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OREGON ADMINISTRATIVE RULES  
DEPARTMENT OF HUMAN SERVICES, PUBLIC HEALTH DIVISION  
CHAPTER 333

~~**DIVISION 92**~~

~~**LONG TERM CARE FACILITIES  
NURSING HOMES FOR THE MENTALLY RETARDED**~~

~~**333-092-0000**~~

~~**Definitions**~~

~~(1) A "Nursing Home for the Mentally Retarded" means any institution or health care facility which:~~

~~(a) Operates and maintains facilities and a wide range of services exclusively for two or more mentally retarded residents in whom there is subaverage general intellectual functioning which originates during the developmental period and is associated with impairment in adaptive behavior;~~

~~(b) Provides one or any combination of classes of care as defined in OAR 333-092-0040(6)(a) through (e).~~

~~(2) "Hospital Licensing Law" means ORS 441.005 to 441.080.~~

~~(3) "Division" or "Health Division" means the Oregon State Health Division.~~

~~(4) "Registered Nurse" means a person graduated from an accredited school of nursing and currently registered through the Oregon State Board of Nursing.~~

~~(5) "Licensed Practical Nurse" means a person licensed through the Oregon State Board of Nursing as a practical nurse.~~

~~(6) "Nursing Aide" means a person working under the direct supervision of a registered nurse or a licensed practical nurse.~~

~~Stat. Auth.:~~

~~Stats. Implemented:~~

~~**333-092-0005**~~

~~**Application for License**~~

~~All persons contemplating the operation of a nursing home for the mentally retarded shall apply to the Division for a license on a form provided by the Division and remit the license fee required by law at least 30 days before the opening of the nursing home.~~

~~Stat. Auth.:~~

~~Stats. Implemented:~~

~~**333-092-0010**~~

~~**Issuance of License to a Nursing Home for the Mentally Retarded**~~

~~(1) An applicant must be of reputable character and suitable temperament and understanding of the needs of mentally retarded individuals and how and what services and programs are necessary to meet these needs.~~

~~(2) If the institution applying for a license is a governmental institution, no license fee for the facility will be required; however, to qualify for licensure as a nursing home for the mentally retarded, the facility must be operated in accordance with all the requirements of~~

~~ORS 678.510 to 678.990. This would require the payment of a nursing home administrator's fee.~~

~~(3) Every nursing home for the mentally retarded shall have a distinctive name which is to be used in applying for a license and shall not be changed without first notifying the Division in writing.~~

~~(4) Each license shall specify the maximum allowable number of beds on each floor of each building comprising the nursing home for the mentally retarded. It shall also state the classes of care the facility will provide.~~

~~(5) A separate license shall be required for each nursing home for the mentally retarded when more than one nursing home for the mentally retarded is operated under the same management; provided, however, that separate licenses are not required for separate buildings on the same grounds used by the same nursing home for the mentally retarded.~~

~~(6) The nursing home license and a placard stating that the home is licensed by the Health Division shall be conspicuously posted in the office where patients are admitted. The placard shall be issued with each license and shall include the address and telephone number of the Health Division and the following statement: **"If you have a problem or complaint that cannot be satisfied after consultation with the administrator, please contact the licensing agency listed below stating circumstances. Your identity will remain confidential"**.~~

~~(7) No person or institution licensed pursuant to the provisions of ORS Chapter 441, shall in any manner or by any means assert, represent, or imply that such person or institution is or may render care or services other than that which is permitted by or which is within the scope of the license issued to such person or institution by the Division.~~

~~Stat. Auth.:~~

~~Stats. Implemented:~~

### **333-092-0015**

#### **Expiration and Renewal of License**

~~(1) Each license to operate a nursing home for the mentally retarded shall expire on December 31 following the date of issue, and if a renewal is desired, the licensee shall make application at least 30 days prior to the expiration date upon a form prescribed by the Division.~~

~~(2) Each nursing home for the mentally retarded shall submit an annual report which shall be upon a form prescribed by the Division.~~

~~(3) When an applicant has failed to obtain a license because of non-compliance, an application for the new licensing year shall be considered as a new application rather than a renewal.~~

