

Chapter 409

TITLE 34

HUMAN SERVICES; JUVENILE CODE; CORRECTIONS

- Chapter 409. Department of Human Services
410. Senior and Disability Services
411. Adult and Family Services; Public Assistance
412. Aid to Blind Persons and to Disabled Persons
413. Old-Age Assistance
414. Medical Assistance
416. Recovery of Assistance Payments
417. Interstate Compacts on Juveniles and Children; Children and Family Services
418. Child Welfare Services
419A. Juvenile Code: General Provisions and Definitions
419B. Juvenile Code: Dependency
419C. Juvenile Code: Delinquency
420. Youth Correction Facilities; Youth Care Centers
420A. Oregon Youth Authority; Youth Correction Facilities
421. Department of Corrections Institutions; Compacts
423. Corrections and Crime Control Administration and Programs

Chapter 409

1999 EDITION

Department of Human Services

DEPARTMENT OF HUMAN SERVICES

(Generally)

- 409.010 Department of Human Services; duties; divisions
409.021 Child Support Program established; director; duties of director; policy
409.040 Federal law supersedes state law
409.050 Rulemaking
409.060 Department of Human Services Account
409.070 Department of Human Services Special Checking Account; petty cash fund
409.075 Volunteer Emergency Services Fund
409.080 Combination or elimination of accounts
409.093 Policy on incorporation of family support policies

409.096 Plan for incorporating family support consultants; development of protocol and training

(Director, Deputy, Assistant Directors)

409.100 Director; appointment; confirmation; salary and expenses

409.110 Authority of director; legislative approval required for certain actions by director; grants

409.120 Delegation of authority of director

409.130 Deputy director; assistant directors; other employees

409.140 Assistant director as appointing authority; assignment of employees by director

409.150 Assistant directors in unclassified service; other employees; salary; expenses

409.160 Information from personnel within department

(Office of Audits)

409.180 Office of audits

STATE OFFICE FOR SERVICES TO CHILDREN AND FAMILIES

(Generally)

409.185 State Office for Services to Children and Families established; appointment of assistant director; personnel; standards and procedures; child protective services

409.190 Responsibilities of office

409.192 Policy on internal review of office decisions

409.194 Establishment of review process

409.220 Services relating to prevention, control and treatment of incest and sexual abuse; fees

409.225 Confidentiality of records, files, papers and communications; when disclosure required

409.230 When disclosure of information in office reports and other materials required; immunities

409.240 Payment of expenses

409.250 Revolving fund

409.260 Services to Children and Families Account

(Sexual Assault Crisis Centers and Crisis Lines)

409.270 Definitions for ORS 409.273 to 409.285

409.273 Funding of sexual assault crisis centers and crisis lines; rulemaking

409.276 Standards for sexual assault crisis centers

- 409.279 Application for funds; notification of final action on application
- 409.282 Services provided by sexual assault crisis centers and crisis lines
- 409.285 Sexual Assault Victims Fund

HEALTH DIVISION

- 409.310 Health Division; functions
- 409.320 Functions of assistant director
- 409.330 Assistant director as ex officio member of certain boards

VOLUNTEER PROGRAM

- 409.360 Authorization to establish volunteer program; volunteer as agent of state; rules
- 409.365 Department of Human Services Volunteer Program Donated Fund Account

ALCOHOL AND DRUG ABUSE PROGRAMS

- 409.410 Assistant Director for Alcohol and Drug Abuse Programs; duties
- 409.420 Other duties of assistant director
- 409.425 Inhalant abuse; education resources

GAMBLING ADDICTION PROGRAMS

- 409.430 Gambling addiction programs; advisory committee
- 409.435 Problem Gambling Treatment Fund

RESPIRE CARE PROGRAM

- 409.450 Definitions for ORS 409.450 to 409.478
- 409.454 Legislative findings on respite care
- 409.458 Oregon Lifespan Respite Care Program established; duties
- 409.462 Community programs; criteria; administrator of program; advisory council
- 409.466 Community program duties; advisory committee
- 409.470 Description of respite care services
- 409.474 Rulemaking
- 409.478 Use of funds appropriated to program

WOMEN, INFANTS AND CHILDREN PROGRAM

409.600 Women, Infants and Children Program; rulemaking; civil penalties

CHILD CARE SERVICES

409.610 Goal of Legislative Assembly

JOB REFERRALS

409.710 Certain job referrals prohibited; eligibility not conditioned on employment at work place involved in labor dispute

MISCELLANEOUS

409.750 State goal to eliminate or alleviate poverty

CROSS-REFERENCES

Criminal records checks, 181.537

Family support services, 417.342

Pilot programs, foster care, 417.747

State Technical Assistance Team for child fatalities, 418.753

Toy related injury or death, reporting required, 677.491

409.010

Authority to pursue action for abuse of elderly or incapacitated person, 124.125

Department may designate divisions to make applications and receive funds for public health, 431.250

Governor's Commission on Senior Services, 410.320 to 410.340

Heart and kidney transplant, cooperative program, 442.700 to 442.760

Seismic Safety Policy Advisory Commission, assistance to, 401.347

Senior citizens, Ch. 410

409.100

Displaced homemakers, service programs, 411.900 to 411.910

409.150

Elderly abuse, duty to report, 124.050 to 124.095

409.185 to 409.260

Adoption proceedings, authority in connection with, 109.316, 109.390

Angling licenses for persons in state institutions, 497.162

Education of children at certain private homes and schools, responsibility for, 343.961 or 343.975

Retained wardship of committed minor with mental retardation, 179.478

Senior and Disabled Services Division, interagency agreements, service coordination, 410.060

Voluntary adoption registry, 109.425 to 109.507

409.310

Administration of health laws, generally, Ch. 431

Advisory Committee on Physician Credentialing Information, adoption of rules to implement, 442.800, 442.805, 442.807

Public health vector control program, 452.300

Rules and duties of Health Division under Oregon Death with Dignity Act, 127.865

Vaccination clinics for rabies, 433.367

409.320

Probationary driver permit, approval by Assistant Director of Health of physical and mental competence of applicant, 807.270

Note: The following name changes were made by chapter 421, Oregon Laws 1999:

Department of Human Resources to Department of Human Services.

Director of Human Resources to Director of Human Services.

Department of Human Resources Account to Department of Human Services Account.

Department of Human Resources Special Checking Account to Department of Human Services Special Checking Account.

Department of Human Resources Volunteer Program to Department of Human Services Volunteer Program.

Department of Human Resources Volunteer Program Donated Fund Account to Department of Human Services Volunteer Program Donated Fund Account.

The name and title changes become operative on July 1, 2000. See sections 10 and 11, chapter 421, Oregon Laws 1999. References to the department, director, program and accounts in this chapter use the names and title that become operative on July 1, 2000.

DEPARTMENT OF HUMAN SERVICES

(Generally)

409.010 Department of Human Services; duties; divisions. (1) The Department of Human Services is created.

(2) The department shall provide programs for the delivery to the public of services relating to public assistance, children and families, health and health-related affairs, mental health and developmental disabilities, vocational rehabilitation, elderly persons, disabled persons, including persons with traumatic brain injuries, alcohol and drug abuse and such other services as may be assigned to the department. Family support services provided by the department shall be delivered in accordance with the principles described in ORS 417.342 and 417.344.

