

HOUSE AMENDMENTS TO HOUSE BILL 2413

By COMMITTEE ON HUMAN SERVICES AND HOUSING

April 23

- 1 In line 2 of the printed bill, after the semicolon insert “amending ORS 443.420;”.
- 2 Delete lines 4 through 8 and insert:
- 3 “**SECTION 1.** ORS 443.420 is amended to read:
- 4 “443.420. (1) A person applying for a license under ORS 443.415 must, in the judgment of the
- 5 director of the licensing agency, be a person:
- 6 “(a) Who demonstrates an understanding and acceptance of the rules governing residential fa-
- 7 cilities;
- 8 “(b) Mentally and physically capable of caring for such residents; and
- 9 “(c) Who employs or utilizes only individuals whose presence does not jeopardize the health,
- 10 safety or welfare of residents.
- 11 “(2) A residential facility shall not be operated or maintained in combination with a nursing
- 12 home or hospital unless licensed, maintained and operated as a separate and distinct part.
- 13 “(3) All physical residential facilities used for residents shall meet applicable requirements of
- 14 the State Fire Marshal.
- 15 “(4) Prior to licensure, a residential facility must be in substantial compliance with applicable
- 16 state and local laws, rules, codes, ordinances and permit requirements.
- 17 “(5) Prior to licensure, a residential facility that proposes to house persons under the age of 21
- 18 years shall submit written proof to the licensing agency demonstrating that the facility will:
- 19 “(a) Comply with ORS 336.575; and
- 20 “(b) Ensure that the children who reside at the residential facility receive appropriate educa-
- 21 tional services that are:
- 22 “(A) Comprehensive and age-appropriate;
- 23 “(B) In compliance with requirements of state and federal law; and
- 24 “(C) If applicable, in compliance with the individual education program of the child.
- 25 “(6) Prior to an initial licensure of a residential care facility, the licensing agency shall con-
- 26 sider:
- 27 “(a) The license applicant’s history of regulatory compliance and operational experience;
- 28 “[*(b) The need in the local community for the services offered by the license applicant, as demon-*
- 29 *strated by a market study produced by the license applicant;*]
- 30 “[*(c)*] (b) The willingness of the license applicant to serve underserved populations; and
- 31 “[*(d)*] (c) The willingness of the license applicant to contract with the licensing agency to pro-
- 32 vide services through the state medical assistance program.
- 33 “(7) **The licensing agency may not issue an initial license to a residential care facility if**
- 34 **the facility has not conducted a market study that assesses the need for the services offered**
- 35 **by the facility in the geographic area served by the facility.”.**