~~Stat. Auth.:~~

~~Stats. Implemented:~~

### **333-092-0020**

#### **Denial or Revocation of License**

~~A license may be withheld or denied or revoked if the Division finds upon investigation that any illegal act affecting the welfare of a resident in the nursing home for the mentally retarded has been permitted, aided, or abetted by the person or persons in charge of the home, or by either of them.~~

Stat. Auth.:

Stats. Implemented:

### **333-092-0025**

#### **Return of License to a Nursing Home for the Mentally Retarded**

~~Each license certificate in the licensee's possession shall be returned to the Division immediately on the suspension or revocation of the license, or if the operation is discontinued, by the voluntary action of the licensee.~~

Stat. Auth.:

Stats. Implemented:

### **333-092-0030**

#### **Submissions of Plans for a Nursing Home for the Mentally Retarded**

~~(1) Prior to construction of a new building or an addition to an existing building or remodeling of an existing building, plans drawn by an architect or plans drawn to scale (using the standard 1/4" or 1/8" scale) with the appropriate architectural symbols, shall be submitted to the Division for approval with respect to compliance with these standards.~~

~~**NOTE:** The Division recommends that all construction conform to the standards found in the latest edition of the Uniform Building Code as adopted by the Pacific Coast Building Officials Conference.~~

~~(2) The water supply, plumbing, sewerage, and garbage disposal systems shall be approved by the Department of Environmental Quality and Department of Commerce and the County Sanitarian.~~

~~[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]~~

Stat. Auth.:

Stats. Implemented:

### **333-092-0035**

#### **Location and Communication**

~~(1) Location and accessibility should be considered in planning new nursing home for the mentally retarded facilities.~~

~~(2) Telephones to summon help in case of fire or other emergency shall be adequate in number and shall be so located as to be quickly accessible from all parts of the building.~~

Stat. Auth.:

Stats. Implemented:

### **333-092-0040**

#### **Building**

~~(1) Buildings to be used as nursing homes for the mentally retarded shall be suitable for such usage. They shall be subject to approval of the Division, and must comply with the building codes of local municipalities and county planning and building permits.~~

~~(2) The walls and floors shall be such as to permit frequent washing or cleaning and the stairs shall be covered with a nonskid material. The building shall be kept clean and sanitary and in good repair, and vector free. Kitchen, bathrooms, and utility rooms shall have smooth, enameled or equally washable surfaces.~~

- ~~(3) All stairways shall be provided with handrails.~~
- ~~(4) Each resident's room or ward area shall be an outside room or area.~~
- ~~(5) Individual's sleeping quarters shall be of sufficient size to allow for adequate service and nursing procedures and to permit the placing of beds at least three feet apart.~~
- ~~(6) The size of the service areas and sleeping areas will be determined by the level of care required and applicable to the classifications as follows:~~
- ~~(a) Class I Nursing Home for the Mentally Retarded. In this category are residents without physical disabilities and no behavior problems and minimum mental retardation. These residents are potential candidates for vocational rehabilitation and return to a community environment. As such, the environment should be normalized to include the following:~~
- ~~(A) Not more than four residents to a ward;~~
- ~~(B) The ward to have 70 square feet per bed with a chair and either a separate clothes locker or a common clothes closet for the ward residents;~~
- ~~(C) Residents in this group shall also have a day area based on twenty square feet per resident. This area may also serve for other activities such as recreation, dining or education;~~
- ~~(D) Toilets serving residents in this category shall have toilet seats, be enclosed with a door and in ratio of one toilet per 15 residents and one lavatory per ten residents. If male and female residents are housed together, separate toilets and lavatories for male and female residents are provided;~~
- ~~(E) The window area of the four bed wards shall be no less than 1/10 of the floor area;~~
- ~~(F) There shall be one tub and shower for every 30 residents;~~
- ~~(G) Paraphanelia for good grooming such as mirrors, combs, brushes, tooth brushes, et cetera shall be available;~~
- ~~(H) Residents up to age ten may be housed together and share common toilet and bathing facilities. Over age ten, the sexes shall not be mixed and separate toilet and bathing facilities shall be provided for each sex. In each resident case, a physician evaluation shall be required for proper placement.~~
- ~~(b) Class II Nursing Home for the Mentally Retarded. Individuals in this grouping are similar to Class I except the degrees of mental retardation are greater and maximum program objectives are aimed at placing the resident in a sheltered environment. Environmental factors such as room sizes, bath rooms, et cetera would be the same as Class I;~~
- ~~(c) Class III Nursing Home for the Mentally Retarded:~~
- ~~(A) Individuals in this grouping are severely mentally retarded with little or no behavior problem or physical disabilities. Education efforts shall be directed to the development of self help skills. Often groups under the age of puberty with both boys and girls in residential wards are programmed together in the development of self help skills, group interrelationship, et cetera. This shall apply to all children in all age groups;~~
- ~~(B) In this class larger wards up to 30 beds per unit are required with one bath tub and shower for every 30 residents. There shall be one toilet and lavatory for every 15 residents. The bed space in the ward shall not be less than sixty square feet per bed and the window area one tenth the floor area of the ward. There shall be a day area of 30 square feet per resident to serve as a multi purpose area.~~

