

Enrolled
Senate Bill 155

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CHAPTER

AN ACT

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

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

SECTION 1. ORS 426.020 is amended to read:

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

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

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

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

SECTION 2. ORS 427.010 is amended to read:

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

(2) Upon receipt of an application approved by the department or its designee, pursuant to its rules, a person with mental retardation may be entitled to admission to the state training center for

emergency, respite or part-time care. Part-time care means presence of the person at the facility less than 24 hours per day and may include day or night care. Admission for emergency care or respite care may not exceed 90 days. Admission for part-time care may exceed 90 days. The fee schedule for such care, training and treatment in the training center shall be established by the department in the same manner as for other residents. The fees shall be charged and collected by the department in the same manner as charges are collected under ORS 179.610 to 179.770.

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

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

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

SECTION 3. ORS 179.360 is amended to read:

179.360. (1) Each superintendent shall:

- (a) Have custody of the residents of the institution under jurisdiction of the superintendent.
- (b) Direct the care, custody and training of the residents unless otherwise directed by law or by rule.
- (c) Adopt sanitary measures for the health and comfort of the residents.
- (d) Promote the mental, moral and physical welfare and development of the residents.
- (e) Enjoy the other powers and privileges and perform the other duties that are prescribed by law or by rule or that naturally attach themselves to the position of superintendent.
- (f) Designate a physician licensed by the Oregon Medical Board to serve as chief medical officer as provided in ORS *[426.020 and]* 427.010, who will be directly responsible to the superintendent for administration of the medical treatment programs at the institution and assume such other responsibilities as are assigned by the superintendent.

(2) The Director of the Department of Corrections or the Director of Human Services shall prescribe for their respective institutions:

- (a) The duties of the superintendents where the duties are not prescribed by law.
- (b) The additional duties, beyond those prescribed by law, that the Director of the Department of Corrections or the Director of Human Services considers necessary for the good of the public service.

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

Passed by Senate February 25, 2009

Repassed by Senate March 30, 2009

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Secretary of Senate

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President of Senate

Passed by House March 24, 2009

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Speaker of House

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M,....., 2009

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Secretary of State