

TITLE 34

HUMAN SERVICES; JUVENILE CODE; CORRECTIONS

- Chapter 409. Department of Human Resources
410. Senior and Disability Services
411. Adult and Family Services; General Assistance
412. Aid to the Blind and to the Disabled
413. Old-age Assistance
414. Medical Assistance
416. Recovery of Assistance Payments
417. Interstate Compacts on Juveniles and Children; Children & Family Services
418. Child Welfare Services
419A. Juvenile Code: General Provisions and Definitions
419B. Juvenile Code: Dependency
419C. Juvenile Code: Delinquency
420. Juvenile Training Schools; Youth Care Centers
421. Department of Corrections Institutions; Compacts
423. Corrections and Crime Control Administration and Programs

Chapter 409

1993 EDITION

Department of Human Resources

DEPARTMENT OF HUMAN RESOURCES (Generally)	409.160	Information from personnel within department (Office of Audits)
409.010 Department of Human Resources; duties; divisions	409.180	Office of audits
409.015 Duties of department and requesting agency regarding criminal records checks; fee; fee limitation; notice; determination of employability; records; consent; rules		OFFICE FOR SERVICES TO CHILDREN AND FAMILIES
409.020 Authority to perform support enforcement services	Note	Office for Services to Children and Families established; appointment of director; confirmation; personnel; standards and procedures; child protective services--1993 c.676 §11
409.040 Federal law supersedes state law		
409.050 Rulemaking		
409.060 Department of Human Resources Account	Note	Responsibilities of Office for Services to Children and Families and of Mental Health and Developmental Disability Services Division; pilot programs--1993 c.676 §28
409.070 Department of Human Resources Special Checking Account		
(Director, Deputy, Assistant Directors)		CHILDREN'S SERVICES DIVISION
409.100 Director; appointment; term; confirmation; salary and expenses	409.210	Children's Services Division; functions
409.110 Authority of director; legislative approval required for certain actions by director	409.220	Services relating to prevention, control and treatment of incest and sexual abuse; fees
409.120 Delegation of authority of director	409.230	When disclosure of information in division reports and other materials required; immunities
409.130 Deputy director; assistant directors; other employees	409.240	Payment of expenses
409.140 Assistant director as appointing authority; assignment of employees by director	409.250	Revolving fund
409.150 Assistant directors in unclassified service; other employees; salary; expenses	409.260	Children's Services Account

HUMAN SERVICES; JUVENILE CODE; CORRECTIONS

HEALTH DIVISION

- 409.310 Health Division; functions
- 409.320 Functions of assistant director
- 409.330 Assistant director as ex officio member of certain boards

ALCOHOL AND DRUG PROGRAMS

- 409.410 Assistant Director for Alcohol and Drug Abuse; duties
- 409.420 Other duties of assistant director

CHILD CARE SERVICES

- 409.610 Goal of Legislative Assembly
- 409.620 Service delivery plan; contents
- 409.630 Duties of director; local grants

JOB REFERRALS

- 409.710 Certain job referrals prohibited; eligibility not conditioned on employment at work place involved in labor dispute

MISCELLANEOUS

- 409.750 State goal to eliminate or alleviate poverty
- Note Plan for replacement of public assistance system--1993 c.370 §1
- Note Objectives of plan--1993 c.370 §2

CROSS REFERENCES

- Family support services, 417.342
- Toy related injury or death, reporting required, 677.491
- 409.010**
- Assistance to Seismic Safety Policy Advisory Commission, 401.347
- Department may designate divisions to make applications and receive funds for public health, 431.250
- Health policy, office in department, 442.095
- Heart and kidney transplant, cooperative program, 442.700 to 442.760

Governor's Commission on Senior Services, 410.320 to 410.340

Senior citizens, Ch. 410

409.100

Displaced homemakers, service programs, 411.900 to 411.910

409.150

Elderly abuse, duty to report, 410.610 to 410.700

409.210

Adoption proceedings, authority in connection with, 109.316, 109.390

Angling licenses for persons in state institutions, 497.162

Education of children at certain private homes and schools, responsibility for, 343.961 or 343.975

Retained wardship of committed mentally retarded minor, 179.478

Senior and Disabled Services Division, interagency agreements, service coordination, 410.060

Study on performance of Children's Services Division by Joint Legislative Audit Committee, 1991 c.961 §1