~~(d) Class IV Nursing Home for the Mentally Retarded. Mentally retarded residents in this group may be autistic, and/or have acting-out behavior problems. The residents would not necessarily fit into any organized training program but would require organized therapy mainly. Ward and space requirements as well as toilet and lavatory requirements for Class III nursing homes for the mentally retarded are applicable to this group. There shall be 30 square feet per resident to serve as a multi-purpose room;~~

~~(e) Class V Nursing Home for the Mentally Retarded. Residents in this group are severely physically handicapped. This group requires the greatest concentration of professional staffing due to the complex problems in the group. In this class there shall be bath tables in the bathroom in addition to the tubs and showers. The ratios of one tub, one shower, and one bath table for every 30 residents, with open toilets one to every 15 residents shall be required for this group. There shall be one lavatory for every 15 residents in the bathroom. The bed space in the ward shall not be less than 60 square feet per bed and the window area one tenth the floor area of the ward. There shall be a day room of 30 square feet per resident to serve as a multi-purpose area.~~

~~(7) Auxiliary space for a day room, bathrooms, dining rooms, isolation facilities, utility rooms, and nurses' stations shall be required.~~

~~(8) There shall be no signal systems, draw curtains, screens, bedside tables, or overhead bed lamps required in any class nursing home for the mentally retarded. The rooms or wards of all classes may have curtains, wall decorations, and room furniture.~~

~~(9) Smoking shall be permitted only in a controlled environment and the proper safety precautions shall be observed.~~

~~(10) Lighting shall be at least five foot candles of light in hallways, ramps, and stairways, and 20 foot candles of light at the nurses' station, administrative offices, utility rooms, and at least ten foot candles of light in the day rooms and wards. Exposed light bulbs visible to the residents' eyes are prohibited.~~

~~(11) Each class nursing home for the mentally retarded shall have utility or work rooms, clothing rooms, linen closets, janitors' closets, and day rooms. In addition, Classes I, II, and III shall have an administrative office, and Classes IV and V shall have a nurses' station.~~

~~(12) The building shall at all times be adequately ventilated. Kitchen, bathrooms, and service rooms shall be so located and ventilated by windows or mechanical means as to prevent offensive odors from entering residents' rooms and the public halls.~~

~~(13) The heating plant shall be capable of maintaining a temperature of 75 degrees Fahrenheit in all rooms used for residents, whenever that temperature is necessary for the residents' comfort.~~

~~(14) An isolation room having at least 80 square feet with a toilet and lavatory shall be provided to control communicable diseases.~~

~~(15) A general storage area shall be provided.~~

~~(16) The janitors' closet adjacent to one or more wards shall contain a utility sink with hot and cold running water. The closet shall be mechanically ventilated to the outside.~~

~~(17) An adequate number of toilet rooms, conveniently located and separate from those used by residents, shall be provided for personnel.~~

~~Stat. Auth.:~~

~~Stats. Implemented:~~

### **333-092-0045**

#### **Codes Under Which Nursing Homes for the Mentally Retarded Shall Operate**

The facility shall operate in conformity with state laws governing fire safety, plumbing, and sanitation. All local ordinances are also applicable.

