

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDINANCE NO. 974**

Amending MCC Chapters 23 and 3 and Deleting MCC Chapter 25 to Establish the Department of County Human Services by Consolidating and Abolishing the Department of Aging and Disability Services and the Department of Community and Family Services, and Declaring an Emergency

(Language ~~striken striken~~ is deleted; double- underlined language is new.)

**Multnomah County Ordains as follows:**

**Section 1.** MCC §§ 23.001, 23.101, 23.102 and 23.103 are amended as follows:

**CHAPTER 23 COUNTY HUMAN SERVICES**

**23.001 Department of County Human Services.**

The Department of County Human Services is created. The head of the department is the Director of the Department of County Human Service (director). The director must appoint and the Board will approve a community mental health program director who will perform the duties prescribed by state law. The department is assigned the following functions:

- (A) Adult mental health services;
- (B) Child and adolescent mental health services;
- (C) Developmental disability services;
- (D) Community mental health services;
- (E) Alcohol and drug treatment services;
- (F) Senior services;
- (G) Disability services;

- (H) Public Guardian;
- (I) Adult Care Home program, and
- (J) Domestic violence program.

### **23.101 Mental Health Advisory Committee**

- (A) As required by state law, there is a Mental Health Advisory Committee.
- (B) The committee performs the following:
  - (1) Advises the local mental health authority and the community mental health and developmental disability program director on community needs and priorities for services and assists in planning, review and evaluation of services, and
  - (2) Participates with other agencies, groups and interested persons in the promotion of community awareness of mental health and developmental disability needs and services.

### **23.102 Membership.**

- (A) *Members.* The mental health advisory committee (committee) is comprised of the membership of four county advisory councils:
  - (1) mental and emotional disabilities;
  - (2) chemical dependency;
  - (3) developmental disabilities; and
  - (4) child and adolescent mental health.
- (B) *Residency required.* All members of the above advisory councils must reside or work in the county.
- (C) *Terms.* Terms of members are determined in accordance with the bylaws of each program area advisory council.
- (D) *Compensation.* Members receive no compensation for serving on the committee or council.

(E) *Resignation.* The procedure for resignations will be determined in accordance with the bylaws of each program area advisory council.

(F) *Vacancies.* Nominations to fill vacancies on the advisory councils will be submitted from the four program area councils in accordance with their bylaws for appointment by the Chair with approval of the Board.

### **23.103 Meetings.**

(A) *Regular meetings.* Regular meetings of each of the four program area advisory councils comprising the mental health advisory committee must be held at least quarterly.

(B) *Special meetings.* At the request of the mental health authority, or any of the four program area advisory council chairs, an ad hoc meeting of the chairs may be convened to consider cross-program issues or to serve as the single contact point to fulfill state requirements.

(C) *Communications.* All four chairs will receive all minutes and communications from the other advisory councils comprising the mental health advisory committee. The department will notify subsequent chairs who takes office of their council's identification as part of the mental health advisory committee and their ad hoc responsibilities with the other advisory council chairs.

(D) *Quorum.* Requirements for a quorum will be determined in accordance with the bylaws.

(E) *Conduct of meetings.* The current edition of Roberts Rules of Order governs all meetings of the committee and its standing or special committees, to the extent they are consistent with council bylaws.

(F) *Notice.* The committee will comply with the requirements of the state public meetings law.

**Section 2.** MCC §25.100 is deleted and §§ 25.101 and 25.203 are renumbered and amended as follows:

### **25.10123.501 Office of Public Guardian and Conservator.**

(A) The office of public guardian and conservator is established within the department.

(B) The department director appoints the public guardian and conservator (public guardian) who must be bonded as provided by state law.

(C) The public guardian has the powers and duties assigned by state law and retains final responsibility for all office decisions regarding the care and safety of protected persons.

(D) The public guardian may delegate duties to assistant public guardians and conservators and other staff.

## **ADULT CARE HOMES**

### **25.20323.603 Definitions.**

For the purpose of this subchapter, the following definitions apply unless the context requires a different meaning.

**ACTIVITIES OF DAILY LIVING (ADL).** Those personal functional activities required by an individual for continued well-being, including eating/nutrition, dressing, personal hygiene, mobility, toileting, and behavior, including medication and money management.

