

Chapter 443

1973 REPLACEMENT PART

Group Care Homes

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CROSS REFERENCES

Administrative procedures and rules of state agencies, Ch. 183	Fire safety law, 479.210 to 479.220
Deaths or injuries, report, Ch. 146	Public bathing facilities, 448.005 to 448.090
Discrimination by race, creed, color or national origin prohibited, 30.670	443.210
Employes, labor-management relations, 662.705 to 662.795	Child welfare, Ch. 418

443.010 [Amended by 1963 c.164 §1; repealed by 1969 c.641 §19]

443.020 [Amended by 1957 c.697 §4; 1961 c.316 §10; 1967 c.89 §6; repealed by 1969 c.641 §19]

443.030 [Repealed by 1969 c.641 §19]

443.040 [Repealed by 1969 c.641 §19]

443.050 [Repealed by 1969 c.641 §19]

443.060 [Amended by 1963 c.164 §2; repealed by 1969 c.641 §19]

443.210 Definitions. As used in this chapter, "group care home" means any home or private institution maintained and operated for the care, boarding, housing and training of six or more physically handicapped or mentally handicapped persons who require special care by any person who is not the parent or guardian of, and who is not related by blood or marriage to, such persons, but does not include:

(1) Any child-caring institution or agency required to be licensed by the Children's Services Division, or any foster home under the direct supervision of such child-caring institution or agency.

(2) Any shelter, foster family or group home for children which is to be certified by the Children's Services Division.

(3) Any private institution or educational facility accredited by the Department of Education or State Board of Higher Education.

(4) Any facility presently licensed or regulated by the Health Division.

(5) Any detention institution for children operated by a court.

(6) Any facilities operated under the supervision of any state institution.
[1953 c.659 §1; 1965 c.230 §1; 1973 c.285 §8]

443.220 License to operate a group care home. No person shall maintain or operate a group care home without a license from the Health Division.

[1953 c.659 §2; 1971 c.650 §21; 1973 c.285 §9]

443.230 Personal qualifications of applicant. Persons applying for a license or maintaining or operating a group care home shall be persons:

(1) Of good character and habits.

(2) Whose attitude and understanding qualify them for the care of handicapped persons.

(3) Who have no disqualifying physical or mental handicaps.

(4) Whose household includes only individuals whose presence is conducive to the welfare of handicapped persons.

(5) Who do not maintain a nursing or convalescent home providing care for ill, or physically or mentally handicapped adults, or aged persons in one facility.

[1953 c.659 §3; 1973 c.285 §10]

443.240 Prerequisites regarding physical facilities and method of operation. The person applying for a license or maintaining or operating a group care home shall:

(1) Provide an adequate number of capable persons qualified by education or experience to render the type of care for which the applicant seeks a license.

(2) Have a responsible adult person in charge of the facility at all times.

(3) Have adequate physical facilities for the purpose for which the applicant seeks a license. The facilities shall make provision for adequate sanitation, plumbing, number of persons in a room, fire protection, water supplies, building construction and maintenance, lighting and ventilation, garbage and refuse disposal, insect and rodent control, the cleanliness of premises, buildings, furniture, bedding and linens. The physical facility shall meet the requirements of the State Plumbing Code, State Fire Marshal and State of Oregon sanitary laws and rules for eating and drinking establishments in so far as they relate to facilities and preparation and service of food to patients.

(4) Make satisfactory arrangements for medical supervision and care with a physician licensed by the Board of Medical Examiners for the State of Oregon; provided, however, that except as to laws and regulations governing the control of communicable diseases, no such arrangements or medical supervision or care shall be required of any group care home conducted exclusively by and for those who rely for healing upon treatment by prayer or spiritual means in the practice of religion.

(5) Provide food that is adequate, wholesome and prepared and served in a sanitary manner.

[1953 c.659 §§4, 5; 1973 c.285 §11]

443.250 Application; fee; issuance. (1) Applications for a license to maintain and operate a group care home accompanied by a fee of \$40 shall be made to the Health Division, on forms provided for that purpose by the Health Division.

(2) Upon receipt of an application and fee, the Health Division shall cause an investigation to be made and issue a license to any

applicant for operation of a group care home which complies with ORS 443.210 to 443.330, the rules of the Health Division and which has not within the time specified received from the State Fire Marshal, his deputy, or approved authority a certificate of noncompliance pursuant to ORS 479.220.

[1953 c.659 §6; 1961 c.316 §11; 1967 c.89 §7; 1973 c.285 §12]

443.260 Expiration; contents; renewability. (1) A license issued under ORS 443.250 shall be effective for one year from the date of issue unless sooner revoked. Such license shall state the name of the person operating the group care home, the address of the premises to which the license applies and the maximum number of persons to be maintained in such group care home at any one time.

(2) Licenses shall be renewable annually upon submission of an application and fee of \$40 to the Health Division. The Health Division shall refuse to renew a license if the State Fire Marshal, his deputy, or approved authority has issued a certificate of noncompliance pursuant to ORS 479.215, or if the facility is not substantially in compliance with the rules.

[1953 c.659 §7; 1961 c.316 §12; 1967 c.89 §8; 1973 c.285 §13]

443.270 [1953 c.659 §8; repealed by 1973 c.285 §19]

443.280 Transferability; applicable only for address indicated on license. No license issued under ORS 443.210 to 443.330 is transferable or applicable to any location or facility other than that indicated on the license.

[1953 c.659 §9; 1973 c.285 §14]

443.290 Inspection of homes; consultation; access to records. The Administrator of the Health Division or duly authorized representative shall visit and inspect every group care home periodically to determine whether it is maintained and operated in accordance with ORS 443.210 to 443.330 and the rules of the Health Division, and to consult with and advise the licensees concerning methods of care, records, housing and equipment. Representatives of the Health Division shall be permitted access to the records of persons in a group care home on request.

[1953 c.659 §10; 1973 c.285 §15]

443.300 Rules. The Health Division shall make and publish rules in implementation of the standards set out in ORS 443.210 to 443.330. The Health Division shall cooperate with other divisions of the Department of Human Resources and the Department of Education in the promulgation of rules.

[1953 c.659 §11; 1973 c.285 §16]

443.310 Revocation. The Health Division may revoke the license of any group care home which is not operated in accordance with ORS 443.210 to 443.330 or with the rules pursuant thereto. Such revocation action will be taken in accordance with ORS chapter 183.

[1953 c.659 §12; 1973 c.285 §17]

443.320 [1953 c.659 §13; repealed by 1971 c.734 §21]

443.330 Enjoining operation of unlicensed home. In addition to the penalty provided by ORS 443.990, the Health Division may, in cases where a group care home is operated without a valid license, or after notice of revocation has been given, and a reasonable time for placement of persons in other facilities has been allowed, commence a suit in equity to enjoin the operation of the group care home.

[1953 c.659 §15; 1973 c.285 §18]

443.335 Administrative Procedures Act applicable. (1) Where the Health Division proposes to refuse to issue or renew a license, or 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 and issuance of orders and judicial review of rules and orders shall be in accordance with ORS 183.310 to 183.500.

[1971 c.734 §60]

443.990 Penalties. Violation of ORS 443.210 to 443.330 is punishable, upon conviction, by a fine of not more than \$500 or by imprisonment in the county jail for a period not exceeding six months, or by both.

[Subsection (2) enacted as 1953 c.659 §14; 1969 c.641 §17]

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