Voluntary adoption registry, 109.425 to 109.500

409.310

Generally, Ch. 431

Hearing aids:

Advisory Council to Health Division on Hearing Aids, 694.165

Powers and duties of Health Division, 694.155

Public health vector control program, 452.300

Vaccination clinics for rabies, 433.367

409.320

Probationary driver permit, approval by Assistant Director of Health of Physical and mental competence of applicant, 807.270

**DEPARTMENT OF HUMAN
RESOURCES**

(Generally)

409.010 Department of Human Resources; duties; divisions. (1) The Department of Human Resources is created.

(2) The Department of Human Resources shall provide programs for the delivery to the public of services relating to public assistance, children and families, health and health-related affairs, mental health and developmental disabilities, vocational rehabilitation, elderly persons, disabled persons, including persons with traumatic brain injuries, alcohol and drug abuse and such other services as may be assigned to the Department of Human Resources. Family support services provided by the Department of Human Resources shall be delivered in accordance with the principles described in ORS 417.342 and 417.344.

(3) The Department of Human Resources shall provide the programs and services enumerated in subsection (2) of this section through the divisions and other organizational units, including but not limited to the following:

- (a) The Adult and Family Services Division;
- (b) The Children's Services Division;
- (c) The Mental Health and Developmental Disability Services Division;
- (d) The Vocational Rehabilitation Division;
- (e) The Health Division;
- (f) The Senior and Disabled Services Division; and
- (g) Alcohol and Drug Abuse Programs.

(4) The Department of Human Resources shall be the recipient of all federal funds paid or to be paid to the state to enable the state to provide the programs and services assigned to the Department of Human Resources. [Formerly 184.750; 1993 c.344 §1]

409.015 Duties of department and requesting agency regarding criminal records checks; fee; fee limitation; notice; determination of employability; records; consent; rules. (1) The requesting agency shall send to the Department of Human Resources for purposes of a criminal records check any information, including fingerprints, for each subject individual.

(2) The department shall request criminal offender information from the Department of State Police in the manner required by ORS 181.537 and may charge the requesting agency a fee in an amount not to exceed the actual cost of acquiring and furnishing the information described in ORS 181.537.

(3) If the Director of the Department of Human Resources informs the requesting agency that the subject individual has been convicted of a crime specified pursuant to rule adopted under subsection (5) of this section or has made a false statement as to the conviction of a crime, the director shall notify the requesting agency of the fact. If the director determines that the subject individual has been convicted of a crime, the director shall determine whether, under the standards under ORS 670.280, the subject individual may be an employee. The director shall notify the requesting agency and if the subject individual has been determined to be not employable, the requesting agency shall not employ the subject individual. The criminal records are confidential and shall not be released but are subject to inspection by the subject individual. The subject individual may appeal the director's determination as a contested case under ORS 183.413 to 183.470 and the director shall notify the subject individual of the right to appeal the determination.

(4) If a subject individual refuses to consent to the criminal records check or refuses to be fingerprinted or if the subject individual falsely swears to the nonconviction of a crime, the requesting agency shall terminate the employment of the individual.

(5) The Department of Human Resources by rule shall specify:

- (a) The information to be required under subsection (1) of this section.
- (b) The subject individuals defined in subsection (1) of this section from whom the information may be required.
- (c) The fee to be imposed, if any, under subsection (2) of this section.
- (d) That a requesting agency shall not hire or continue to employ an individual if the individual has been convicted of a crime specified by rule pursuant to subsection (3) of this section that is determined under subsection (6) of this section to be relevant to the employment.

(e) If the requesting agency requires a criminal records check of employees or other persons, that the requesting agency's application forms contain a notice that employment is subject to fingerprinting and a criminal records check as required by ORS 181.525, 181.537, 181.539, 326.603, 342.223, 342.227, 342.232, 409.015 and 657A.060. •

(f) The crimes that may be considered for purposes of subsection (3) of this section.

(6) In determining whether a subject individual may be employed by a requesting agency, the director shall consider the nature of the crime for which the subject indi-

vidual was convicted and the relevancy, if any, of the crime to the employment for which the subject individual has applied pursuant to the standards set forth in ORS 670.280.

(7) Nothing in this section shall be considered to require a subject individual to submit to fingerprinting until the individual is offered employment. However, a criminal records check may be required as a prerequisite to licensure, certification or regulation by the department.