(3) The department shall provide the programs and services enumerated in subsection (2) of this section through the divisions and other organizational units, including but not limited to the following:

(a) The Adult and Family Services Division;

- (b) The State Office for Services to Children and Families;
- (c) The Mental Health and Developmental Disability Services Division;
- (d) The Vocational Rehabilitation Division;
- (e) The Health Division;
- (f) The Senior and Disabled Services Division; and
- (g) Alcohol and Drug Abuse Programs.

(4) The department shall be the recipient of all federal funds paid or to be paid to the state to enable the state to provide the programs and services assigned to the department. [Formerly 184.750; 1993 c.344 s.1; 1999 c.421 s.1]

409.015 [1993 c.674 s.11; repealed by 1997 c.753 s.20]

409.020 [Formerly 184.785; 1993 c.798 s.48; repealed by 1997 c.704 s.10a (409.021 enacted in lieu of 409.020)]

409.021 Child Support Program established; director; duties of director; policy. (1) The Child Support Program is created in the Department of Human Services. The manager of the Child Support Program is the Child Support Program Director. The Child Support Program shall provide all types of child support services required under federal and Oregon law.

(2) The Child Support Program Director shall:

(a) Enter into cooperative agreements with the Department of Justice and district attorneys under ORS 25.080 for the provision of child support services required under federal and Oregon law;

(b) Enter into a cooperative agreement with the Department of Justice for the provision of billing, receipting, record keeping, accounting and distribution services for child and spousal support cases that receive services required under federal and Oregon law;

(c) Maintain the state plan required under federal law and act as the liaison for the Child Support Program with the United States Department of Health and Human Services;

(d) Establish policy and adopt rules for the operation of the Child Support Program by the Department of Human Services and entities entering into cooperative agreements under this section;

(e) Establish standards for operation of the Child Support Program by entities entering into cooperative agreements under this section; and

(f) Conduct program operation and fiscal audits of entities entering into cooperative agreements under this section.

(3) It is the policy of the Child Support Program to inform persons served by the program, in a manner consistent with federal law, of resources that are available for assistance in family law matters that are not provided by the program, including, but not limited to, services provided through the courts of this state, the Oregon State Bar, law schools and legal service providers that receive funding from fees collected under ORS 21.480. The program shall consult with the local family law advisory committees established under ORS 3.434 to ensure that eligible individuals are aware of the services offered by the program. The policy described in this subsection shall be incorporated into staff training and is applicable to all entities that have entered into cooperative agreements with the director of the program under the provisions of this section. [1997 c.704 s.10b (enacted in lieu of 409.020); 1999 c.1095 s.2]

409.030 [1991 c.697 s.2; repealed by 1993 c.344 s.49]

409.040 Federal law supersedes state law. (1) To the extent that there is any conflict between chapter 319, Oregon Laws 1971, and any federal law referred to or to be administered under chapter 319, Oregon Laws 1971, the federal law in effect on June 8, 1971, is controlling.

(2) In all cases where federally granted funds are involved, the federal laws, rules and regulations applicable thereto shall govern notwithstanding any provision to the contrary in ORS 409.010, 409.060, 409.070, 409.093 to 409.160, 411.060 and this subsection. [Formerly 184.780]

Note: Legislative Counsel has substituted “chapter 319, Oregon Laws 1971,” for the words “this Act” in section 9, chapter 319, Oregon Laws 1971, compiled as 409.040 (formerly 184.780). Specific ORS references have not been substituted, pursuant to 173.160. These sections may be determined by referring to the 1971 Comparative Section Table located in Volume 18 of ORS.

409.050 Rulemaking. (1) Pursuant to ORS 183.310 to 183.550, the director may adopt such administrative rules as

the director considers necessary to carry out the functions of the department.

(2) Notwithstanding any other provision of law, the director by order may delegate authority under subsection (1) of this section to such extent as the director considers proper to assistant directors of the department. [Formerly 184.787]

409.060 Department of Human Services Account. (1) There is established in the General Fund of the State Treasury an account to be known as the Department of Human Services Account. All moneys in this account are appropriated for and shall be used by the Department of Human Services for the respective purposes authorized by law. The moneys in the account and all appropriations for the account are subject to allotment control by the Oregon Department of Administrative Services.

(2) The Department of Human Services shall keep a record of all moneys credited to and deposited in the account. The records shall indicate by separate cumulative accounts the source from which the moneys were derived and the individual activity or program against which each withdrawal is charged.

(3) The unobligated balance in the account on June 30 of each odd-numbered year shall be determined by the department as of September 30 next following, and certified to the Oregon Department of Administrative Services. Unless otherwise provided by law or action of the Emergency Board, the amount certified pursuant to this subsection shall revert to the General Fund and become available for general governmental purposes. [Formerly 184.795; 1999 c.421 s.2]

409.070 Department of Human Services Special Checking Account; petty cash fund. (1) There is established a Department of Human Services Special Checking Account in the State Treasury. Upon the written request of the Director of Human Services, the Oregon Department of Administrative Services shall draw payments in favor of the Department of Human Services to be charged against appropriations and other moneys available to the Department of Human Services in the same manner as other claims against the state, as provided in ORS chapter 293. All such payments shall be deposited in the special checking account and may be disbursed by check or other means acceptable to the State Treasurer.

(2) The special checking account may be used for the purpose of paying the administrative expenses of programs and services as assigned to the Department of Human Services by law, including the payment of expenses to be reimbursed by the federal government.

(3) In addition to the authority provided in ORS 293.180, the Department of Human Services may establish petty cash funds out of the special checking account or any account established in the State Treasury for the department or its divisions. Small cash disbursements to pay the expenses of the department or its divisions may be made from a petty cash fund. Periodically, the department shall request reimbursement for disbursements made from a petty cash fund. Upon receipt of a reimbursement payment from an appropriate account, the department shall use the payment to reimburse the petty cash fund. [Formerly 184.800; 1999 c.421 s.3; 1999 c.829 s.2]

Note: Chapter 919, Oregon Laws 1999, was referred to the people for their approval or rejection at the regular general election to be held throughout this state on November 7, 2000. See section 11, chapter 919, Oregon Laws 1999. Section 8, chapter 919, Oregon Laws 1999, provides:

Sec. 8. (1) In each fiscal year, the Department of Human Services shall receive not more than \$1.5 million from the Health Security Fund to finance a grant program under which the department awards grants to nonprofit organizations that provide shelter care or temporary supervised housing accommodations for pregnant women, mothers of newborn children and their newborn children or women who are victims of domestic violence.

(2) To be eligible for a grant, a nonprofit organization must have been organized and operating shelter care programs or facilities prior to January 1, 1999. A nonprofit organization may use grant moneys from the Health Security Fund only for maintenance and expansion of existing program activities and may not use grant moneys for the establishment of new facilities or programs. However, a nonprofit organization may use grant moneys to change the location of existing facilities.

