Chapter 444

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Special Medical Services for Children

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CROSS REFERENCES

Children's Services Division, plan for medical care or special treatment of children in division's custody, 419.507

Custody and care of disabled children, Chs. 418, 419

Dental inspection and treatment of school children, 336.380 to 336.420

Education and rehabilitation of the blind and deaf, Ch. 346

Juvenile court, power to order medical or psychiatric treatment of child, 419.511

Local mental health services, 430.610 to 430.700

Special education for disabled children required, 343.221

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SERVICES FOR CHILDREN WITH SPECIAL HEALTH NEEDS

444.010 State Board of Higher Education to administer program of services for disabled children. (1) The State Board of Higher Education, acting through the Oregon Health Sciences University, is designated as the agency of the state to administer a program the purpose of which is to enable the state to extend and improve services for locating disabled children and for providing medical, surgical, corrective and other services and care, and facilities for diagnosis, hospitalization and after care for such children and for children having conditions which lead to disability.

(2) The board shall also supervise the administration of those services included in the program which are not administered directly by it. [Amended by 1975 c.693 §8; 1989 c.224 §104]

444.020 Authority in administering services for children with special health needs. The State Board of Higher Education, acting through the Oregon Health Sciences University, may:

(1) Make all necessary rules and regulations for administering services to disabled children under ORS 444.010 to 444.050.

(2) Accept, expend and disburse all federal funds made available to this state for services for disabled children and for the administration of services for children with special health needs.

(3) Make such reports in such form and containing such information as are required by the Federal Government, and comply with such provisions as are found necessary to insure correctness and verification of such reports.

(4) Cooperate with medical, health, nursing and welfare groups and organizations and with any agencies in the state charged with administering state laws providing for vocational rehabilitation of physically disabled children.

(5) Cooperate with the Federal Government through its appropriate agency or instrumentality in administering services for children with special health needs.

(6) Accept and receive funds, money or other valuable things from relatives, corporations or interested persons or organizations for the care of disabled children and expend the same for the purposes for which such funds, money or other valuable things were received.

(7) Accept and receive fees for services rendered under ORS 444.010 to 444.050. [Amended by 1975 c.693 §9; 1989 c.224 §105]

444.030 Health Sciences University to administer program. The Oregon Health Sciences University shall be responsible for the administration of services for children with special health needs under ORS 444.010 to 444.050 and may establish:

(1) Qualifications of medical, nursing and other personnel employed in connection with services to disabled children.

(2) Standards of medical practice, hospitalization, nursing and other services, and diagnostic clinics. [Amended by 1975 c.693 §10; 1989 c.224 §106]

444.040 Services for Children with Special Health Needs Account; expenditure of funds; payment of claims. (1) There is created in the General Fund of the State Treasury an account to be known as the Services for Children with Special Health Needs Account.

(2) All moneys received under ORS 444.020 shall be deposited in the Services for Children with Special Health Needs Account and shall be disbursed in the same manner as the moneys appropriated for carrying out ORS 444.010 to 444.050.

(3) The State Board of Higher Education, acting through the Oregon Health Sciences University, may expend from the Services for Children with Special Health Needs Account, and there hereby are appropriated, any amounts necessary to carry out the program.

(4) The Executive Department shall draw warrants to pay all claims duly approved by the State Board of Higher Education, acting through the Oregon Health Sciences University, which have been incurred in pursuance of law and the appropriation in subsection (3) of this section. [Amended by 1975 c.693 §11; 1983 c.740 §163; 1989 c.224 §107]

444.050 Children not treated where parents object. In carrying out ORS 444.010 to 444.040, no state official, agent or representative shall take charge of any child over the objection of either of the parents of such child, or of the person standing in loco parentis to such child.

CARE AND TREATMENT FOR INDIGENT CHILDREN

444.110 Complaint; examination; report of physician; investigation. (1) Any judge exercising jurisdiction under ORS chapter 419 may on the motion of the judge, or shall, on complaint filed by any probation officer, school teacher or school officer, relief officer or physician authorized to practice in this state, alleging that the child named therein is under 16 years of age and has some condition or injury or disease that can probably be remedied, and that the parents or other persons legally chargeable with the

support of such child are unable to provide means for the surgical and medical treatment and hospital care of such child, appoint some physician who shall personally examine such child with respect to this medical condition.

