

Senate Bill 287

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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 **as introduced**.

Imposes requirements for licensure of person to operate multiple residential facilities in state.

A BILL FOR AN ACT

Relating to licensing of residential facility; amending ORS 443.420 and 443.440.

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

SECTION 1. ORS 443.420, as amended by section 12, chapter 18, Oregon Laws 2008, is amended to read:

443.420. (1) A person applying for a license under ORS 443.415 must, in the judgment of the Director of Human Services, be a person:

(a) Who demonstrates an understanding and acceptance of the rules governing residential facilities;

(b) Mentally and physically capable of caring for such residents; *[and]*

(c) Who employs or utilizes only individuals whose presence does not jeopardize the health, safety or welfare of residents[.]; **and**

(d) Who, if the person operates or has operated other residential facilities, has demonstrated compliance with the rules governing those facilities.

(2) A residential facility shall not be operated or maintained in combination with a nursing home or hospital unless licensed, maintained and operated as a separate and distinct part.

(3) All physical residential facilities used for residents shall meet applicable requirements of the State Fire Marshal.

(4) Prior to licensure, a residential facility must be in substantial compliance with applicable state and local laws, rules, codes, ordinances and permit requirements.

(5) Prior to licensure, a residential facility that proposes to house persons under the age of 21 years shall submit written proof of compliance with ORS 336.575 to the Department of Human Services.

(6) Prior to an initial licensure of a residential care facility, the department shall consider:

(a) The license applicant's history of regulatory compliance and operational experience;

(b) The need in the local community for the services offered by the license applicant, as demonstrated by a market study produced by the license applicant;

(c) The willingness of the license applicant to serve underserved populations; and

(d) The willingness of the license applicant to contract with the department to provide services through the state medical assistance program.

SECTION 2. ORS 443.440 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.

1 443.440. *[The Department of Human Services may revoke or suspend the license of any residential*
2 *facility that is not operated in accordance with ORS 443.400 to 443.455 or the rules adopted*
3 *thereunder.]* **If a person fails to operate a residential facility in accordance with ORS 443.400**
4 **to 443.455 or the rules adopted thereunder, the Department of Human Services may revoke**
5 **or suspend the license of the person to operate the facility or any other residential facility**
6 **in this state.** Such revocation or suspension shall be taken in accordance with rules of the de-
7 partment and ORS chapter 183. However, in cases where an imminent danger to the health or safety
8 of the residents exists, a license may be suspended immediately pending a fair hearing not later than
9 the 10th day after such suspension.
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