(3) A grant made to any single nonprofit organization may not exceed 25 percent of the organization's income in the fiscal year immediately preceding the fiscal year in which the grant is received.

(4) In any fiscal year, a nonprofit organization may receive a \$25,000 grant for each shelter or housing facility operated by the organization, but may not receive more than \$75,000 in any fiscal year.

(5) Not less than 25 percent of the total amount of grants awarded by the Department of Human Services in a fiscal

year shall be awarded to nonprofit organizations that in the fiscal year immediately preceding the fiscal year in which the grant is awarded received more than 50 percent of operating revenues from sources other than federal, state or local government agencies. [1999 c.919 s.8]

409.075 Volunteer Emergency Services Fund. (1) There is established a Volunteer Emergency Services Fund in the State Treasury. The amount of the fund shall not exceed the aggregate sum of \$10,000.

(2) The fund may be used to pay for purchases, by check or other acceptable means, necessary to assist clients of the Department of Human Services with emergency circumstances that qualify such clients for assistance from the fund.

(3) Claims for reimbursement of moneys paid from the Volunteer Emergency Services Fund shall be submitted to the Department of Human Services and the Oregon Department of Administrative Services for approval. When the claims have been approved, the Oregon Department of Administrative Services shall draw a warrant or make an electronic transfer in favor of the Department of Human Services to be charged to the appropriate fund or account to reimburse the Volunteer Emergency Services Fund. [1999 c.829 s.3]

409.080 Combination or elimination of accounts. Notwithstanding any other law, the Department of Human Services may, with the approval of the Oregon Department of Administrative Services and the State Treasurer, combine or eliminate any accounts that are established in statute within the authority of the Department of Human Services or its divisions when the Department of Human Services determines that economy and efficiency in operations can be obtained and that the combination or elimination of accounts does not substantially alter the intent of the authorizing statutes. When accounts are combined, the Department of Human Services retains the authority granted by the statutes establishing the accounts. [1999 c.829 s.4]

409.093 Policy on incorporation of family support policies. It shall be the policy of the Department of Human Services to incorporate the family support policies under ORS 344.530, 409.010, 409.210, 410.070, 411.070, 417.340 to 417.348, 430.021 and 431.110 into staff training and information given to the general public. [1995 c.486 s.2]

409.096 Plan for incorporating family support consultants; development of protocol and training. (1) The Department of Human Services shall develop a plan for incorporating family support consultants into a percentage of cases managed within the department. The consultants shall work directly with families to develop support in a manner consistent with the family support policies under ORS 344.530, 409.010, 409.210, 410.070, 411.070, 417.340 to 417.348, 430.021 and 431.110.

(2) The department shall consult with the Family Support Advisory Council established under ORS 417.346, to develop protocol and training consistent with the family support policies under ORS 344.530, 409.010, 409.210, 410.070, 411.070, 417.340 to 417.348, 430.021 and 431.110. [1995 c.486 s.3]

(Director, Deputy, Assistant Directors)

409.100 Director; appointment; confirmation; salary and expenses. (1) The Department of Human Services shall be under the supervision and control of the Director of Human Services, who is responsible for providing for programs for the delivery to the public of the services assigned to the department by ORS 409.010 or otherwise, and for undertaking long-range planning necessary for the effective and efficient delivery of these services.

(2) The Governor shall appoint the director. The director may be removed at any time at the pleasure of the Governor. The appointment of the director is subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.

(3) The director shall receive such salary as may be provided by law or, if not so provided, as may be fixed by the Governor, and shall be reimbursed for all expenses actually and necessarily incurred by the director in the performance of official duties. [Formerly 184.755; 1999 c.421 ss.4,5]

409.110 Authority of director; legislative approval required for certain actions by director; grants. (1) The Director of Human Services, consistent with any federal requirements and with the prior consent of the Governor:

- (a) May cause the programs, divisions, other organizational units and offices within the Department of Human Services to make joint use of the personnel, resources, information and facilities available within the department;
- (b) May combine or transfer components of existing programs, divisions, other organizational units and offices

within the department; and

(c) May organize and reorganize the department in the manner the director considers necessary to properly conduct the work of the department consistent with federal requirements and after consultation with parties affected by such change, including but not limited to service providers, advisory committees and county governments.

(2) When the action taken under subsection (1) of this section requires any transfer between appropriations or expenditure limitations or between the budgets of programs, divisions, other organizational units and offices within the department, established by legislative action, the transfer first must be approved by the Legislative Assembly or, if it is not in session, the Emergency Board.

(3) Consistent with federal requirements, the director has the same power, duty, function or authority that is vested in any division or office of the department or any personnel in the department. The director may delegate any power, duty, function or authority in accordance with ORS 409.120.

(4) The director may make financial grants to local units of government, nonprofit organizations and individuals from funds appropriated by the Legislative Assembly to carry out the department's responsibilities. [Formerly 184.770; 1999 c.421 s.6]

409.120 Delegation of authority of director. (1) The Director of Human Services may delegate to any of the officers and employees of the department the exercise or discharge in the director's name of any power, duty or function of whatever character vested in or imposed upon the director by law. However, all such delegations of a continuing nature involving provision for services performed by the department may be exercised by an officer or employee of the department only when specifically designated in writing by the director to do so.

(2) The official act of any person acting in the director's name and by the director's authority pursuant to subsection (1) of this section shall be considered an official act of the director. [Formerly 184.773]

409.130 Deputy director; assistant directors; other employees. (1) The Director of Human Services may appoint a deputy director, whose appointment is subject to approval by the Governor and who shall serve at the pleasure of the director. The deputy director shall have full authority to act for the director, subject to directions of the director. The appointment of the deputy director shall be by written order, filed with the Secretary of State.

(2) Each division or office within the Department of Human Services shall be under the supervision of an assistant director appointed by the director. The assistant director's appointment is subject to approval by the Governor. The assistant director serves at the pleasure of the director.

(3) Except as provided in subsection (1) of this section and subject to any applicable provisions of the State Personnel Relations Law, the director may appoint employees within the office of the director of the department, prescribe their functions and fix their compensation.

(4) In addition to the assistant directors specified in subsection (2) of this section, the director may appoint other assistant directors to carry out such other responsibilities as the director may assign. [Formerly 184.760; 1999 c.421 s.7]

409.140 Assistant director as appointing authority; assignment of employees by director. (1) For purposes of the State Personnel Relations Law, each assistant director appointed under ORS 409.130, and any other officer specifically designated by law, is considered to be the appointing authority with respect to officers and employees under the supervision of the assistant director or other officer, and ORS 240.400 applies to each such appointing authority.