Stat. Auth.:

Stats. Implemented:

### **333-092-0050**

#### **Accommodations for Residents**

(1) All residents shall be provided with a suitable acceptable standard bed, crib, or pediatric bed according to the needs of the residents. Satisfactory sanitary covers shall be used for all mattresses.

(2) Residents in Classes I, II, and III nursing homes for the mentally retarded shall have their own items of personal use such as tooth brushes, glasses, et cetera.

(3) Bedpans in Classes IV and V nursing homes for the mentally retarded are required according to need.

Stat. Auth.:

Stats. Implemented:

### **333-092-0055**

#### **Personnel**

(1) Each nursing home for the mentally retarded shall have a licensed nursing home administrator as licensed under ORS 678.510 to 678.990. One licensed administrator shall suffice for all five classes of nursing homes for the mentally retarded if they are all a part of the institution. Any nursing home for the mentally retarded providing just one class of care would be required to employ a licensed administrator.

(2) Staffing for the five classes of nursing homes for the mentally retarded shall be on the basis of total manpower needs.

(3) There shall be a director of nurses having overall supervision of the care and treatment of residents. The following additional staffing requirements shall be met:

(a) Classes I and II nursing homes for the mentally retarded shall have a nursing aide in charge of each shift as well as one nursing aide for every 15 residents. The nursing aide in charge of a shift may serve as the nursing aide requirement for every 15 residents;

(b) Class III nursing homes for the mentally retarded shall have a registered nurse on duty 40 hours per week on the day shift and a licensed practical nurse on duty for each of the other shifts. In addition, there shall be one nursing aide for every ten residents.

(c) Class IV nursing homes for the mentally retarded shall have 24 hours of registered nurse service each day of the year as well as one nursing aide for every seven residents.

Licensed practical nurses may be employed as charge nurses if necessary.

(d) Class V nursing homes for the mentally retarded shall have 24 hours of registered nurse service each day of the year as well as one nursing aide for every five residents.

Licensed practical nurses may be employed as charge nurses if necessary.

(4) If indicated by programming, additional specialists shall be employed to handle problems concerned with communication (speech and audio); recreation (community and individual); and a vocational and work program, psychological, psychiatric, and social

service. In addition, the necessary medical specialties and dental services shall be made available.

(5) An educational program (formal), if a part of the overall program in the facility, shall employ qualified special education teachers for the mentally retarded.

(6) There shall be an appropriate number of cooks, kitchen helpers, and food servers to provide a regular acceptable dietary service including special diets.

Stat. Auth.:

Stats. Implemented:

### **333-092-0060**

#### **Care of Residents**

(1) All residents admitted to any class nursing home for the mentally retarded governed by these rules and regulations shall be under the care and supervision of a person licensed to practice medicine by the Board of Medical Examiners of the State of Oregon.

(2) All residents admitted to a nursing home for the mentally retarded shall have been previously examined, both physically and mentally, and a written program of care and treatment prepared outlining the goals attainable. This preplacement procedure shall designate the skills and services needed for the rehabilitation and care of the resident. Placement shall be made in a facility providing the skills and services required.

(3) All residents in Classes III, IV, and V nursing homes for the mentally retarded shall have a daily bath and a complete change of clothing. Residents in Classes I and II nursing homes for the mentally retarded shall have a bath according to their needs.

(4) No resident shall at any time be admitted to a bed in any room other than one regularly designated as a bedroom or ward.

(5) No towels, wash cloths, bath blankets, or other linen, which comes directly in contact with the resident, shall be interchangeable from one resident to another unless it is first laundered.

(6) Restraints shall be applied only when they are necessary to prevent injury to the residents or to others, and only upon the written order of the physician, and shall be used only when alternative measures are not sufficient to accomplish their purposes. Careful consideration shall be given to the methods by which they can be speedily removed in case of fire or other emergency.

(7) No bar or lock shall be permitted on any door of any room where residents are confined or housed unless such lock or bar is a type approved by the State Fire Marshal, can be readily and easily opened from the corridor side without the use of a key, and does not require any special knowledge to operate.