**ADULT CARE HOME.** Any home or facility that provides residential care for compensation to five or fewer persons who are not related to the operator by blood, adoption, or marriage.

**ADULT CARE HOME PROGRAM (ACHP).** The regulatory program of the department that oversees the enforcement of ACHP rules in adult care homes in Multnomah County.

**BOARD** The operator's provision of meals on a predictable or regular basis.

**CARE.** The assistance with activities of daily living, such as bathing, dressing, grooming, bowel and bladder control, or behavior management, except that assistance with self-medication is not considered care.

**CAREGIVER.** Any person responsible for providing, care or services to residents of an adult care home under the jurisdiction of the ACHP.

**COMPENSATION.** Payments in cash, in kind, or in labor, by or on behalf of a resident to an operator or common fund in exchange for room, board, care or services, including any supervision, care and services specified in the care plan. **COMPENSATION** does not generally include the voluntary sharing of expenses between or among roommates.

**DIRECTOR.** The director of the Department of County Human Services.

**DISABILITY.** Any physical, psychological, or cognitive impairment that limits the person in one or more of the activities of daily living.

**ELDERLY PERSON.** Any person age 65 or older who is in need of care.

**COUNTY HUMAN SERVICES DEPARTMENT.** The department of the county government, which is responsible for the provision of services, including Medicaid services, to elderly persons and some persons with disabilities.

**LICENSED ADULT CARE HOME.** A facility, which has been inspected and approved by the Adult Care Home Program.

**OPERATOR.** The person licensed by the adult care home program to operate the adult care home who has overall responsibility for the provision of residential care, who meets the standards outlined in the administrative rules, and who has been approved by the ACHP.

**OWNER.** Any person with any legal or equitable interest in, and with the right or power of control over, the physical structure of an adult care home.

**RESIDENT.** Any person who is receiving room, board, care, or services for compensation in an adult care home.

**RESIDENT MANAGER.** A person employed by the adult care home operator and approved by the ACHP who lives in the home, is responsible for the daily operation of the home and care given to residents, and who must comply with the ACHP rules.

**ROOM AND BOARD.** The provision of meals and a place to sleep for compensation to persons who do not need ADL care.

**Section 3.** MCC §§ 25.200 through 25.999 are renumbered as follows:

<del>25.200</del> <u>23.600</u> *	<b>ADULT CARE HOMES - PART 1: GENERAL PROVISIONS</b>
<del>25.200-23.600-</del>	<b>Title; Area of Application.</b>
<del>25.201</del> <u>23.601</u>	<b>Findings.</b>
<del>25.202</del> <u>23.602</u>	<b>Purpose.</b>
<del>25.203</del> <u>23.603</u>	<b>Definitions.</b>
<del>25.204</del> <u>23.604</u>	<b>Residents' Bill of Rights.</b>
<del>25.205</del> <u>23.605</u>	<b>License Required; Application.</b>
<del>25.206</del> <u>23.606</u>	<b>License.</b>
<del>25.207</del> <u>23.607</u>	<b>License Fee.</b>
<del>25.208</del> <u>23.608</u>	<b>License Not Transferable.</b>
<del>25.209</del> <u>23.609</u>	<b>Standards For Operation.</b>
<del>25.210</del> <u>23.610</u>	<b>Inspections.</b>
<del>25.211</del> <u>23.611</u>	<b>Complaints.</b>
<del>25.212</del> <u>23.612</u>	<b>Sanctions.</b>
<del>25.213</del> <u>23.613</u>	<b>Institution of Legal Proceedings.</b>
<del>25.214</del> <u>23.614</u>	<b>Appeals and Hearings Review.</b>
<del>25.215</del> <u>23.615</u>	<b>Civil Cause of Action.</b>

- 25.21623.616 Intergovernmental Agreements.
- 25.21723.617 Administration and Enforcement.