(2) Notwithstanding subsection (1) of this section, the director at any time may assign an employee from one position to another position in the same class or rank within the department or between its divisions. Upon making such an assignment or transfer, the director forthwith shall give written notice of the action to the Administrator of the Personnel Division. ORS 240.400 applies to the power vested in the director under this subsection. [Formerly 184.767]

409.150 Assistant directors in unclassified service; other employees; salary; expenses. Assistant directors appointed under ORS 409.130 shall be in the unclassified service of the state and shall receive such salaries as may be provided by law. With the approval of the director, each assistant director supervising a division may appoint one deputy and one secretary who shall be in the unclassified service and receive such salaries as may be provided by law. In addition to their salaries, they shall, subject to the limitations otherwise provided by law, be reimbursed for all expenses actually and necessarily incurred in the performance of official duties. [Formerly 184.765]

409.160 Information from personnel within department. (1) The Director of Human Services shall require from the personnel within the department such information, reports and documentation, as the director, in the discretion of the director, determines will be necessary to enable the director to:

(a) Execute responsibilities pursuant to law.

(b) Develop and report to the Governor from time to time on legislative, budgetary and administrative programs to accomplish comprehensive, long-range, coordinated planning and policy formulation in the matters of public interest related to the department.

(c) File with the Oregon Department of Administrative Services, for purposes of ORS 291.208, a budget report for each program, division, other organizational unit or office within the department.

(2) Where such information, reports or documentation is confidential in the hands of departmental personnel, it shall be confidential in the hands of the director. [Formerly 184.775]

(Office of Audits)

409.180 Office of audits. The Director of Human Services may consolidate the internal audits units within the Department of Human Services into an office of audits within the director's office, in order to achieve a higher level of independence and economy of management. [1991 c.321 s.1]

STATE OFFICE FOR SERVICES TO CHILDREN AND FAMILIES

(Generally)

409.185 State Office for Services to Children and Families established; appointment of assistant director; personnel; standards and procedures; child protective services. (1) The State Office for Services to Children and Families is established in the Department of Human Services.

(2) The Assistant Director for Services to Children and Families shall be appointed by the Director of Human Services subject to approval by the Governor from among persons well qualified by training and experience to provide the services described in ORS 409.190. The assistant director shall serve at the pleasure of the director.

(3) The assistant director shall hire and supervise qualified personnel required to provide the services described in ORS 409.190, and may contract as necessary with appropriate public and private providers for such services.

(4) The assistant director shall oversee the development of standards and procedures for assessment, investigation and enforcement of child protective services.

(5)(a) The office shall take action to implement the provision of child protective services as outlined in ORS 417.705 to 417.797 and 419A.170 and based on the recommendations in the 1992 "Oregon Child Protective Services Performance Study" published by the University of Southern Maine.

(b) In all substantiated cases of child abuse and neglect, the role of the State Office for Services to Children and Families is to complete a comprehensive family assessment of risk of abuse or neglect, or both, assess service needs and provide immediate protective services as necessary.

(c) The office shall provide remedial services needed to ensure the safety of the child.

(d) In all cases of abuse and neglect when a criminal investigation occurs, the role of law enforcement agencies is to provide a legally sound, child sensitive investigation of whether abuse or neglect or both have occurred and to gather other evidence and perform other responsibilities in accordance with interagency agreements.

(e) The office and law enforcement agencies shall conduct the investigation and assessment concurrently, based upon the protocols and procedures of the multidisciplinary team in each jurisdiction.

(f) When the office and law enforcement agencies conduct a joint investigation and assessment, the activities of the office and agencies are to be clearly differentiated by the protocols of the multidisciplinary team.

(g) Nothing in this subsection is intended to be inconsistent with ORS 418.747, 418.748 and 418.749 and ORS chapter 419B. [1993 c.676 s.11; 1995 c.79 s.397; 1997 c.130 s.4; 1997 c.249 s.126]

409.190 Responsibilities of office. The State Office for Services to Children and Families shall be responsible for child protective services, close custody services, foster care, residential care for children and adoption services and other entitlement programs. [1993 c.676 s.28(1); 1997 c.130 s.5]

409.192 Policy on internal review of office decisions. It is the policy of the State of Oregon to ensure the integrity

of the child welfare system. To this end it is necessary to provide for a process to allow for appropriate internal review of decisions made by the State Office for Services to Children and Families. The state therefore requires that:

(1) Citizens shall be guaranteed the right to review of the actions and conduct of the State Office for Services to Children and Families.

(2) Citizens shall be provided with a single place to file complaints concerning the actions and conduct of the State Office for Services to Children and Families and shall be entitled to a response to the complaint within a reasonable period of time.

(3) Citizens shall not be subjected to reprisal for complaining of an action or conduct of the State Office for Services to Children and Families. [1997 c.873 s.28]

409.194 Establishment of review process. (1) The State Office for Services to Children and Families shall adopt rules establishing a review process to carry out the policy expressed in ORS 409.192.

(2) If the actions and conduct of the office are being addressed in a judicial or administrative proceeding, the review required by subsection (1) of this section may not be commenced or shall be stayed pending resolution of the judicial or administrative proceeding. [1997 c.873 s.29]

409.210 [Formerly 184.805; repealed by 1993 c.676 s.53]

409.220 Services relating to prevention, control and treatment of incest and sexual abuse; fees. (1) The State Office for Services to Children and Families may provide services related to the prevention, control and treatment of incest and sexual abuse. Those services include, but are not limited to, consultation, counseling, therapy and treatment programs for children who are the victims of incest and sex offenses, their families and the perpetrators of the incest or sex offense.

(2) When the services described in subsection (1) of this section are provided, the State Office for Services to Children and Families may charge the perpetrator a fee not to exceed the cost of the services. The fee shall vary according to the service provided, and shall be determined and applied through rules adopted by the office.

(3) The amount of fees collected under subsection (2) of this section are continuously appropriated to the office and shall be used to provide the services described in subsection (1) of this section. [Formerly 184.807]

409.225 Confidentiality of records, files, papers and communications; when disclosure required. (1) In the interest of family privacy and for the protection of children, families and other recipients of services, the State Office for Services to Children and Families shall not disclose or use the contents of any records, files, papers or communications that contain any information about an individual child, family or other recipient of services for purposes other than those directly connected with the administration of child welfare laws or unless required or authorized by ORS 419A.255 or 419B.035. The records, files, papers and communications are confidential and are not available for public inspection. General information, policy statements, statistical reports or similar compilations of data are not confidential unless such information is identified with an individual child, family or other recipient of services or protected by other provision of law.

(2) Notwithstanding subsection (1) of this section, unless exempt from disclosure under ORS chapter 192, the State Office for Services to Children and Families shall disclose records:

(a) About a recipient of services, to the recipient if the recipient is 18 years of age or older or is legally emancipated, unless prohibited by court order;

(b) Regarding a specific individual if the individual gives written authorization to release confidential information;

(c) Concerning a child receiving services on a voluntary basis, to the child's parent or legal guardian;

(d) To the juvenile court in proceedings regarding the child; and

(e) Concerning a child who is or has been in the custody of the State Office for Services to Children and Families, to the child's parent or legal guardian except:

(A) When the child objects; or

(B) If disclosure would be contrary to the best interests of any child or could be harmful to the person caring for the child.

