# Chapter 430

## 1973 REPLACEMENT PART

# State and Local Mental Health Administration


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## DEFINITIONS

**430.010 Division defined.** As used in ORS 430.010 to 430.050, 430.100 to 430.170, 430.260 to 430.270 and 430.610 to 430.670, 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**430.020** [1961 c.706 §2; 1965 c.339 §20; repealed by 1969 c.597 §82 (430.021 enacted in lieu of 430.020)]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 for the mentally or emotionally disturbed, mentally retarded and developmentally disabled, alcoholic and drug-dependent persons; 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 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); 1973 c.795 §4]

**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**430.040** [1961 c.706 §§6, 8(2); repealed by 1963 c.490 §1 (ORS 430.041 enacted in lieu of ORS 430.040)]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** [1961 c.706 §7; 1967 c.263 §1; 1973 c.697 §6; renumbered 430.270]

**430.090** [1961 c.706 §8(1); renumbered 430.260]

**430.095** [1969 c.637 §1; renumbered 430.265]

**430.100 Oregon Council on Alcohol and Drug Problems; compensation and expenses; committees.** (1) The Administrator of the Mental Health Division, with the approval of the Governor, shall appoint an Oregon Council on Alcohol and Drug Problems composed of at least 24 members, to advise and assist the Mental Health Division in carrying out ORS 430.270 and 430.425. 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 alcohol and drug 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 Council on Alcohol and Drug Problems and for the expenses of such assistance.

(4) Consistent with federal requirements, the council will be divided into a Committee on Alcohol Problems composed of at least 12 members and a Committee on Drug Problems composed of at least 12 members. The Oregon Council on Alcohol and Drug Problems shall meet as a whole at least annually.

(5) Members of the Committee on Alcohol Problems shall include at least the following:

(a) One physician.

(b) One physician specializing in the practice of psychiatry.

(c) One member of the Oregon Liquor Control Commission.

(d) One member of the Oregon State Bar.

(e) One law enforcement officer.

(f) One educator.

(g) Six public members, to include former alcoholics.

(6) Members of the Committee on Drug Problems shall include at least the following:

(a) One physician.

(b) One physician specializing in the practice of psychiatry.

(c) One member of the State Board of Pharmacy.

(d) One pharmacologist.

(e) One member of the Oregon State Bar.

(f) One law enforcement officer.

(g) One educator.

(h) Five public members, to include former drug-dependent persons.

[1961 c.706 §19; 1967 c.263 §2; 1969 c.314 §37; 1969 c.597 §87; 1971 c.622 §5; 1973 c.697 §7]

**430.103** [1969 c.459 §1; 1971 c.484 §1; repealed by 1973 c.697 §21]

**430.107** [1969 c.442 §3; repealed by 1973 c.697 §21]

**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 184.760. 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; 1973 c.247 §1]

**430.120** [1961 c.706 §17; 1963 c.471 §3; repealed by 1973 c.807 §4]

**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]

## TREATMENT OF ALCOHOLISM AND DRUG DEPENDENCY

**430.260 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.
[Formerly 430.090]

**430.265 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.
[Formerly 430.095]

**430.270 Publicizing effects of alcohol and drugs.** The Mental Health Division, in consultation with the Oregon Council on Alcohol and Drug Problems, shall take such means as it considers most effective to bring to the attention of the general public, employers, the professional community and particularly the youth of the state, the harmful effects to the individual and society of the irresponsible use of alcoholic beverages, narcotics, other dangerous drugs and chemicals, and drugs with abuse potential.
[Formerly 430.080]

**430.290 Prevention of alcoholism and drug dependency.** (1) The objective of this section is to prevent alcoholism and drug dependency.

(2) To carry out the objective of this section, the Mental Health Division shall:

(a) Consult with and be advised by the Oregon Council on Alcohol and Drug Problems and the Mental Health Advisory Board in identifying program priorities for the primary prevention of alcoholism and drug dependency.