**25.25023.650\* ADULT CARE HOMES - PART 2: ADOPTION OF ADMINISTRATIVE RULES**

- 25.25023.650- Initiation of Rule Adoption.
  - 25.25123.651 Approval of Form; Filing.
  - 25.25223.652 Contents of Notice of Intent to Adopt.
  - 25.25323.653 Publication of Notice.
  - 25.25423.654 Review and Comment Period.
  - 25.25523.655 Rule Adoption.
  - 25.25623.656 Postponement of Action.
  - 25.25723.657 Request For Public Hearing.
  - 25.25823.658 Notice of Public Hearing; Contents.
  - 25.25923.659 Notice of Public Hearing; Publication.
  - 25.26023.660 Public Hearing; Action on Rule; Filing.
  - 25.26123.661 Appeal to the Board.
  - 25.26223.662 Appeal Request; Contents.
  - 25.26323.663 Commissioner Request For Review.
  - 25.26423.664 Hearing Date.
  - 25.26523.665 Notice of Appeal Hearing.
  - 25.26623.666 Hearing Procedure.
  - 25.26723.667 Temporary Rules.
  - 25.26823.668 Requirements For Temporary Rules.
  - 25.26923.669 Effective Date of Temporary Rule.
  - 25.27023.670 Duration of Temporary Rule.
- 25.99923.999 Penalty.

Section 4. MCC §§ 3.301 and 3.306 are amended as follows:

**3.301 Committees Established.**

Citizen Budget Advisory Committees are established for the Department of County Human Services, the Department of Management and Business Services, the Department of Juvenile and Adult Community Justice, the Health Department, the Office of Schools and Community Partnerships, the Library, the Sheriff, the District Attorney, the county non-departmental programs. The Library Board functions as the Library Citizen Budget Advisory Committee. The Community Health Council functions as the Health Department Citizen Budget Advisory Committee. The County Human Services Citizen Budget Advisory Committee will have representatives of the Disability Services Advisory Council, the Elders in Action Commission Leadership Team, the Adult Mental Health Services Advisory Committee, the Children Mental Health Services Advisory Committee, and the Developmental Disability Advisory Council. The Citizen Budget Advisory Committees advise the Board and all county directors, elected officials, and non-departmental programs. Citizen Budget Advisory

Committees will actively participate in county budget development and review, give advice on policy considerations, and participate in operational and strategic planning.

### **3.306 Central Citizen Budget Advisory Committee.**

(A) Each Citizen Budget Advisory Committee selects one of its members to serve on the Central Citizen Budget Advisory Committee, ~~except for the Department of Aging and Disability Services where the Disability Services Advisory Council and the Elders in Action Commission Leadership Team shall each select a member to serve as co-representatives.~~

(B) Appointments to the Central Citizen Budget Advisory Committee are for one year.

(C) The Citizen Involvement Committee appoints a member at large who is designated Chair of the Central Citizen Budget Advisory Committee.

(D) The Central Citizen Budget Advisory Committee is a steering committee for the Budget Advisory Committees. It is responsible for coordinating all deadlines, reports and activities of the Citizen Budget Advisory Committee process, providing training for Citizen Budget Advisory Committee members, and reporting its recommendations to the Chair, the Board and the public.

(E) The Central Citizen Budget Advisory Committee must respond to the concerns of the Citizen Budget Advisory Committees and may reflect the concerns of the public at large.

(F) The Central Citizen Budget Advisory Committee is charged with making county-wide recommendations to the Chair, the Board and the public, that may cross departmental lines and affect one or more departments.

(G) The Central Citizen Budget Advisory Committee ~~will~~ receives technical assistance and clerical support from the Citizen Involvement Committee.

**Section 5.** All references to the Departments of Aging and Disability Services and the Department of Community and Family Services within the Multnomah County Code and other county documents must be changed to the Department of County Human Services.

**Section 6.** An emergency is declared in that it is necessary for this ordinance to take effect consistent with budget changes that are necessary for the health, safety, and general

welfare of the people of Multnomah County, and this ordinance will take effect on February 1, 2002, under section 5.50 of the Charter of Multnomah County. For budget purposes this ordinance will take effect on July 1, 2002 and will not affect the structure of the 2001-2002 budget.

FIRST READING: January 24, 2002

SECOND READING AND ADOPTION: January 31, 2002



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By:   
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