(2) The examining physician shall make a written report to the judge, in duplicate on blanks furnished as provided in ORS 444.240, within the time fixed by the judge. The report shall answer the questions and set forth the information required on the blanks, giving such history of the case as will be likely to aid the surgical or medical treatment of the condition or disease or injury and describing it, all in detail, and stating whether or not, in the opinion of the physician, it can probably be remedied. The duplicate of the report shall be sent to the Oregon Health Sciences University with the patient, together with a certified copy of the order of the judge made pursuant to ORS 444.120.

(3) The judge may also appoint some suitable person to investigate the other matters charged in the complaint. [Amended by 1967 c 534 §24; 1989 c 224 §108]

444.120 Hearing; notice; evidence; order directing free treatment. (1) Upon filing a report under ORS 444.110, the judge exercising jurisdiction under ORS chapter 419 shall:

(a) Fix a day for a hearing upon the complaint.

(b) Cause the person or institution having legal custody of the child to be served with a notice of the hearing.

(c) Notify the district attorney, who shall appear and conduct the proceedings.

(2) At the hearing of the complaint, evidence may be introduced. If the judge finds that the child is suffering from a deformity or malady which can probably be remedied by surgical or medical treatment and hospital care, and that the person or institution legally chargeable with the support of the child is unable to pay the expenses thereof, the judge, with the consent of the person or institution having the legal charge of the child, may enter an order directing that the child shall be taken or sent to the Oregon Health Sciences University for free surgical and medical treatment and hospital care. The child shall also be provided with proper and sufficient clothing. [Amended by 1967 c.534 §25]

444.130 Treatment of children. (1) The president of the Oregon Health Sciences University, or other person designated by the president shall:

(a) Upon receiving the child, provide for it, if available, hospital facilities.

(b) Designate the clinic of the Health Sciences University to which the patient shall be assigned for treatment of the deformity or malady in each particular case.

(2) The Health Sciences University is not required to receive any child unless the physician or surgeon in charge of the department in which surgical or medical treatment is to be furnished is of the opinion that there is a reasonable probability that the child will be benefited by the proposed treatment.

(3) When any patient has been admitted to the clinic for treatment, the physician or surgeon in charge thereof shall proceed with all proper diligence to perform such operation and bestow such treatment upon the patient as in the judgment of the physician or surgeon shall be proper. The patient shall receive proper hospital care during the stay there. [Amended by 1975 c.693 §12]

444.140 Rejection of patients referred. If the physician or surgeon of the clinic to which the child has been assigned for treatment declines to treat the child, the physician or surgeon shall make a report, in duplicate, of the examination of the child and state therein the reasons for declining treatment. The duplicate copy of the report shall be preserved in the records of the Health Sciences University; the original shall be transmitted to the clerk of the court of the county where the order committing the child was entered.

444.150 Physician not compensated for treatment. No compensation shall be charged by or allowed to the physician or surgeon who treats a patient committed under ORS 444.120.

444.160 Account and statement of treatment. The superintendent of the hospital or other person designated by the authorities of the Health Sciences University shall:

(1) Keep a correct account of the medicine, treatment, nursing and maintenance furnished to the patient, and set forth therein the actual, reasonable and necessary cost thereof.

(2) Make and file monthly with the judge exercising jurisdiction under ORS chapter 419 of the county from which the patient was committed, an itemized, sworn statement, as far as possible, of the expense incurred at the hospital other than the free surgical and medical treatment as provided in ORS 444.120. [Amended by 1967 c.534 §26]

444.170 Approval of statement; payment of account. The judge exercising jurisdiction under ORS chapter 419 shall present the statement of the Health Sciences University to the board of county commissioners. Upon being satisfied that the statement is correct and reasonable, the board of

county commissioners shall approve it and direct that warrants be drawn by the county clerk upon the county treasurer for the amount of such bills allowed. The warrants as drawn by the county clerk shall be transmitted to the Oregon Health Sciences University. The warrants shall be deposited to the credit of the university funds which are set aside for the support of the hospital under the direction of the Oregon Health Sciences University. The county treasurer shall pay the warrants out of the funds collected for the relief of the poor of the county. [Amended by 1967 c.534 §27; 1975 c.693 §13]