(8) A requesting agency may hire on a probationary basis a subject individual pending the return of the criminal records check by the Federal Bureau of Investigation.

(9) As used in this section:

(a) "Requesting agency" includes the department or the operator of a certified, licensed or regulated facility caring for or treating children that is subject to the jurisdiction of the department.

(b) "Subject individual" means a person who applies to be:

(A) A foster parent or an adoptive parent;

(B) The operator or an employee of a child care or treatment program; or

(C) An employee of the department. [1993 c.674 §11]

409.020 Authority to perform support enforcement services. (1) The Department of Human Resources may enter into agreements with district attorneys or the Support Enforcement Division for performance of support enforcement services pursuant to federal laws or regulations.

(2) The Department of Human Resources may, if required by federal law or regulation relating to child support programs:

(a) Enter into agreements with the Support Enforcement Division or a district attorney for providing child support services;

(b) Promulgate rules for operation of child support programs under ORS 25.080; or

(c) Provide other services not specified by ORS 23.185, 25.010 to 25.030, 25.070, 25.080, 25.311, 108.110, 109.100, 109.125, 418.042 and this section. [Formerly 184.785; 1993 c.798 §48]

409.030 [1991 c.697 §2; repealed by 1993 c.344 §49]

409.040 Federal law supersedes state law. (1) To the extent that there is any conflict between chapter 319, Oregon Laws 1971, and any federal law referred to or to be administered under chapter 319, Oregon Laws 1971, the federal law in effect on June 8, 1971, is controlling.

(2) In all cases where federally granted funds are involved, the federal laws, rules and regulations applicable thereto shall gov-

ern notwithstanding any provision to the contrary in ORS 409.010, 409.060, 409.070, 409.100 to 409.160, 411.060 and this subsection. [Formerly 184.780]

Note: Legislative Counsel has substituted "chapter 319, Oregon Laws 1971," for the words "this Act" in section 9, chapter 319, Oregon Laws 1971, compiled as 409.040 (formerly 184.780). Specific ORS references have not been substituted, pursuant to 173.160. The range of sections for which substitutions would be required yields ORS references too numerous to be useful. These sections may be determined by referring to the 1971 Comparative Section Table located in Volume 15 of ORS.

409.050 Rulemaking. (1) Pursuant to ORS 183.310 to 183.550, the director may adopt such administrative rules as the director considers necessary to carry out the functions of the department.

(2) Notwithstanding any other provision of law, the director by order may delegate authority under subsection (1) of this section to such extent as the director considers proper to assistant directors of the department. [(Formerly 184.787)]

409.060 Department of Human Resources Account. (1) There is established in the General Fund of the State Treasury an account to be known as the Department of Human Resources Account. All moneys in this account are appropriated for and shall be used by the department for the respective purposes authorized by law. The moneys in the account and all appropriations for the account are subject to allotment control by the Oregon Department of Administrative Services.

(2) The Department of Human Resources shall keep a record of all moneys credited to and deposited in the account. The records shall indicate by separate cumulative accounts the source from which the moneys were derived and the individual activity or program against which each withdrawal is charged.

(3) The unobligated balance in the account on June 30 of each odd-numbered year shall be determined by the department as of September 30 next following, and certified to the Oregon Department of Administrative Services. Unless otherwise provided by law or action of the Emergency Board, the amount certified pursuant to this subsection shall revert to the General Fund and become available for general governmental purposes. [Formerly 184.795]

409.070 Department of Human Resources Special Checking Account. (1) There is established a Department of Human Resources Special Checking Account in the State Treasury. Upon the written request of the Director of Human Resources, the Oregon Department of Administrative Services shall draw warrants in favor of the Depart-

ment of Human Resources to be charged against appropriations and other moneys available to the Department of Human Resources in the same manner as other claims against the state, as provided in ORS chapter 293. All such warrants shall be deposited in the special checking account and may be disbursed by check.

(2) The special checking account may be used for the purpose of paying the administrative expenses of programs and services as assigned to the Department of Human Resources by law, including the payment of expenses to be reimbursed by the Federal Government. [Formerly 184.800]

(Director, Deputy, Assistant Directors)

409.100 Director; appointment; term; confirmation; salary and expenses. (1) The Department of Human Resources shall be under the supervision and control of a director who is responsible for providing for programs for the delivery to the public of the services assigned to the department by ORS 409.010 or otherwise, and for undertaking long-range planning necessary for the effective and efficient delivery of these services.