(b) Solicit program proposals that address identified priorities from agencies, associations, individuals or any political subdivision of this state and award and distribute moneys under this section in accordance with the provisions of this section.

(c) Every applicant for a grant to develop a primary prevention of alcoholism program shall be assisted in its preparation by the local alcohol planning committee, if there be one, operating in the area to which the application relates. Every applicant shall establish to the satisfaction of the division that the committee was actively involved in the development and preparation of such program.

(d) The division shall require that every grant applicant include the recommendations of the local alcohol planning committee, if there be one, operating in the area. The division shall take the recommendations of the local alcohol planning committee into consideration before making or refusing a grant.
[1973 c.582 §§1, 2]

**430.305** [1971 c.622 §2; repealed by 1973 c.682 §1 (430.306 enacted in lieu of 430.305]

**430.306 Definitions for ORS 426.450 to 426.460, 430.100 and 430.315 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) "Administrator" means the administrator of the division.

(2) "Alcoholic" means any person who has lost the ability to control the use of alcoholic beverages, or who uses alcoholic beverages to the extent that his health or that of others is substantially impaired or endangered or his social or economic function is substantially disrupted. An alcoholic may be physically dependent, a condition in which the body requires a continuing supply of alcohol to avoid characteristic withdrawal symptoms, or psychologically dependent, a condition characterized by an overwhelming mental desire for continued use of alcoholic beverages.

(3) "Applicant" means a city, county or any combination thereof.

(4) "Detoxification center" means a publicly or privately operated nonprofit facility approved by the division that provides emergency care or treatment for alcoholics or drug-dependent persons.

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

(6) "Division" means the Mental Health Division of the Department of Human Resources.

(7) "Drug-dependent person" means one who has lost the ability to control the use of dangerous drugs or other drugs with abuse potential, or who uses such drugs to the extent that his health or that of others is substantially impaired or endangered or his social or economic function is substantially disrupted. A drug-dependent person may be physically dependent, a condition in which the body requires a continuing supply of a drug to avoid characteristic withdrawal symptoms, or psychologically dependent, a condition characterized by an overwhelming mental desire for continued use of a drug.

(8) "Halfway house" means a publicly or privately operated nonprofit, residential facility approved by the division that provides rehabilitative care and treatment for alcoholics or drug-dependent persons.

(9) "Local alcoholism planning committee" means a committee designated by the county court or board of county commissioners of one or more counties to identify needs and establish priorities in the development of the State Plan for Alcohol Problems and to aid in the development of alcoholism prevention, treatment and rehabilitation services within the local community.

(10) "Other treatment facility" includes outpatient facilities, inpatient facilities and such other facilities as the division determines suitable, any of which may provide diagnosis and evaluation, medical care, detoxification, social services or rehabilitation for alcoholics or drug-dependent persons and which operate in the form of a general hospital, a state hospital, a foster home, a hostel, a clinic or other suitable form approved by the division.

[1973 c.682 §1a (enacted in lieu of 430.305)]

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

**430.315 Policy.** The Legislative Assembly finds alcoholism or drug dependence is an illness. The alcoholic or drug-dependent person is ill and should be afforded treatment for his illness.

[1971 c.622 §1; 1973 c.795 §5]

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

**430.325 Prohibitions on local governments as to certain crimes.** (1) A political subdivision in this state shall not adopt any local law 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 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 or using narcotics or dangerous drugs in public, being a common drunkard or a drug-dependent person, or being found in specified places under the influence of alcohol, narcotic or dangerous drugs.

(e) Using or being under the influence of narcotics or dangerous drugs, except that the political subdivision may adopt a local law or regulation identical to ORS 167.217.

(2) Nothing in subsection (1) of this section shall affect any local law or regulation of any political subdivision in this state against drunken driving, driving under the influence of alcohol, narcotic or dangerous

drugs, or other similar offenses that involve the operation of motor vehicles.
[1971 c.622 §3; 1973 c.795 §6]

**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 publicly or privately operated treatment facilities, for the care of alcoholics or drug-dependent persons.