444.180 Appointment of attendant to accompany child. The judge exercising jurisdiction under ORS chapter 419, may, in the discretion of the judge, appoint some person to accompany the child from the place where the child is to the Oregon Health Sciences University, or from the Health Sciences University to such place as is designated by the judge with the consent of the person having legal custody of the child. [Amended by 1967 c.534 §28; 1975 c.693 §14]

444.190 Compensation of attendant and examining physician. (1) Any person appointed as attendant under ORS 444.180 or to make an investigation and report of any questions involved in the complaint other than the examining physician, shall receive $3 per day for time actually spent in making an investigation and for actual and necessary expenses incurred in making an investigation or trip except that no compensation shall be paid in cases where the person appointed is a parent or relative or where the officer appointed receives a fixed salary or compensation.

(2) Upon demand, the examining physician shall be paid no more than $5 for each examination and report made and the actual necessary expenses of the physician incurred in making an investigation under ORS 444.110.

(3) A person making claim for compensation under this section shall present to the judge of the juvenile court an itemized sworn statement thereof and when such claim has been approved by the judge, it shall be filed and allowed by the board of county commissioners and paid out of the funds of the county collected for the relief of the poor. [Amended by 1967 c.534 §29]

444.200 Reimbursing Health Sciences University for expenses in returning patients. (1) The Health Sciences University, in the discretion of the person designated by the authorities in control thereof, may pay:

(a) Actual, reasonable, necessary expenses of returning the patient to the home of the patient.

(b) The attendant the actual, reasonable and necessary expenses incurred in accompanying a patient to the home of the patient and no more than $3 per day for the time thus necessarily employed, unless the attendant is a parent or relative or an officer or employee receiving other compensation.

(2) The per diem and expenses shall be itemized and verified, and presented to and allowed by the board of county commissioners of the county from which the patient was committed, as provided in ORS 444.170.

444.210 Treatment of child at other hospital. (1) Upon the written request of the person or institution having legal custody of a child, filed with the judge exercising jurisdiction under ORS chapter 419 at the time of the hearing under ORS 444.120, to the effect that the person or institution having legal custody of the child desires the child taken or sent to a designated hospital or medical school of recognized standing or character which is not under the direction or supervision of the Oregon Health Sciences University, the judge may make and enter an order directing that the child be taken or sent to the designated institution for free surgical and medical treatment and hospital care, including the furnishing of proper and sufficient clothing.

(2) The reception by an institution of such child as a patient, pursuant to court order, is considered an acceptance on its part of all the provisions of ORS 444.110 to 444.240 which relate to or in anywise apply to hospitalization of children at the Oregon Health Sciences University, except as provided in ORS 444.220. Such institution shall furnish the child with all proper and requisite medical or surgical care and attention without compensation, and comply with ORS 444.110 to 444.240 while the child remains in the institution as a patient. [Amended by 1967 c.534 §30; 1975 c.693 §15]

444.220 Compensation for treatment at other hospitals. When any child, pursuant to ORS 444.210, becomes a patient at any institution not affiliated with the Oregon Health Sciences University, the person in charge thereof shall perform all duties and requirements set forth in ORS 444.160; and all warrants in payment of any bills or accounts therein mentioned shall be made payable to such institution. [Amended by 1975 c.693 §116]

444.230 Unspecified treatment and experimentation prohibited. (1) No child under the terms of ORS 444.110 to 444.240 shall be treated for any ailment except as is described by the order of the court under ORS 444.120, unless permission for such treatment is granted by the parents or guardians.

(2) No child shall be used for the purpose of experimentation.

444.240 Preparation and distribution of examination blanks; printing cost. (1) The Health Sciences University shall prepare blanks containing such questions and requiring such information as may in its judgment be necessary and proper to be obtained by the physician who examines the patient under order of court.

(2) A supply of such blanks shall be sent to the judge exercising jurisdiction under ORS chapter 419. The president of the Health Sciences University shall determine the number of blanks to be printed and distributed to the judges.

(3) The bills for the printing of blanks shall be audited, allowed and paid in the same manner as the printing bills of the Oregon Health Sciences University. [Amended by 1967 c.534 §31; 1975 c.693 §17]