(2) The Governor shall appoint the director for a term of four years, but the director may be removed at any time during such term at the pleasure of the Governor. The appointment of the director is subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.

(3) The director shall receive such salary as may be provided by law or, if not so provided, as may be fixed by the Governor, and shall be reimbursed for all expenses actually and necessarily incurred by the director in the performance of official duties. [Formerly 184.755]

409.110 Authority of director; legislative approval required for certain actions by director. (1) The Director of Human Resources, consistent with any federal requirements and with the prior consent of the Governor:

(a) May cause the programs, divisions, other organizational units and offices within the department to make joint use of the personnel, resources, information and facilities available within the department.

(b) May combine or transfer components of existing programs, divisions, other organizational units and offices within the department.

(2) Where the action taken under subsection (1) of this section requires any transfer between appropriations or expenditure limitations or between the budgets of programs, divisions, other organizational

units and offices within the department, established by legislative action, the transfer first must be approved by the Legislative Assembly or, if it is not in session, the Emergency Board.

(3) Any organizational changes within the department that are not described in subsection (1) of this section shall be made only after approval thereof by joint resolution of the Legislative Assembly. [Formerly 184.770]

409.120 Delegation of authority of director. (1) The Director of Human Resources may delegate to any of the officers and employees of the department the exercise or discharge in the director's name of any power, duty or function of whatever character vested in or imposed upon the director by law. However, all such delegations of a continuing nature involving provision for services performed by the department may be exercised by an officer or employee of the department only when specifically designated in writing by the director to do so.

(2) The official act of any person acting in the director's name and by the director's authority pursuant to subsection (1) of this section shall be considered an official act of the director. [Formerly 184.773]

409.130 Deputy director; assistant directors; other employees. (1) The director may appoint a deputy director, whose appointment is subject to approval by the Governor and who shall serve at the pleasure of the director. The deputy director shall have full authority to act for the director, subject to directions of the director. The appointment of the deputy director shall be by written order, filed with the Secretary of State.

(2) Each division within the Department of Human Resources shall be under the supervision of an assistant director appointed by the director, whose appointment is subject to approval by the Governor and who shall serve at the pleasure of the director.

(3) Except as provided in subsection (1) of this section and subject to any applicable provisions of the State Personnel Relations Law, the director may appoint employees within the office of the director of the department, prescribe their functions and fix their compensation.

(4) In addition to the assistant directors specified in subsection (2) of this section, the director may appoint one assistant director to carry out such other responsibilities as the director may assign. [Formerly 184.760]

409.140 Assistant director as appointing authority; assignment of employees by director. (1) For purposes of the State Personnel Relations Law, each assistant director appointed under ORS 409.130, and any

other officer specifically designated by law, is considered to be the appointing authority with respect to officers and employees under the supervision of the assistant director or other officer, and ORS 240.400 applies to each such appointing authority.

(2) Notwithstanding subsection (1) of this section, the director at any time may assign an employee from one position to another position in the same class or rank within the department or between its divisions. Upon making such an assignment or transfer, the director forthwith shall give written notice of the action to the Administrator of the Personnel Division. ORS 240.400 applies to the power vested in the director under this subsection. [Formerly 184.767]

409.150 Assistant directors in unclassified service; other employees; salary; expenses. Assistant directors appointed under ORS 409.130 shall be in the unclassified service of the state and shall receive such salaries as may be provided by law. With the approval of the director, each assistant director supervising a division may appoint one deputy and one secretary who shall be in the unclassified service and receive such salaries as may be provided by law. In addition to their salaries, they shall, subject to the limitations otherwise provided by law, be reimbursed for all expenses actually and necessarily incurred in the performance of official duties. [Formerly 184.765]

409.160 Information from personnel within department. (1) The Director of Human Resources shall require from the personnel within the department such information, reports and documentation, as the director, in the discretion of the director, determines will be necessary to enable the director to:

(a) Execute responsibilities pursuant to law.

(b) Develop and report to the Governor from time to time on legislative, budgetary and administrative programs to accomplish comprehensive, long-range, coordinated planning and policy formulation in the matters of public interest related to the department.

(c) File with the Oregon Department of Administrative Services, for purposes of ORS 291.208, a budget report for each program, division, other organizational unit or office within the department.