(2) Sponsor and encourage research of alcoholism and drug dependence.

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

(4) Apply for federally granted funds available for study or prevention and treatment of alcoholism and drug dependence.
[1971 c.622 §4; 1973 c.795 §7]

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

**430.345 Grants for alcoholism treatment and rehabilitation programs.** Upon application therefor, the division may make grants from funds specifically appropriated for the purposes of carrying out ORS 430.306 and 430.345 to 430.375 to any applicant for the establishment, operation and maintenance of alcoholism treatment and rehabilitation programs, including but not limited to detoxification centers and halfway houses. An alcoholism treatment and rehabilitation program shall be approved if the applicant establishes to the satisfaction of the division:

(1) The adequacy of the treatment and rehabilitation program to accomplish the goals of the applicant and the program goals are consonant with the State Plan for Alcohol Problems.

(2) The community need for the treatment and rehabilitation program as documented in the State Plan for Alcohol Problems.

(3) That an appropriate operating relationship exists, or will exist with other community facilities able to assist in the treatment and rehabilitation of alcoholics, including nearby detoxification centers and halfway houses.

(4) That the treatment and rehabilitation program complies with the rules adopted by the division pursuant to ORS 430.360.
[1973 c.682 §3]

**430.350 Assistance and recommendation of local alcoholism planning committee.** (1) Every applicant for a grant made under ORS 430.306 and 430.345 to 430.375 shall be assisted in the preparation and development of alcoholism treatment and rehabilitation programs by the local alcoholism planning committee, if there be one, operating in the area to which the application relates. Every application shall establish to the satisfaction of the division that the committee was actively involved in the development and preparation of such program.

(2) The division shall require of every applicant for a grant made under ORS 430.306 and 430.345 to 430.375 the recommendation of the local alcoholism planning committee in the area to which the application relates. The division shall take such recommendation into consideration before making or refusing grants under ORS 430.306 and 430.345 to 430.375.
[1973 c.682 §4]

**430.355 Grant application may cover more than one program.** An application for funds under ORS 430.306 and 430.345 to 430.375 may contain requests for funds to establish, operate and maintain any number of alcoholism treatment and rehabilitation programs.
[1973 c.682 §5]

**430.360 Rules for ORS 430.345 to 430.375.** The division shall make all necessary and proper rules governing the administration of ORS 430.345 to 430.375, including but not limited to standards, consistent with modern knowledge about alcoholism rehabilitation techniques, to be met by alcoholism treatment and rehabilitation programs.
[1973 c.682 §6]

**430.365 Funding of programs.** (1) Upon approval of an application, the division shall enter into a matching fund relationship with the applicant. In all cases the amount granted by the division under the matching formula shall not exceed 50 percent of the total estimated costs, as approved by the division, of the alcoholism treatment and rehabilitation program.

(2) The amount of state funds shall be apportioned among the applicants according

to the community need of the applicant for alcoholism treatment and rehabilitation services as compared with the community needs of all applicants. The funds granted shall be distributed periodically.

(3) Federal funds at the disposal of an applicant for use in alcoholism treatment and rehabilitation may be counted toward the percentage contribution of an applicant.

(4) An applicant that is at the time of a grant made under ORS 430.306 and 430.345 to 430.375 expending funds appropriated by its governing body for the treatment and rehabilitation of alcoholics shall as a condition to the receipt of funds under ORS 430.306 and 430.345 to 430.375 maintain its financial contribution to these programs.

(5) Any moneys received by an applicant from treatment and rehabilitation fees, contributions or other sources for alcoholism treatment and rehabilitation purposes, including federal funds, shall be considered a portion of an applicant's contribution for the purpose of determining the matching fund formula relationship. All moneys so received shall only be used for the purposes of carrying out ORS 430.306 and 430.345 to 430.375.