(8) The owner or licensed administrator of a nursing home for the mentally retarded shall immediately inform the Oregon State Health Division when any registered nurse or licensed practical nurse employed by the nursing home for the mentally retarded is terminated or resigns her position.

Stat. Auth.:

Stats. Implemented:

### **333-092-0065**

#### **Sterilization of Instruments, Equipment, and Supplies in Nursing Homes for the Mentally Retarded**

~~(1) Wash basins, mouth wash cups, drinking glasses, and bedpans shall be sterilized on the resident's dismissal.~~

~~(2) Thermometers shall be sterilized between each use.~~

~~(3) Equipment shall be provided for the proper sterilization of dressings, utensils, instruments, solutions, and water.~~

~~(4) A nurses' station and medicine dispensing area equipped with sink, hot and cold running water shall be provided~~

~~Stat. Auth.:~~

~~Stats. Implemented:~~

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### **333-092-0070**

#### **Storage and Disposal of Drugs**

~~(1) All drugs shall be plainly labeled and stored in a specially designated medicine cabinet, closet, or storeroom and be made accessible to authorized personnel only. Such cabinet, closet, or storeroom must be well illuminated and kept locked in the absence of persons who are properly permitted access.~~

~~(2) Old medications, including special prescriptions for residents who have left the nursing home for the mentally retarded, shall be disposed of by incineration or other equally effective method except narcotics which will be handled in the manner prescribed by the U.S. Narcotics Bureau.~~

~~Stat. Auth.:~~

~~Stats. Implemented:~~

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### **333-092-0075**

#### **Control of Infectious, Contagious, and Communicable Diseases in Nursing Homes for the Mentally Retarded**

~~(1) Facilities and proper procedures for the prevention and control of infectious, contagious, and communicable diseases, shall be provided and strict compliance with the rules of the Division for the control of communicable diseases, shall be required.~~

~~Admission of residents suffering from such diseases must have the approval of the Local Health Officer or the State Health Officer.~~

~~(2) Facilities and proper arrangements of departments, rooms, and residents' beds shall be provided for the prevention of cross infections and the control of infectious, contagious, and communicable diseases, which shall include provisions for the removal of infectious cases to a location where proper isolation can be carried out.~~

~~(3) Proper isolation procedures for all personnel for the control and prevention of cross infections between residents, department, and services in the nursing home for the mentally retarded shall be established.~~

~~(4) After the discharge of any resident, the bed, bed furnishings, bedside furniture, and equipment shall be thoroughly cleansed prior to re-use. Mattresses shall be professionally renovated when necessary.~~

~~(5) The regulations of the Division relating to tuberculosis examination for care facilities personnel and admittees, OAR 333-026-0005 to 333-026-0025 shall be applicable.~~

~~(6) All residents shall be immunized and vaccinated for smallpox, diphtheria, tetanus, measles, polio, and pertussis. In addition, when indicated, immunization against influenza shall be required.~~

Stat. Auth.:

Stats. Implemented:

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### **333-092-0080**

#### **Sanitary Precautions at Nursing Homes for the Mentally Retarded**

~~(1) All garbage and refuse shall be stored and disposed of in a manner that will not create a nuisance or a public health hazard.~~

~~(2) When community garbage collections and disposal service is not available, garbage shall be either thoroughly incinerated, buried in a pit and covered with two feet of earth, or disposed of by some other equally effective and sanitary method.~~

~~(3) Garbage and refuse receptacles shall be durable, water-tight, insect and rodent proof, and shall be covered with a tight-fitting lid. Garbage receptacles shall be kept covered at all times, except when the lid is removed for temporary use, and shall be cleansed and disinfected after each emptying.~~

~~(4) Soiled surgical dressings and other similar wastes shall be incinerated or shall be disposed of by some other equally effective and sanitary method. Approved incinerators shall be used when adequate commercial garbage service is not available.~~

~~(5) During the season when flies, mosquitoes, and other insects are prevalent, adequate measures shall be taken to prevent their entry through doors, windows, or other outside openings. Where screens are used, there shall be not less than 16 meshes per lineal inch, and all screened doors shall be equipped with self-closing devices.~~