(2) Where such information, reports or documentation is confidential in the hands of departmental personnel, it shall be confidential in the hands of the director. [Formerly 184.775]

(Office of Audits)

409.180 Office of audits. The Director of the Department of Human Resources may consolidate the internal audits units within the Department of Human Resources into an office of audits within the director's office, in order to achieve a higher level of independence and economy of management. [1991 c.321 §1]

OFFICE FOR SERVICES TO CHILDREN AND FAMILIES

Note: Sections 11 and 28, chapter 676, Oregon Laws 1993, provide:

Sec. 11. Office for Services to Children and Families established; appointment of director; confirmation; personnel; standards and procedures; child protective services. (1) Effective July 1, 1995, the State Office for Services to Children and Families is established in the Department of Human Resources and the duties, functions and powers of the Children's Services Division are vested in the state office.

(2) The Director of the State Office for Services to Children and Families shall be appointed by the Governor subject to confirmation by the Senate pursuant to ORS 171.562 and 171.565 from among persons well qualified by training and experience to provide the services described in section 28 (1) of this Act.

(3) The state director shall hire and supervise qualified personnel required to provide the services described in section 28 (1) of this Act and may contract as necessary with appropriate public and private providers for such services.

(4) The director shall oversee the development of standards and procedures for assessment, investigation and enforcement of child protective services.

(5)(a) Before July 1, 1995, the Children's Services Division shall take action to implement the provision of child protective services as outlined in this Act [417.705 to 417.790 and 419A.170] and based on the recommendations in the 1992 "Oregon Child Protective Services Performance Study" published by the University of Southern Maine.

(b) In all substantiated cases of child abuse and neglect, the role of the division, or, on and after July 1, 1995, the State Office for Services to Children and Families, is to complete a comprehensive family assessment of risk of abuse or neglect, or both, assess service needs and provide immediate protective services as necessary.

(c) The division shall provide remedial services needed to assure the safety of the child.

(d) In all cases of abuse and neglect when a criminal investigation occurs, the role of law enforcement is to provide a legally sound, child sensitive investigation of whether abuse or neglect, or both, has occurred and to gather other evidence and perform other responsibilities in accordance with interagency agreements.

(e) The division and law enforcement shall conduct the investigation and assessment concurrently, based upon the protocols and procedures of the multidisciplinary team in each jurisdiction.

(f) When conducting a joint investigation and assessment, the activities of the division and law enforcement are to be clearly differentiated by the protocols of the multidisciplinary team.

(g) Nothing in this subsection is intended to be inconsistent with ORS 418.747, 418.748 and 418.749 and sections 53 to 148, chapter 33, Oregon Laws 1993 [ORS chapter 419B].

(h) If House Bill 5061 [chapter 657, Oregon Laws 1993] becomes law, funds available under House Bill 5061 may be used to provide training for persons providing services under this subsection.

(6) On or before July 1, 1995, all federal funds administered by the Department of Human Resources through the Children's Services Division shall be transferred and made available to the State Office for Services to Children and Families. [1993 c.676 §11]

Sec. 28. Responsibilities of Office for Services to Children and Families and of Mental Health and Developmental Disability Services Division; pilot programs. (1) Effective July 1, 1995, the State Office for Services to Children and Families shall be responsible for child protective services, close custody services, foster care, residential care for children and adoption services and other entitlement programs currently administered by the Children's Services Division.

(2) The Mental Health and Developmental Disability Services Division shall be responsible for psychiatric residential and day treatment services for children and specialized services for children with severe cognitive, physical and medical impairments.

(3) Notwithstanding subsection (1) of this section, beginning on the effective date of this Act [August 18, 1993], the department and the state commission may agree to establish pilot programs in counties that are capable of handling the program to administer foster care programs under the department's jurisdiction. The pilot program must be accepted by the board of county commissioners in the comprehensive local plan. The pilot program shall be subject to federal requirements and the restrictions agreed upon between the department and the county where the pilot program is located. [1993 c.676 §28]

CHILDREN'S SERVICES DIVISION

409.210 Children's Services Division; functions. The Children's Services Division is created in the Department of Human Resources. Subject to ORS 417.300 and 417.305, the division shall administer laws and programs relating to protective services to children, foster care, adoptions, Interstate Compact on Juveniles, restorative services to families with children, licensing of child care facilities and day care centers, the mental health program for children, youth employment programs and services to families and children in compliance with the federal social security laws. Family support services provided by the Children's Services Division shall be delivered in accordance with the principles described in ORS 417.342 and 417.344. [Formerly 184.805]

Note: 409.210 is repealed July 1, 1995. See section 53, chapter 676, Oregon Laws 1993.