(6) Grants made pursuant to ORS 430.306 and 430.345 to 430.375 shall be paid from funds specifically appropriated therefor and shall be paid in the same manner as other claims against the state are paid.
[1973 c.682 §§7, 11]

**430.370 City or county contracts for services; joint county-city operation.** (1) A city or county may provide alcoholism treatment and rehabilitation services by contracting therefor with private nonprofit agencies. A city or county entering into such a contract shall receive grants under ORS 430.306 and 430.345 to 430.375 only if the contracting agency meets the requirements of ORS 430.345.

(2) A city and county, or any combination thereof may enter into a written agreement, as provided in ORS chapter 190, to jointly establish, operate and maintain alcoholism treatment and rehabilitation programs.
[1973 c.682 §§8, 9]

**430.375 Fee schedule.** The division shall recommend fee schedules to be used in determining the dollar fee to charge a person admitted to approved alcoholism treatment and rehabilitation programs for the expenses incurred by the program in offering treatment and rehabilitation services. An individual facility may adopt the schedules developed by the division or may, subject to the approval of the division, develop and adopt its own fee schedules. The fee schedules adopted by each facility shall be applied uniformly to all persons admitted to the facility and shall be based on the costs of a person's treatment or rehabilitation program and his ability to pay. The person admitted shall be liable to the facilities only to the extent indicated by the fee schedules.
[1973 c.682 §10]

## PREVENTION OF DRUG ABUSE

**430.405 Definitions for ORS 161.125, 430.100, 430.270, 430.405 to 430.425, 475.010, 475.645 to 475.705, 475.732, 475.742, 689.620 and 689.660.** As used in ORS 161.125, 430.100, 430.270, 430.405 to 430.425, 475.010, 475.645 to 475.705, 475.732, 475.742, 689.620 and 689.660, unless the context requires otherwise:

(1) "Drug-dependent person" means one who has lost the ability to control the use of dangerous drugs or other drugs with abuse potential, or who uses such drugs to the extent that his health or that of others is substantially impaired or endangered or his social or economic function is substantially disrupted. A drug-dependent person may be physically dependent, a condition in which the body requires a continuing supply of a drug to avoid characteristic withdrawal symptoms, or psychologically dependent, a condition characterized by an overwhelming mental desire for continued use of a drug.

(2) "Drug abuse" means repetitive, excessive use of drugs short of dependence, without legal or medical supervision, which may have a detrimental effect on the individual or society.

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

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

(5) "Treatment facility" means detoxification centers, outpatient clinics, residential facilities, hospitals 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 drug-dependent persons.

(6) "Director of the treatment facility" means the person in charge of treatment and

rehabilitation programs at the treatment facility.
[1973 c.697 §3]

**430.415 Drug dependence as illness.** The Legislative Assembly finds drug dependence is an illness. The drug-dependent person is ill and shall be afforded treatment for his illness.
[1973 c.697 §2]

**430.425 Duties of division.** (1) Subject to the availability of funds therefor, the division shall establish a comprehensive and coordinated program for the prevention of drug abuse and the early identification, treatment and rehabilitation of drug-dependent persons.

(2) In addition to the duties listed in subsection (1) of this section, the division shall, by delegation from the Department of Human Resources, serve as the single state agency administering the state alcohol and drug plans and receiving federal funds through the Department of Human Resources to be used in alcohol and drug abuse prevention and treatment programs.
[1973 c.697 §§4, 5]

Note: Chapter 697, Oregon Laws 1973, amended existing provisions and created new provisions in regard to prevention and treatment programs for drug abuse and drug-dependent persons. Sections 12 to 20 of chapter 697, Oregon Laws 1973, do not become operative until July 1, 1974. However, notwithstanding the operative date of those sections, the Mental Health Division is authorized to take any action necessary to implement these sections on their operative date. See 1973 c.697 §22.

## 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 community mental health programs, including but not limited to treatment and rehabilitation services for the mentally or emotionally disturbed, mentally retarded and developmentally disabled, alcoholic and drug-dependent persons and prevention of these problems through county administered community mental health programs.
[1961 c.706 §36; 1973 c.639 §1]

**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, or contract with a public agency or private corporation for, a community mental health program.