(3) Notwithstanding subsection (1) of this section, unless exempt from disclosure under ORS chapter 192, the State Office for Services to Children and Families shall disclose records, if in the best interests of the child, to:

(a) Employees of the Department of Human Services to the extent necessary to perform their official duties or to provide services to the child or family;

(b) Treatment providers, foster parents, adoptive parents, school officials or other persons providing services to the child or family to the extent that such disclosure is necessary to provide services to the child or family; or

(c) A person designated as a member of a sensitive review committee convened by the Director of the State Office for Services to Children and Families when the purpose of the committee is to determine whether the State Office for Services to Children and Families acted appropriately and to make recommendations to the State Office for Services to Children and Families regarding policy and practice.

(4) Any record disclosed under subsection (1), (2) or (3) of this section shall be kept confidential by the person or entity to whom the record is disclosed and shall be used only for the purpose for which disclosure was made.

(5) Unless exempt from disclosure under ORS chapter 192, when an adult who is the subject of information made confidential by subsection (1) of this section publicly reveals or causes to be revealed any significant part of the confidential matter or information, the protections afforded by subsection (1) of this section are presumed voluntarily waived and confidential information about the person making or causing the public disclosure, not already disclosed but related to the information made public, may be disclosed if disclosure is in the best interests of the child or necessary to the administration of the child welfare laws.

(6) Notwithstanding subsection (1) of this section, unless exempt from disclosure under ORS chapter 192, the State Office for Services to Children and Families shall disclose information related to the office's activities and responsibilities in a case where child abuse or neglect has resulted in a child fatality or near fatality or where an adult has been charged with a crime related to child abuse or neglect.

(7) Notwithstanding subsections (2), (3), (5) and (6) of this section, ORS 192.501 (3) shall apply to investigatory information compiled for criminal law purposes that may be in the possession of the State Office for Services to Children and Families.

(8) As used in this section, "adult" means a person who is 18 years of age or older. [1997 c.415 s.1]

409.230 When disclosure of information in office reports and other materials required; immunities. (1)

Information contained in State Office for Services to Children and Families reports and other office materials relating to a child's history and prognosis that, in the professional judgment of the person providing the information for the reports or other materials, indicates a clear and immediate danger to another person or to society shall be disclosed to the appropriate authority and the person or entity who is in danger from the child.

(2) An agency or a person who discloses information under subsection (1) of this section shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed for making the disclosure. The disclosure of information under this section does not make the information admissible in any court or administrative proceeding if it is not otherwise admissible. [1991 c.666 s.2]

409.240 Payment of expenses. Warrants shall be drawn by the Oregon Department of Administrative Services in favor of the State Office for Services to Children and Families for the aggregate amounts of the office's expenses. The office shall deposit all such warrants in the State Treasury in a checking account in reimbursement of those expenses. The office may draw its checks on the State Treasury in favor of the persons, firms, corporations, associations or counties entitled thereto under such rules as it shall adopt so as to include in single combined payments for specified periods all moneys allotted to particular payees from various sources for the period. [Formerly 184.820]

409.250 Revolving fund. (1) On written request of the State Office for Services to Children and Families, the Oregon Department of Administrative Services shall draw warrants on amounts appropriated to the State Office for Services to Children and Families for operating expenses for use by the office as a revolving fund. The revolving fund shall not exceed the aggregate sum of \$100,000 including unreimbursed advances. The revolving fund shall be deposited with the State Treasurer to be held in a special account against which the office may draw checks.

(2) The revolving fund may be used by the office to pay for travel expenses for employees of the office and for any consultants or advisers for whom payment of travel expenses is authorized by law, or advances therefor, or for purchases required from time to time or for receipt or disbursement of federal funds available under federal law.

(3) All claims for reimbursement of amounts paid from the revolving fund shall be approved by the office and by the Oregon Department of Administrative Services. When such claims have been approved, a warrant covering them shall be drawn in favor of the office and charged against the appropriate fund or account, and shall be used to reimburse the revolving fund. [Formerly 184.810]

409.260 Services to Children and Families Account. (1) There hereby is established in the General Fund of the

State Treasury an account to be known as the Services to Children and Families Account. All moneys in the Services to Children and Families Account are appropriated for and shall be used by the State Office for Services to Children and Families for the respective purposes authorized by law. The moneys in the Services to Children and Families Account shall be subject to allotment made under ORS 291.232 to 291.260 by the Oregon Department of Administrative Services.

(2) The State Office for Services to Children and Families shall keep a record of all moneys credited to and deposited in the Services to Children and Families Account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity or program against which each withdrawal is charged.

(3) In addition to sources provided under other laws, the sources of revenues in the Services to Children and Families Account may include recoveries of the cost of care provided to clients, amounts paid to the State Office for Services to Children and Families by other organizations and state agencies in support of the office's programs and activities and other moneys received by the office that are incidental to its operations. [Formerly 184.815; 1997 c.130 s.6]

(Sexual Assault Crisis Centers and Crisis Lines)

409.270 Definitions for ORS 409.273 to 409.285. As used in ORS 409.273 to 409.285:

(1) "Assistant director" means the Assistant Director for Services to Children and Families.

(2) "Crisis line" means an emergency telephone service staffed by persons who are trained to provide emergency peer counseling, information, referral and advocacy to victims of sexual offenses and their families. [1999 c.943 s.2]

409.273 Funding of sexual assault crisis centers and crisis lines; rulemaking. (1) The Assistant Director for Services to Children and Families may make grants to and enter into contracts with private nonprofit organizations that provide intervention and support services to victims of sexual offenses and their families. Grants or contracts under this subsection may be:

(a) For the funding of sexual assault crisis centers; and

(b) For the funding of crisis lines providing services to victims of sexual offenses and their families.

(2) Notwithstanding the provisions of ORS 192.001 to 192.170, 192.210 to 192.505 and 192.610 to 192.990:

(a) The assistant director may by rule provide that the locations of premises utilized for sexual assault crisis centers shall be kept confidential.

(b) All information maintained by the sexual assault crisis center or crisis line relating to clients is confidential. Except for the names of clients, necessary information may be disclosed to the assistant director. [1999 c.943 s.3]

409.276 Standards for sexual assault crisis centers. The Assistant Director for Services to Children and Families shall establish minimum standards for sexual assault crisis centers receiving grants or other financial assistance under ORS 409.273. [1999 c.943 s.4]

409.279 Application for funds; notification of final action on application. (1) A private nonprofit organization operating a sexual assault crisis center or crisis line may apply to the Assistant Director for Services to Children and Families for a grant under ORS 409.273. The organization must submit to the assistant director, at the time of application:

(a) A statement of services provided;

(b) Proof of maintenance of accurate and complete financial records;

(c) Clearly defined written policies and procedures; and

(d) A list of members of the governing board.

(2) The assistant director shall approve or reject applications within 60 days after receipt. The assistant director shall mail written notification to the applicant no later than five working days following final action taken on the application.

