

A-Engrossed
Senate Bill 155

Ordered by the House March 18
Including House Amendments dated March 18

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Allows] **Requires** appointing authority of Oregon State Hospital, Blue Mountain Recovery Center or Eastern Oregon Training Center to *[contract with person to serve as chief medical officer or to appoint]* **designate physician as** chief medical officer who may be employed by or receive compensation from outside sources concurrent with appointment. **Allows chief medical officer to delegate supervisory authority.**

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to chief medical officers of state institutions; amending ORS 179.360, 426.020 and 427.010;
3 and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 426.020 is amended to read:

6 426.020. (1) The superintendent of a hospital referred to in ORS 426.010 shall be a person the
7 Department of Human Services considers qualified to administer the hospital. If the superintendent
8 of any hospital is a physician licensed by the Oregon Medical Board, the superintendent shall serve
9 as chief medical officer.

10 (2) If the superintendent is not a physician, the Director of Human Services or the designee of
11 the director shall *[appoint]* **designate** a physician to serve as chief medical officer *[who shall be in*
12 *the unclassified service]*. **The designated chief medical officer may be an appointed state em-**
13 **ployee in the unclassified service, a self-employed contractor or an employee of a public or**
14 **private entity that contracts with the department to provide chief medical officer services.**
15 **Unless the designated chief medical officer is specifically appointed as a state employee in**
16 **the unclassified service, the designated chief medical officer shall not be deemed a state**
17 **employee for purposes of any state statute, rule or policy.**

18 (3)(a) **Notwithstanding any other provision of law, the designated chief medical officer**
19 **may supervise physicians who are employed by the hospital or who provide services at the**
20 **hospital pursuant to a contract.**

21 (b) **The designated chief medical officer may delegate all or part of the authority to su-**
22 **pervise other physicians at the hospital to a physician who is employed by the state, a self-**
23 **employed contractor or an employee of a public or private entity that contracts with the**
24 **department to provide physician services.**

25 **SECTION 2.** ORS 427.010 is amended to read:

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 427.010. (1) Except as otherwise ordered by the Department of Human Services pursuant to ORS
2 179.325, the Eastern Oregon Training Center in Pendleton, Umatilla County, shall be used for the
3 care, treatment and training of persons with mental retardation who are assigned to the care of the
4 institution by the department according to procedures defined in ORS 427.185 or who were residents
5 on October 3, 1979.

6 (2) Upon receipt of an application approved by the department or its designee, pursuant to its
7 rules, a person with mental retardation may be entitled to admission to the state training center for
8 emergency, respite or part-time care. Part-time care means presence of the person at the facility less
9 than 24 hours per day and may include day or night care. Admission for emergency care or respite
10 care may not exceed 90 days. Admission for part-time care may exceed 90 days. The fee schedule for
11 such care, training and treatment in the training center shall be established by the department in
12 the same manner as for other residents. The fees shall be charged and collected by the department
13 in the same manner as charges are collected under ORS 179.610 to 179.770.

14 (3) The superintendent of the training center named in subsection (1) of this section shall be a
15 person the department considers qualified to administer the training center. If the superintendent
16 of the training center is a physician licensed by the Oregon Medical Board, the superintendent shall
17 serve as chief medical officer. If not a physician, the superintendent shall *[appoint]* **designate**
18 a physician to serve as chief medical officer *[who shall be in the unclassified service]*. **The designated**
19 **chief medical officer may be an appointed state employee in the unclassified service, a self-**
20 **employed contractor or an employee of a public or private entity that contracts with the**
21 **department to provide chief medical officer services. Unless the designated chief medical of-**
22 **ficer is specifically appointed as a state employee in the unclassified service, the designated**
23 **chief medical officer shall not be deemed a state employee for purposes of any state statute,**
24 **rule or policy.**

25 (4)(a) **Notwithstanding any other provision of law, the designated chief medical officer**
26 **may supervise physicians who are employed by the training center or who provide services**
27 **at the training center pursuant to a contract.**

28 (b) **The designated chief medical officer may delegate all or part of the authority to su-**
29 **pervise other physicians at the training center to a physician who is employed by the state,**
30 **a self-employed contractor or an employee of a public or private entity that contracts with**
31 **the department to provide physician services.**

32 **SECTION 3.** ORS 179.360 is amended to read:

33 179.360. (1) Each superintendent shall:

34 (a) Have custody of the residents of the institution under jurisdiction of the superintendent.

35 (b) Direct the care, custody and training of the residents unless otherwise directed by law or
36 by rule.

37 (c) Adopt sanitary measures for the health and comfort of the residents.

38 (d) Promote the mental, moral and physical welfare and development of the residents.

39 (e) Enjoy the other powers and privileges and perform the other duties that are prescribed by
40 law or by rule or that naturally attach themselves to the position of superintendent.

41 (f) Designate a physician licensed by the Oregon Medical Board to serve as chief medical officer
42 as provided in ORS *[426.020 and]* 427.010, who will be directly responsible to the superintendent for
43 administration of the medical treatment programs at the institution and assume such other respon-
44 sibilities as are assigned by the superintendent.

45 (2) The Director of the Department of Corrections or the Director of Human Services shall

1 prescribe for their respective institutions:

2 (a) The duties of the superintendents where the duties are not prescribed by law.

3 (b) The additional duties, beyond those prescribed by law, that the Director of the Department
4 of Corrections or the Director of Human Services considers necessary for the good of the public
5 service.

6 **SECTION 4. This 2009 Act being necessary for the immediate preservation of the public**
7 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
8 **on its passage.**

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