

House Bill 3381

Sponsored by Representative GELSER; Representative DOHERTY

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**.

Requires Oregon Health Authority and Department of Human Services to adopt rules requiring residential facilities and homes to maintain systems to ensure that all medication and treatment orders by physicians and psychologists are carried out.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to residential care providers' compliance with orders of health professionals for individuals
3 receiving residential care; amending ORS 443.450; and declaring an emergency.

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

5 **SECTION 1.** ORS 443.450 is amended to read:

6 443.450. (1) For a residential care facility, residential training facility or residential training
7 home, the [*Director*] **Department** of Human Services shall adopt rules governing:

- 8 (a) The physical properties of the facility or home;
9 (b) Storage, preparation and serving of food;
10 (c) Care or training to be provided;
11 (d) The number, experience and training of the staff; and
12 (e) Any other factors affecting the care or training provided.

13 (2) For a residential treatment facility or residential treatment home, the [*Director of the*]
14 Oregon Health Authority shall adopt rules governing:

- 15 (a) The physical properties of the facility or home;
16 (b) Storage, preparation and serving of food;
17 (c) Treatment to be provided;
18 (d) The number, experience and training of the staff; and
19 (e) Any other factors affecting the treatment provided.

20 (3) Distinct rules shall be adopted for homes of five or fewer residents, for facilities of six or
21 more but fewer than 16 residents, and for facilities for 16 or more residents. The rules shall differ-
22 entiate among categories of residents.

23 [*(4) For purposes of this section, "categories" refers to different populations of residents, differen-*
24 *tiated by, but not limited to, age and need, as defined by the Department of Human Services or the*
25 *authority by rule.*]

26 (4) **Rules governing the care or treatment to be provided by a facility or home under this**
27 **section shall require the facility or home to have treatment and medication administration**
28 **systems that ensure that all physician and psychologist orders are carried out as ordered.**

29 (5) **As used in this section:**

30 (a) **"Categories" means different populations of residents, differentiated by, but not lim-**

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 ited to, age and need, as defined by the department or the authority by rule.

2 (b) "Physician" includes, but is not limited to, a psychiatrist.

3 **SECTION 2.** This 2011 Act being necessary for the immediate preservation of the public
4 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
5 on its passage.

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