(3) The assistant director shall consider the geographic area of the state from which an application is submitted to the end that all areas of the state develop programs to deal with the victims of sexual offenses. [1999 c.943 s.5]

409.282 Services provided by sexual assault crisis centers and crisis lines. Services provided by sexual assault crisis centers and crisis lines receiving grants or other financial assistance under ORS 409.273 shall be made accessible

and available to all persons who reside in the area served who may need the services. If a sexual assault crisis center or crisis line receiving funds under ORS 409.273 is unable to provide necessary services to a client, it shall refer the client to alternative community resources. [1999 c.943 s.6]

409.285 Sexual Assault Victims Fund. (1) There is established the Sexual Assault Victims Fund in the Services to Children and Families Account of the General Fund established under ORS 409.260.

(2) All moneys credited to the Sexual Assault Victims Fund are continuously appropriated for the purposes of ORS 409.273 to be expended by the Assistant Director for Services to Children and Families as provided in ORS 409.273. However, the assistant director shall expend not more than five percent of such moneys for administrative costs of the State Office for Services to Children and Families incurred under ORS 409.273. [1999 c.943 s.7]

HEALTH DIVISION

409.310 Health Division; functions. (1) The Health Division is created in the Department of Human Services. The Health Division shall be responsible for the administration of health and health-related affairs in this state as provided by law, including but not limited to public health services, migrant health services, licensing of health facilities, and coordinating the activities of professional and occupational licensing boards.

(2) The Health Division shall provide necessary staff assistance and services to, and shall have full authority and responsibility for, all administrative matters in connection with the functioning of the division.

(3) It is the intention of the Legislative Assembly to provide for the more effective coordination of the administrative functions of boards charged with responsibility for protecting the public through the licensing and regulating of health-related professions practiced in this state. Further, it is the intention of the Legislative Assembly to retain responsibility and authority in the professional licensing boards, members of which are qualified by education, training and experience to make the necessary judgments, for decisions on qualifications, standards of practice, licensing, enforcement, discipline and other discretionary functions relating to professional activities. The professional licensing boards shall have authority to employ such personnel as they consider necessary to carry out their respective functions and shall maintain full budgetary control over the boards' expenditures and their recommendations for legislation including but not limited to appropriations. Expenditures are subject to the allotment system under ORS 291.232 to 291.260 and rules adopted thereunder. Budgets shall be prepared pursuant to ORS 291.201 to 291.226 and rules adopted thereunder. [Formerly 184.830]

409.320 Functions of assistant director. The Assistant Director for Health shall:

(1) Require each licensing board in the Health Division to maintain a register of the names and current addresses of all persons holding valid licenses, certificates of registration or other evidence of authority required to practice the occupation or profession, or operate the facility within the jurisdiction of such board and periodically, as the assistant director may require, to file a copy of the register at the office of the division. Any board that is authorized or required to distribute a register described in this section may collect a fee to cover the costs of publication, such fee to be handled as other receipts of the board are handled.

(2) In consultation with the licensing boards, designate a qualified person in the Health Division as coordinator for the accounting and other processes of the licensing boards who shall be responsible for providing such services as the licensing boards may request. [Formerly 184.840]

409.330 Assistant director as ex officio member of certain boards. The Assistant Director for Health, or the designee of the assistant director, shall serve as an ex officio member of all health-related licensing boards in the division, but without the right to vote. However, nothing in this section is intended to authorize the assistant director to intervene in the internal functions and administration of the boards. [Formerly 184.835]

VOLUNTEER PROGRAM

409.360 Authorization to establish volunteer program; volunteer as agent of state; rules. (1) The Director of Human Services is authorized to establish the Department of Human Services Volunteer Program to assist in carrying out the duties of the Department of Human Services.

(2) A volunteer who is performing services pursuant to the Department of Human Services Volunteer Program established under subsection (1) of this section is an agent of the state for purposes of ORS 30.260 to 30.300 and is not

an agent of local governments or nonprofit entities that utilize the volunteer's services. However, local government or nonprofit entities are responsible for their own negligent acts or those of their own officers, employees and agents.

(3) The director is authorized to adopt all rules necessary to implement and administer the Department of Human Services Volunteer Program. [1997 c.597 s.1; 1999 c.421 s.8]

409.365 Department of Human Services Volunteer Program Donated Fund Account. (1) The Department of Human Services Volunteer Program Donated Fund Account is established separate and distinct from the General Fund. Interest earned, if any, shall inure to the benefit of the account. The moneys in the account are appropriated continuously to the Department of Human Services.

(2) The Department of Human Services Volunteer Program shall keep a record of all moneys credited to and deposited in the Department of Human Services Volunteer Program Donated Fund Account. The record shall indicate the source from which the moneys are derived and the activity or program against which each withdrawal is charged.

(3) All private donations or contributions made for the use or benefit of the Department of Human Services Volunteer Program shall be deposited in the Department of Human Services Volunteer Program Donated Fund Account. All funds deposited in that account shall be used for direct program expenditures for the Department of Human Services Volunteer Program and shall not be used for direct or indirect administrative expenditures. [1997 c.597 s.2; 1999 c.421 s.9]

ALCOHOL AND DRUG ABUSE PROGRAMS

409.410 Assistant Director for Alcohol and Drug Abuse Programs; duties. (1) The Director of Human Services shall appoint an Assistant Director for Alcohol and Drug Abuse Programs. The Assistant Director for Alcohol and Drug Abuse Programs shall have full responsibility to administer all alcohol and drug abuse programs, including the funds appropriated therefor, that would otherwise be the responsibility of the Mental Health and Developmental Disability Services Division, including but not limited to programs or components of programs described in ORS 430.397 to 430.401, ORS chapter 430, 475.225, 743.557, 743.558 and ORS chapters 801 to 822.

(2) Subject to ORS 417.300 and 417.305, the Assistant Director for Alcohol and Drug Abuse Programs shall:

(a) Report to the Legislative Assembly on accomplishments and issues occurring during each biennium, and report on a new biennial plan describing resources, needs and priorities for all alcohol and drug abuse programs.

(b) Develop within the Department of Human Services priorities for alcohol and drug abuse programs and activities.

(c) Monitor the priorities of approved alcohol and drug abuse related programs in all other state agencies.

(d) Conduct statewide and special planning processes which provide for participation from state and local agencies, groups and individuals.

(e) Identify the needs of special populations including minorities, elderly, youth, women and individuals with disabilities.

(f) Subject to ORS 183.310 to 183.550, adopt such rules as are necessary for the performance of the duties and functions specified by this section, ORS 409.010 and 430.255 to 430.630, or otherwise lawfully delegated.

(3) The Assistant Director for Alcohol and Drug Abuse Programs may apply for, receive and administer funds, including federal funds and grants, from sources other than the state. Subject to expenditure limitation set by the Legislative Assembly, funds received under this subsection may be expended by the assistant director:

(a) For the study, prevention or treatment of alcohol and drug abuse and dependence in this state.

