

Chapter 442

1973 REPLACEMENT PART

(1975 reprint)

Homes for the Aged

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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 who requires personal services, or a person of less than 65 years who by reason of infirmity requires domiciliary care.

(2) "Home for the aged" or "sheltered care home" or "home" means a facility which furnishes food, shelter and personal services for compensation to three or more aged persons who are residents thereof and who are residents not related to the owner by blood or marriage and excludes such persons who require nursing care.

(3) "Personal services" means services which emphasize supervision, protection and assistance while bathing, dressing, eating, grooming and administering medication.

(4) "Nursing care" means those services performed under the supervision of a licensed R.N. or L.P.N. which assist persons to achieve optimum health, well-being, and independence.

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

(6) "Physician" means any physician licensed by the Board of Medical Examiners for the State of Oregon.

[1955 c 533 s 2, 1973 c.754 s 1]

442.010 License required. 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 s.3, 1971 c 650 s 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 division may require.

[Amended by 1955 c.533 s.4; 1973 c.754 s.2]

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 s.5, 1961 c.316 s 8, 1967 c 89 s 4]

442.040 Rules relating to operation of homes may be adopted and enforced. The division may prescribe and enforce reasonable rules 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 physician. 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 s 6; 1973 c 754 s 3]

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 determined by the division with the approval of the Executive Department 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 division shall keep a correct account of all fees received and turn them over to the State Treasurer to be used by the division for the administration of this chapter.

[Amended by 1957 c 697 s.3; 1969 c.535 s.2; 1973 c.754 s.4]

442.053 Restrictions concerning nursing care. (1) No home licensed under this chapter shall admit persons requiring nursing care.

(2) When any aged person who is a resident in a home licensed under this chapter has required nursing care for eight consecutive days and a physician or registered nurse certifies that he requires further nursing care, such resident shall be transferred to an appropriate facility.

[1955 c.533 s.7; 1973 c.754 s.5]

442.055[1955 c.533 s.8; repealed by 1973 c.754 s.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 s.1]

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

442.075[1971 c.734 s.58; repealed by 1973 c.754 s.6 (442.076 enacted in lieu of 442.075)]

442.076 Denial, suspension or revocation of license. (1) The division may deny, suspend or revoke the license of any home for failure to comply with this chapter or with the rules of the division as authorized in ORS 442.040.

(2) License denials, suspensions and revocations, promulgations of rules and judicial review thereof shall be in accordance with ORS 183.310 to 183.500.

(3) Notwithstanding subsections (1) and (2) of this section, the division shall deny, revoke or suspend the license of a home, without hearing, upon the issuance of a certificate of noncompliance pursuant to ORS 479.215 by the State Fire Marshal or his designated representative.

[1973 c.754 s.7 (enacted in lieu of 442.075)]

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 s.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 s.9]

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,
November 1, 1973.

Thomas G. Clifford
Legislative Counsel