409.220 Services relating to prevention, control and treatment of incest and sexual abuse; fees. (1) The Children's Services Division may provide services related to the prevention, control and treatment of incest and sexual abuse. Those services include, but are not limited to, consultation, counseling, therapy and treatment programs for children who are the victims of incest and sex offenses, their families and the perpetrators of the incest or sex offense.

(2) When the services described in subsection (1) of this section are provided, the Children's Services Division may charge the perpetrator a fee not to exceed the cost of the services. The fee shall vary according to the service provided, and shall be determined and applied through rules adopted by the division.

(3) The amount of fees collected under subsection (2) of this section are continuously appropriated to the division and shall be used to provide the services described in subsection (1) of this section. [Formerly 184.807]

409.230 When disclosure of information in division reports and other materials required; immunities. (1) Information contained in Children's Services Division reports and other division materials relating to a child's history and prognosis that, in the professional judgment of the person providing the information for the reports or other materials, indicates a clear and immediate danger to another person or to society shall be disclosed to the appropriate authority and the person or entity who is in danger from the child.

(2) An agency or a person who discloses information under subsection (1) of this section shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed for making the disclosure. The disclosure of information under this section does not make the information admissible in any court or administrative proceeding if it is not otherwise admissible. [1991 c.666 §2]

409.240 Payment of expenses. Warrants shall be drawn by the Oregon Department of Administrative Services in favor of the Children's Services Division for the aggregate amounts of the division's expenses. The division shall deposit all such warrants in the State Treasury in a checking account in reimbursement of those expenses. The division may draw its checks on the State Treasury in favor of the persons, firms, corporations, associations or counties entitled thereto under such rules as it shall adopt so as to include in single combined payments for specified periods all moneys allotted to particular payees from various sources for the period. [Formerly 184.820]

409.250 Revolving fund. (1) On written request of the Children's Services Division, the Oregon Department of Administrative Services shall draw warrants on amounts appropriated to the Children's Services Division for operating expenses for use by the division as a revolving fund. The revolving fund shall not exceed the aggregate sum of \$100,000 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 employees 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 Oregon Department of Administrative Services. 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. [Formerly 184.810]

409.260 Children's Services Account.

(1) There hereby is established in the General Fund of the State Treasury an account to be known as the Children's Services Account. All moneys in the Children's Services Account are appropriated for and shall be used by the Children's Services Division for the respective purposes authorized by law. The moneys in the Children's Services Account shall be subject to allotment made under ORS 291.232 to 291.260 by the Oregon Department of Administrative Services.

(2) The Children's Services Division shall keep a record of all moneys credited to and deposited in the Children's Services Account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity or program against which each withdrawal is charged.

(3) In addition to sources provided under other laws, the sources of revenues in the Children's Services Account may include recoveries of the cost of care provided to clients, amounts paid to the Children's Services Division by other organizations and state agencies in support of the division's programs and activities and other moneys received by the division which are incidental to its operations. [Formerly 184.815]

HEALTH DIVISION

409.310 Health Division; functions. (1) The Health Division is created in the Department of Human Resources. The Health Division shall be responsible for the administration of health and health-related affairs in this state as provided by law, including but not limited to public health services, migrant health services, licensing of health facilities, and coordinating the activities of

professional and occupational licensing boards.

(2) The Health Division shall provide necessary staff assistance and services to, and shall have full authority and responsibility for, all administrative matters in connection with the functioning of the division.

(3) It is the intention of the Legislative Assembly to provide for the more effective coordination of the administrative functions of boards charged with responsibility for protecting the public through the licensing and regulating of health-related professions practiced in this state. Further, it is the intention of the Legislative Assembly to retain responsibility and authority in the professional licensing boards, members of which are qualified by education, training and experience to make the necessary judgments, for decisions on qualifications, standards of practice, licensing, enforcement, discipline and other discretionary functions relating to professional activities. The professional licensing boards shall have authority to employ such personnel as they consider necessary to carry out their respective functions and shall maintain full budgetary control over the boards' expenditures and their recommendations for legislation including but not limited to appropriations. Expenditures are subject to the allotment system under ORS 291.232 to 291.260 and rules adopted thereunder. Budgets shall be prepared pursuant to ORS 291.202 to 291.226 and rules adopted thereunder. [Formerly 184.830]