(b) To provide training, both within this state and in other states, in the prevention and treatment of alcohol and drug abuse and dependence. [Formerly 184.757; 1997 c.166 s.1]

409.420 Other duties of assistant director. In addition to the responsibilities in ORS 409.410, the Assistant Director for Alcohol and Drug Abuse Programs shall place special emphasis on all of the following:

(1) Establishing standards for both public and private alcohol and drug abuse prevention, intervention and treatment programs. It is the policy of the Legislative Assembly that all programs providing alcohol and drug abuse related prevention, intervention and treatment services in this state, with public funds, meet the standards established under this subsection.

(2) Providing training for state employees dealing directly with appropriate client groups to insure better recognition and understanding of alcohol and drug abuse problems. Training is also to be directed at increasing knowledge of appropriate and available resources for assisting clients with alcohol and drug abuse problems.

(3) Conducting continuing long-term evaluation of clients and other recipients of services from all Department of Human Services funded programs, for periods of up to 24 months following completion of service, to assess service effectiveness and enable appropriate corrective actions.

(4) Assuring financial audits and program reviews of alcohol and drug abuse related programs and services which receive funds, including beer and wine tax revenues distributed under ORS 430.380 and 471.810, from any state agency. [Formerly 184.759]

409.425 Inhalant abuse; education resources. (1) For purposes of this section, “inhalant” has the meaning given that term in ORS 167.808.

(2) The Assistant Director for Alcohol and Drug Abuse Programs appointed under ORS 409.410 shall develop education resources focusing on the problem of inhalant abuse by minors. The assistant director shall ensure that special emphasis is placed on the education of parents about the risks of inhalant use. The assistant director shall develop tools to help parents talk to their children about the extraordinary risks associated with even a single use of inhalants, as well as those risks that arise from repeated use.

(3) The assistant director shall develop education resources focusing on merchants that sell products that contain inhalants. The assistant director shall encourage merchants that sell products containing inhalants to post signs that inform the public that using inhalants for the purpose of intoxication is illegal and potentially deadly.

(4) The assistant director shall develop and print a standard sign for the purposes of subsection (3) of this section, and shall make the sign available to merchants that elect to display the sign. The sign shall:

(a) Contain the message, “Illegal to inhale fumes for purpose of intoxication. Fumes may cause serious injury or death!!”

(b) Be at least five by seven inches in size with lettering that is at least three-eighths of an inch in height.

(c) Contain a graphic depiction of the message to convey the message to a person who cannot read the message. If the depiction includes a picture of a person, the depiction of the person shall be of a minor and shall not reflect any specific race or culture.

(5) The sign developed under subsection (4) of this section shall be in English and in such other languages as may be commonly used in this state. Merchants shall be encouraged to post signs in languages other than English if English is not the primary language of a significant number of the patrons of the business. [1999 c.229 s.2]

GAMBLING ADDICTION PROGRAMS

409.430 Gambling addiction programs; advisory committee. (1) The Department of Human Services, in collaboration with county representatives, prior to January 1, 2000, shall develop a plan for the administration of the statewide gambling addiction programs and delivery of program services.

(2) The Department of Human Services may appoint an advisory committee or designate an existing advisory committee to make recommendations to the department concerning:

(a) Performance standards and evaluation methodology;

(b) Fiscal reporting and accountability;

(c) Delivery of services; and

(d) A distribution plan for use of available funds.

(3) The distribution plan for the moneys available in the Problem Gambling Treatment Fund shall be based on performance standards.

(4) The Department of Human Services may enter into an intergovernmental agreement or other contract for the delivery of services related to programs for the prevention and treatment of gambling addiction and other emotional and behavioral problems related to gambling.

(5) Before entering into an agreement or contract under subsection (4) of this section, the Department of Human Services must consider the experience, performance and program capacity of those organizations currently providing services. [1999 c.985 s.3]

409.435 Problem Gambling Treatment Fund. (1) There is established in the State Treasury, separate and distinct from the General Fund, the Problem Gambling Treatment Fund. All moneys in the Problem Gambling Treatment Fund are continuously appropriated to the Department of Human Services to be expended for programs for the prevention and treatment of gambling addiction and other emotional and behavioral problems related to gambling and for the administration of the programs.

- (2) The Problem Gambling Treatment Fund shall consist of:
 - (a) The net proceeds from the Oregon State Lottery allocated to the fund under ORS 461.549;
 - (b) Moneys appropriated to the fund by the Legislative Assembly; and
 - (c) Interest earnings on moneys in the fund. [1999 c.985 s.2]

RESPIRE CARE PROGRAM

409.450 Definitions for ORS 409.450 to 409.478. As used in ORS 409.450 to 409.478:

- (1) "Caregiver" means an individual providing ongoing care for an individual with special needs.
- (2) "Community lifespan respite care program" means a noncategorical respite care program that:
 - (a) Is operated by community-based private nonprofit, for-profit or public agencies that provide respite care services;
 - (b) Receives funding through the Oregon Lifespan Respite Care Program established under ORS 409.458;
 - (c) Serves an area of one or more counties;
 - (d) Acts as a single local source of information and referral; and
 - (e) Facilitates access to local respite care services.
- (3) "Noncategorical care" means care without regard to the status, including but not limited to age and type of special need of the individual receiving care.
- (4) "Provider" means an individual or agency selected by a family or caregiver to provide respite care to an individual with special needs.
- (5) "Respite care" means the provision of short-term relief to primary caregivers from the demands of ongoing care for an individual with special needs.
- (6) "Respite care services" includes:
 - (a) Recruiting and screening of paid and unpaid respite care providers;
 - (b) Identifying local training resources and organizing training opportunities for respite care providers;
 - (c) Matching of families and caregivers with providers and other types of respite care;
 - (d) Linking families and caregivers with payment resources;
 - (e) Identifying, coordinating and developing community resources for respite care;
 - (f) Quality assurance and evaluation; and
 - (g) Assisting families and caregivers to identify respite care needs and resources.
- (7) "Special needs" includes:
 - (a) Alzheimer's disease and related disorders;
 - (b) Developmental disabilities;
 - (c) Physical disabilities;
 - (d) Chronic illness;
 - (e) Mental and emotional conditions that require supervision;
 - (f) Situations in which a high risk of abuse or neglect exists; and
 - (g) Such other situations or conditions as the Department of Human Services may establish by rule. [1997 c.745 s.1]

409.454 Legislative findings on respite care. The Legislative Assembly finds that:

- (1) Supporting the efforts of families and caregivers to care for individuals with special needs at home is efficient, cost effective and humane. Families receiving occasional respite care relief are less likely to request admission of an individual with special needs to nursing homes, foster care or other out-of-home care at public expense.
- (2) Respite care reduces family and caregiver stress, enhances family and caregiver coping ability and strengthens family ability to meet the challenging demands of caring for individuals with special needs.
- (3) Respite care reduces the risk of abuse and neglect of children, senior citizens and other vulnerable groups.
- (4) Coordinated, noncategorical respite care services must be available locally to provide reliable short-term relief when it is needed by families and caregivers regardless of where they live in Oregon. [1997 c.745 s.2]

409.458 Oregon Lifespan Respite Care Program established; duties. The Director of Human Services shall establish the Oregon Lifespan Respite Care Program to develop and encourage statewide coordination of respite care and to work with community-based private nonprofit, for-profit or public agencies and interested citizen groups in the establishment of community lifespan respite care programs. The Oregon Lifespan Respite Care Program shall:

