Division 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, up to \$30.
- (b) Eleven but not more than 30 beds, up to \$50.
- (c) More than 30 beds, up to \$70.

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

[Amended by 1957 c.697 §3; 1969 c.535 §2]

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 Administrator of the Health Division or his designee, 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 at least once each year.

[Amended by 1963 c.92 §1]

442.070 [Amended by 1961 c.316 §9; 1967 c.89 §5; repealed by 1971 c.734 §21]

442.075 Revocation or suspension of licenses; hearings; rules; judicial review; effect of noncompliance certificate. (1) Where the board proposes to revoke or suspend a license, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.500.

(2) Promulgation of rules, conduct of hearings, issuance of orders and judicial review of rules and orders shall be in accordance with ORS 183.310 to 183.500.

(3) The board may suspend or revoke a license for failure to maintain or conduct any home or institution in conformity with this chapter or with the regulations of the board authorized by this chapter. Notwithstanding subsections (1) and (2) of this section, the board shall revoke or suspend the license of a home or institution without hearing upon issuance by the State Fire Marshal, his deputy, or approved authority, of a certificate of noncompliance pursuant to ORS 479.215.

[1971 c.734 §58]

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]

442.990 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, 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