409.320 Functions of assistant director. The Assistant Director for Health shall:

(1) Require each licensing board in the Health Division to maintain a register of the names and current addresses of all persons holding valid licenses, certificates of registration or other evidence of authority required to practice the occupation or profession, or operate the facility within the jurisdiction of such board and periodically, as the assistant director may require, to file a copy of the register at the office of the division. Any board that is authorized or required to distribute a register described in this section may collect a fee to cover the costs of publication, such fee to be handled as other receipts of the board are handled.

(2) In consultation with the licensing boards, designate a qualified person in the Health Division as coordinator for the accounting and other processes of the licensing boards who shall be responsible for providing such services as the licensing boards may request. [Formerly 184.840]

409.330 Assistant director as ex officio member of certain boards. The Assistant Director for Health, or the designee of the

assistant director, shall serve as an ex officio member of all health-related licensing boards in the division, but without the right to vote. However, nothing in this section is intended to authorize the assistant director to intervene in the internal functions and administration of the boards. [Formerly 184.835]

ALCOHOL AND DRUG PROGRAMS

409.410 Assistant Director for Alcohol and Drug Abuse; duties. (1) The Director of Human Resources shall appoint an Assistant Director for Alcohol and Drug Abuse Programs. The Assistant Director for Alcohol and Drug Abuse Programs shall have full responsibility to administer all alcohol and drug abuse programs, including the funds appropriated therefor, that would otherwise be the responsibility of the Mental Health and Developmental Disability Services Division, including but not limited to programs or components of programs described in ORS 426.450 to 426.470, ORS chapter 430, 475.225, 743.557, 743.558 and ORS chapters 801 to 822.

(2) Subject to ORS 417.300 and 417.305, the Assistant Director for Alcohol and Drug Abuse Programs shall:

(a) Report to the Legislative Assembly on accomplishments and issues occurring during each biennium, and report on a new biennial plan describing resources, needs and priorities for all alcohol and drug abuse programs.

(b) Develop within the Department of Human Resources priorities for alcohol and drug abuse programs and activities.

(c) Monitor the priorities of approved alcohol and drug abuse related programs in all other state agencies.

(d) Conduct statewide and special planning processes which provide for participation from state and local agencies, groups and individuals.

(e) Identify the needs of special populations including minorities, elderly, youth, women and individuals with disabilities.

(f) As appropriate, apply for, receive and administer funds for study or prevention and treatment of alcohol and drug abuse and dependence.

(g) Subject to ORS 183.310 to 183.550, adopt such rules as are necessary for the performance of the duties and functions specified by this section, ORS 409.010 and 430.255 to 430.630, or otherwise lawfully delegated. [Formerly 184.757]

409.420 Other duties of assistant director. In addition to the responsibilities in ORS 409.410, the Assistant Director for Alcohol and Drug Abuse Programs shall place special emphasis on all of the following:

(1) Establishing standards for both public and private alcohol and drug abuse prevention, intervention and treatment programs. It is the policy of the Legislative Assembly that all programs providing alcohol and drug abuse related prevention, intervention and treatment services in this state, with public funds, meet the standards established under this subsection.

(2) Providing training for state employees dealing directly with appropriate client groups to insure better recognition and understanding of alcohol and drug abuse problems. Training is also to be directed at increasing knowledge of appropriate and available resources for assisting clients with alcohol and drug abuse problems.

(3) Conducting continuing long-term evaluation of clients and other recipients of services from all Department of Human Resources funded programs, for periods of up to 24 months following completion of service, to assess service effectiveness and enable appropriate corrective actions.

(4) Assuring financial audits and program reviews of alcohol and drug abuse related programs and services which receive funds, including beer and wine tax revenues distributed under ORS 430.380 and 471.810, from any state agency. [Formerly 184.759]

CHILD CARE SERVICES

409.610 Goal of Legislative Assembly.

It is the goal of the Legislative Assembly to provide programs to make child care services more affordable, to improve the quality of services offered and to increase the number of child care providers. Programs should be tailored to the needs of local communities and should include a combination of actions that will address both targeted populations, such as teen parents or disabled children, and low-income working or student parents. [1991 c.697 §1]

409.620 Service delivery plan; contents.

(1) The office of the Director of the Department of Human Resources shall prepare a service delivery plan that, to the extent practicable, allows for variations to reflect local priorities, as developed by local organizations, such as the State Commission on Children and Families. The plan shall include details on proposed administration, including who is to administer each of the programs, grant distribution and state guidelines for local grants. The plan also shall include proposed expenditures for provider training.

