HB 2413-1 (LC 447) 3/26/15 (LHF/ps)

PROPOSED AMENDMENTS TO HOUSE BILL 2413

- In line 2 of the printed bill, after the semicolon insert "creating new provisions; amending ORS 443.420;".
- 3 Delete lines 4 through 8 and insert:
- 4 **"SECTION 1.** ORS 443.420 is amended to read:
- 5 "443.420. (1) A person applying for a license under ORS 443.415 must, in 6 the judgment of the director of the licensing agency, be a person:
- 7 "(a) Who demonstrates an understanding and acceptance of the rules 8 governing residential facilities;
- 9 "(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.
- "(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.
- 15 "(3) All physical residential facilities used for residents shall meet appli-16 cable 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 to the licensing agency demonstrating that the facility will:

"(a) Comply with ORS 336.575; and

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- "(b) Ensure that the children who reside at the residential facility receive appropriate educational services that are:
- 4 "(A) Comprehensive and age-appropriate;
- 5 "(B) In compliance with requirements of state and federal law; and
- 6 "(C) If applicable, in compliance with the individual education program of the child.
- 8 "(6) Prior to an initial licensure of a residential care facility, the licens-9 ing agency 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)] (b) The willingness of the license applicant to serve underserved populations; and
- "[(d)] (c) The willingness of the license applicant to contract with the licensing agency to provide services through the state medical assistance program.
 - "(7) The licensing agency may not issue an initial license to a residential care facility if the facility has not conducted a market study that assesses the need for the services offered by the facility in the geographic area served by the facility."
