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:

"443.420. (1) A person applying for a license under ORS 443.415 must, in
the judgment of the director of the licensing agency, be a person:

"(a) Who demonstrates an understanding and acceptance of the rules
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.

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

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

"(5) Prior to licensure, a residential facility that proposes to house per sons under the age of 21 years shall submit written proof to the licensing
 agency demonstrating that the facility will:

1 "(a) Comply with ORS 336.575; and

"(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 7 of the child.

8 "(6) Prior to an initial licensure of a residential care facility, the licens9 ing agency shall consider:

"(a) The license applicant's history of regulatory compliance and opera tional 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.".

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