(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 or contracting for a community mental health program to service all 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; 1973 c.639 §2]

**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 program shall provide the following basic services:

(a) Outpatient services for persons with mental or emotional disturbances, mental retardation and developmental disabilities, and alcohol and drug problems.

(b) Aftercare for persons released from hospitals with mental or emotional disturbances, mental retardation and developmental disabilities, and alcohol and drug problems.

(c) Training, case and program consultation and education for community agencies, related professions and the public.

(d) Guidance and assistance to other human service agencies for joint development of prevention programs and activities to reduce factors causing mental or emotional disturbances, mental retardation and developmental disabilities, alcoholism and drug dependence.

(2) As alternatives to state hospitalization, it shall be the responsibility of the community mental health program to insure that, subject to the availability of funds, the following services for the mentally or emotionally disturbed, mentally retarded and developmentally disabled, alcoholic and drug-dependent persons are available when needed and approved by the Mental Health Division:

(a) Emergency services on a 24-hour basis, such as telephone consultation, crisis intervention and prehospital screening examination.

(b) Care and treatment for a portion of the day or night, which may include day treatment centers, work activity centers and preschool programs.

(c) Residential care and treatment in facilities such as halfway houses, detoxification centers and other community living facilities.

(d) Continuity of care, such as that provided by service coordinators, community case development specialists and core staff of federally assisted community mental health centers.

(e) Inpatient treatment in community hospitals.

(f) Other alternative services to state hospitalization as defined by the Mental Health Division.

(3) Subject to the review and approval of the division, a community mental health program may initiate additional services after the basic services defined in subsection (1) of this section are provided.

(4) Each community mental health program shall submit an annual plan and progress report documenting needs and conformance with the requirements of subsections (1), (2) and (3) of this section, and shall maintain records and submit other data, as required by the division.

[1961 c.706 §40; 1973 c.639 §3]

**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 the establishment and financing of community mental health programs operated or contracted for by one or more counties.

(b) Establish and promulgate the standards and requirements to be met by the annual plan for the establishment and operation of each community mental health program.

(c) Approve or disapprove the annual plan for the establishment and operation of each community mental health program. 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 programs.

(2) The enumeration of duties and functions in subsection (1) of this section shall not by 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; 1973 c.639 §4]

**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 430.670 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 430.670.

(2) Upon the approval of the annual plan for each community mental health program 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 program. In all cases, except as provided in subsection (5) of this section, the matching formula shall be 50 percent state funds to 50 percent county funds with the amount of state funds being determined by the amount of appropriation available.

(3) Subject to appropriation therefor, there shall be paid to each county on account of expenditures subject to reimbursement by the state pursuant to subsection (2) of this section, up to 50 percent of the net amount expended from county funds. Any moneys received by the county from program fees, contributions or other sources for program purposes, except state and federal grants, shall be considered a portion of the county's contribution for the purpose of determining the net amount of county funds expended, if such funds are expended for mental health program operations.

(4) With respect to counties which have established joint community mental health

programs, expenditures subject to reimbursement shall mean the prorated expenditures of such counties as provided by the agreements establishing such programs.

(5) The division may contract with any county for any program providing alternatives to state hospitalization described in subsection (2) of ORS 430.630. Prior to entering into any contract, a county shall insure that its financial contribution to community mental health programs will not be reduced because of payments under the contract. The division shall contract with a county for up to 100 percent of the funds necessary to finance these programs. Any program fees, contributions or funds available from other sources shall be applied as an offset to the cost of a program.

(6) 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; 1973 c.639 §5]

**430.655 Use of federal revenue sharing moneys by counties.** Notwithstanding subsection (3) of ORS 430.650, any county funds derived from federal revenue sharing moneys that are expended by the county for community mental health purposes shall be considered a portion of the county's contribution for the purpose of determining the net amount of county funds expended for purposes of state reimbursement under ORS 430.650.