(2) If an interim committee on children's issues has been appointed, the office of the Director of the Department of Human Resources shall present the service delivery

plan to that committee prior to the September 1991 meeting of the Emergency Board. The interim committee should review the implementation plan, take public testimony and make its budget recommendations to the Emergency Board at least one week prior to the Emergency Board's meeting on this issue.

(3) The office of the Director of the Department of Human Resources shall present the service delivery plan to the September 1991 meeting of the Emergency Board for approval of any required adjustment in the department's budget. [1991 c.697 §4]

Note: 409.620 is repealed July 1, 1995. See section 53, chapter 676, Oregon Laws 1993.

409.630 Duties of director; local grants. The office of the Director of the Department of Human Resources shall insure the development of early childhood programs and before- and after-school day care through a grants program to local communities. Programs offered shall be determined by local communities and carried out by grants through the State Commission on Children and Families or by a similar approach. [1991 c.697 §6]

Note: 409.630 is repealed July 1, 1995. See section 53, chapter 676, Oregon Laws 1993.

JOB REFERRALS

409.710 Certain job referrals prohibited; eligibility not conditioned on employment at workplace involved in labor dispute. (1) The Department of Human Resources or any division or office in the department shall not refer any individual on a job referral that would aid in the filling of a job opening that exists because of a labor dispute, as defined in ORS 662.010.

(2)(a) Notwithstanding any other provision of law, no division of the Department of Human Resources, or any other state agency shall require as a condition of eligibility to receive benefits or services provided by that division or agency that an individual apply for or accept employment at any workplace where there is a labor dispute in progress.

(b) As used in this subsection, "labor dispute" has the meaning for that term provided in ORS 662.010. [Formerly 184.883]

MISCELLANEOUS

409.750 State goal to eliminate or alleviate poverty. The State of Oregon desires to assist and enable the poor to achieve

maximum feasible economic self-sufficiency. It shall be a state goal to eliminate or alleviate the causes and conditions of poverty in Oregon. The state shall assist community action agencies to stimulate a better focusing of all available local, state, federal and private resources upon the goal. [Formerly 184.801]

Note: Sections 1 and 2, chapter 370, Oregon Laws 1993, provide:

Sec. 1. Plan for replacement of public assistance system. (1) The Oregon Progress Board and the Oregon Workforce Quality Council shall convene a work group to develop a plan for replacing the current public assistance system with a family support and work force development system as part of a state human investment strategy.

(2) Work group members shall be jointly appointed by the chairs of the board and the council and shall include members of the board and the council as well as individuals affected by or involved with the current public assistance system, including consumers and line workers. The work group shall not exceed 12 members.

(3) The work group shall be appointed by September 1, 1993, for a term ending June 30, 1995.

(4) The work group shall report to the Sixty-eighth Legislative Assembly on its findings and recommendations, pursuant to ORS 192.230 to 192.250.

(5) The board and the council shall provide the resources necessary for the operation of the work group. [1993 c.370 §1]

Sec. 2. Objectives of plan. (1) In developing the plan required by section 1 of this Act, the work group shall establish the means and methods to achieve the following objectives:

(a) Empowering individuals to avoid or escape conditions of poverty;

(b) Supporting and strengthening families to care for themselves;

(c) Leveraging private, public and personal resources for financing the plan;

(d) Allowing for flexible time lines in addressing individual families' needs;

(e) Having high expectations and building the capacity of individuals, families and government to address poverty;

(f) Creating economic opportunities by linking economic development with human services;

(g) Providing accountability to enable policy makers to measure the state's return on its human investments;

(h) Delivering services through a community-based system; and

(i) Creating an incentive-based system for family support and work force development.

(2) The work group shall include in its recommendations the means and methods by which individuals who may otherwise not have the skills or abilities to become part of the work force can be served.

(3) In developing its budget for the plan, the work group shall not be limited to one biennium and shall include an analysis of long range costs and benefits of the proposed family support and work force development system. [1993 c.370 §2]