- (1) Provide policy and program development support, including but not limited to data collection and outcome measures;
- (2) Identify and promote resolution of local and state level policy concerns;
- (3) Provide technical assistance to community lifespan respite care programs;
- (4) Develop and distribute respite care information;
- (5) Promote the exchange of information and coordination among state and local government, community lifespan respite care programs, agencies serving individuals with special needs, families and respite care advocates to encourage efficient provision of respite care and reduce duplication of effort;
- (6) Ensure statewide access to community lifespan respite care programs; and
- (7) Monitor and evaluate implementation of community lifespan respite care programs. [1997 c.745 s.3]

409.462 Community programs; criteria; administrator of program; advisory council. (1) The Department of Human Services through the Oregon Lifespan Respite Care Program shall coordinate the establishment of community lifespan respite care programs. The program shall accept proposals to operate community lifespan respite care programs, submitted in the form and manner required by the program, from community-based private nonprofit, for-profit or public agencies that provide respite care services. According to criteria established by the Department of Human Services, the Oregon Lifespan Respite Care Program shall designate and fund agencies described in this section to operate the community respite care programs.

(2) The Director of Human Services shall create the position of administrator of the Oregon Lifespan Respite Care Program to carry out the duties of the program.

(3) The Family Support Advisory Council established in ORS 417.346 shall appoint a subcommittee of the council to act as an advisory council to the Oregon Lifespan Respite Care Program. The subcommittee shall be composed of Family Support Advisory Council members and nonmembers including respite care providers, respite care program managers, respite care consumers, family members and other interested individuals. [1997 c.745 s.4]

Note: Section 8, chapter 745, Oregon Laws 1997, provides:

Sec. 8. By no later than July 1, 1999, the Department of Human Services shall establish at least 12 community respite care programs in Oregon. By no later than July 1, 2003, the department shall ensure that individuals in all Oregon counties have access to respite care through community respite care programs. [1997 c.745 s.8]

409.466 Community program duties; advisory committee. Each community lifespan respite care program established pursuant to ORS 409.458 shall:

- (1) Involve key local individuals and agencies in the community lifespan respite care program planning process.
- (2) Create an advisory committee composed of 15 members to advise the community lifespan respite care program on how the program may best serve the needs of families and caregivers of individuals with special needs. At least eight members of the advisory committee shall be family members and caregivers of individuals with special needs. Other members shall include respite care providers, representatives of local service agencies and other community representatives. Committee membership shall represent senior citizens, individuals with special needs, and families at risk of abuse or neglect. [1997 c.745 s.5]

409.470 Description of respite care services. Respite care services made available through the Oregon Lifespan Respite Care Program shall:

- (1) Include a flexible array of respite care options responsive to family and caregiver needs and available before families and caregivers are in a crisis situation;
- (2) Be sensitive to the unique needs, strengths and multicultural values of an individual, family or caregiver;
- (3) Offer the most efficient access to an array of coordinated respite care services that are built on existing community supports and services;
- (4) Be driven by community strengths, needs and resources; and
- (5) Use a variety of funds and resources, including but not limited to:
 - (a) Family or caregiver funds;
 - (b) Private and volunteer resources;
 - (c) Public funds; and
 - (d) Exchange of care among families or caregivers. [1997 c.745 s.6]

409.474 Rulemaking. The Department of Human Services shall adopt all rules necessary for the operation and administration of the Oregon Lifespan Respite Care Program, including but not limited to:

(1) Establishing criteria, procedures and time lines for designation of the community-based private nonprofit, for-profit or public agencies that will receive funding to provide respite services under community lifespan respite care programs; and

(2) Requiring that community lifespan respite care programs publicize the telephone number and address where families and caregivers may contact the program. [1997 c.745 s.7]

409.478 Use of funds appropriated to program. The Oregon Lifespan Respite Care Program may use the funds appropriated to the program for the following purposes:

(1) The purposes established in ORS 409.458 and 409.462;

(2) Costs related to developing provider recruitment and training, information and referral, outreach and other components of the provision of local respite care;

(3) One time only start-up costs related to the establishment of the community lifespan respite care program; and

(4) Minimum administrative costs for maintaining ongoing program operation. [1997 c.745 s.9]

WOMEN, INFANTS AND CHILDREN PROGRAM

409.600 Women, Infants and Children Program; rulemaking; civil penalties. (1) The Women, Infants and Children Program is established in the Department of Human Services. The purpose of the program is to serve as an adjunct to health care by providing nutritious food, nutrition education and counseling, health screening and referral services to pregnant and breast-feeding women and to infants and children in certain high-risk categories.

(2) The department shall adopt:

(a) Standards and procedures to guide administration of the program by the state in conformity with federal requirements and to define the rights, responsibilities and legal procedures of program vendors; and

(b) Rules necessary to implement and carry out the provisions of this section.

(3)(a) In addition to any other penalty provided by law, the department may assess a civil penalty against any person for violation of any rule of the department relating to the Women, Infants and Children Program. The department shall adopt by rule criteria for the amount of civil penalties to be assessed under this section.

(b) All penalties recovered under this section shall be deposited into the General Fund of the State Treasury and credited to a subaccount of the Department of Human Services Account designated by the department. Moneys deposited are appropriated continuously to the department and shall be used only for the administration and enforcement of this section. [1999 c.822 s.1]

CHILD CARE SERVICES

409.610 Goal of Legislative Assembly. It is the goal of the Legislative Assembly to provide programs to make child care services more affordable, to improve the quality of services offered and to increase the number of child care providers. Programs should be tailored to the needs of local communities and should include a combination of actions that will address both targeted populations, such as teen parents or disabled children, and low-income working or student parents. [1991 c.697 s.1]

409.620 [1991 c.697 s.4; repealed by 1993 c.676 s.53]

409.630 [1991 c.697 s.6; repealed by 1993 c.676 s.53]

JOB REFERRALS

409.710 Certain job referrals prohibited; eligibility not conditioned on employment at workplace involved in labor dispute. (1) The Department of Human Services or any division or office in the department shall not refer any individual on a job referral that would aid in the filling of a job opening that exists because of a labor dispute, as defined in ORS 662.010.

(2)(a) Notwithstanding any other provision of law, no division of the Department of Human Services, or any other

state agency shall require as a condition of eligibility to receive benefits or services provided by that division or agency that an individual apply for or accept employment at any workplace where there is a labor dispute in progress.

(b) As used in this subsection, "labor dispute" has the meaning for that term provided in ORS 662.010. [Formerly 184.883]

MISCELLANEOUS

409.750 State goal to eliminate or alleviate poverty. The State of Oregon desires to assist and enable the poor to achieve maximum feasible economic self-sufficiency. It shall be a state goal to eliminate or alleviate the causes and conditions of poverty in Oregon. The state shall assist community action agencies to stimulate a better focusing of all available local, state, federal and private resources upon the goal. [Formerly 184.801]