[1973 c.639 §9]

**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 430.670.

[1961 c.706 §42; 1973 c.639 §6]

**430.670 Contracts to provide services; approval of division.** A community mental health program may provide services by contracting therefor with a public agency or private corporation, provided that any such contract is approved by the division. All elements of service provided for in the contract shall be considered as a part of a community mental health program for all purposes of ORS 430.610 to 430.670.

[1963 c.117 §1; 1973 c.639 §7]

## 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 private 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]

## PROGRAM FOR PERSONS CONVICTED OF DRIVING UNDER INFLUENCE OF ALCOHOL; CRIMES COMMITTED WHILE INTOXICATED

**430.850 Treatment program; eligibility.** (1) Subject to the availability of funds therefor, the Mental Health Division may establish and administer a treatment program with courts, with the consent of the judge thereof, for any person convicted of driving under the influence of alcohol, or of any crime committed while the defendant was intoxicated when the judge has probable cause to believe the person is an alcoholic or problem drinker and would benefit from treatment, who is eligible under subsection (2) of this section to participate in such program. The program shall involve medical and mental treatment to include at least the supplying of disulfiram or any other agent that interferes with normal metabolic degradation of alcohol in the body resulting in an increase in acetaldehyde concentrate in the blood, at regular intervals and under close supervision and control.

(2) A person eligible to participate in the program is a person who:

(a) Has been convicted of driving under the influence of alcohol if such conviction has not been appealed, or if such conviction has been appealed, whose conviction has been sustained upon appeal; or

(b) Has been convicted of any crime committed while the defendant was intoxicated if such conviction has not been reversed on appeal, and when the judge has probable cause to believe the person is an alcoholic or problem drinker and would benefit from treatment; and

(c) Has been referred by the participating court to the Mental Health Division for participation in the treatment program; and

(d) Prior to sentencing, has been medically evaluated by the Mental Health Division and accepted by the division as a participant in the program; and

(e) Has consented as a condition to probation to participate in the program; and

(f) Has been placed upon probation by the court, a condition of which probation is participation in the program according to the rules adopted by the Mental Health Division under ORS 430.870.
[1973 c.340 §1]

**430.860 Participation in program; report to court.** The Mental Health Division may:

(1) Accept for medical evaluation any person meeting the conditions defined in paragraph (a) or (b) of subsection (2) of ORS 430.850 and referred for participation in the program by a participating court, cause such medical evaluation to be made and report the results of the evaluation to the referring court;

(2) Within the limitation of funds available to the program, accept any person as a participant in the program who is eligible under subsection (2) of ORS 430.850 and whose medical evaluation shows him suitable to participate in the program; and

(3) Report to the referring court the progress of, and any violation of rules of the division adopted under ORS 430.870 by, a participant.
[1973 c.340 §2]

**430.870 Rules of division.** The Mental Health Division shall adopt rules necessary to the efficient administration and functioning of the program and rules regulating the conduct of participants in the program. Rules regulating the conduct of participants in the program shall include but not be limited to rules requiring participants to keep appointments and the time, place and frequency of any dosages.
[1973 c.340 §3]

**430.880 Authority to accept gifts, grants or services.** (1) The Mental Health Division may accept gifts and apply for and accept grants or services from the Federal Government or any of its agencies, from associations, individuals and private corporations to carry out the purposes of ORS 430.850 to 438.880.

(2) All moneys received by the division under ORS 430.850 to 430.880 shall be paid into the State Treasury and deposited in the General Fund to the credit of a special account. Such moneys are appropriated continuously to the division for the purposes of ORS 430.850 to 438.880.

[1973 c.340 §4]

**CERTIFICATE OF LEGISLATIVE COUNSEL**

Pursuant to ORS 173.170, I, Thomas G. Clifford, 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 1, 1973.

Thomas G. Clifford
Legislative Counsel