~~(6) The serving of raw milk is prohibited.~~

~~(7) No employee shall resume work after using the toilet without first washing his hands.~~

Stat. Auth.:

Stats. Implemented:

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### **333-092-0085**

#### **Handling of Food**

~~(1) Nursing homes for the mentally retarded shall meet the requirements of the State of Oregon Sanitary Code for Eating and Drinking Establishments insofar as they relate to facilities, preparation, and service of food to residents.~~

~~(2) At least three meals shall be served daily, and supplemental nourishment and special diets shall be provided as needed. Meals shall be nutritionally adequate and attractively served, according to approved dietary standards. Accurate records of the menus for all meals in the previous week shall be preserved and made available for inspection to representatives of the Division.~~

~~(3) Storerooms shall be clean and well-ventilated. All foods shall be so stored as to be protected from dust, flies, rodents, vermin, unnecessary handling, droplet infection, overhead leakage, or other source of contamination.~~

~~(4) Kitchen facilities shall include refrigerator and perishable food must be kept at a temperature below 50 degrees Fahrenheit in order to prevent deterioration. A reliable thermometer shall be provided in the refrigerator and in storerooms used for perishable food.~~

~~(5) Every water glass filling device shall be so constructed as to prevent any contact of the upper one-third of the glass with the device, and so that no portion of the device extends into the glass.~~

~~(6)(a) All dishes and glassware used in the serving of food and drink to residents shall be effectively cleaned and disinfected after each individual use. Gross food particles shall be removed by careful scraping and prerinsing in running hot water. Brushes, baskets, and sprays are suggested. The dishes shall be thoroughly washed in hot water, 110 degrees Fahrenheit to 120 degrees Fahrenheit, using an adequate amount of effective soap or detergent. Following this, the utensils shall be rinsed in hot water to remove soap and disinfected by one of the following methods:~~

~~(A) Immersion for at least two minutes in clean water at 170 degrees Fahrenheit;~~

~~(B) Immersion for at least one half minute in boiling water; or~~

~~(C) Immersion for at least two minutes in a lukewarm chlorine bath containing at least 50 parts per million of available chlorine.~~

~~NOTE: Chlorine is not recommended for silverware. It is preferable to use either paragraph (A) or (B) of this subsection.~~

~~(b) If steam or hot water cabinets or dishwashing machines are used, the results must be equal to those obtained by the methods outlined in section (1) of this rule. After disinfection, the utensils shall be allowed to drain and dry in racks or baskets on non-absorbent surfaces. Drying cloths are not recommended. Dishes shall be stored in closed cupboards for protection against dust, moisture, et cetera.~~

~~(7) All ice used in contact with food or drink shall be from a satisfactory source, and handled and dispensed in a sanitary manner.~~

~~Stat. Auth.:~~

~~Stats. Implemented:~~

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### ~~333-092-0090~~

#### ~~Safety and Emergency Precautions~~

~~(1) The regulations of the State Fire Marshal shall be met before the nursing home for the mentally retarded may be issued a license.~~

~~(2) Emergency lighting facilities shall be provided and distributed so as to be readily available to personnel on duty. Battery operated lamps providing service for at least thirty minutes shall be in readiness.~~

~~Stat. Auth.:~~

~~Stats. Implemented:~~

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### ~~333-092-0095~~

#### ~~Reports and Records of Nursing Homes for the Mental Retarded~~

~~(1) Adequate permanent records of each resident, either typewritten or legibly written with pen and ink, from which the name, address, age, sex, nationality, marital status, name and address of closest relatives, date of admission, and date of discharge or death, can be quickly obtained, shall be kept, and these records shall be available for inspection by a duly authorized representative of the Division at all reasonable times.~~

~~(2) Accurate and complete treatment records shall be kept for all residents; these shall be filed in a readily accessible manner, and available for inspection by a duly authorized representative of the Division at all reasonable times. All treatment records shall contain the written orders by the attending physician for medication and other services, and the order for discharge must be written in ink and signed by the attending physician or countersigned by him within 24 hours.~~

~~(3) In accordance with ORS 433.005, the superintendent, or person in charge, of each nursing home for the mentally retarded governed by these rules must report each case of communicable disease immediately upon the diagnosis of the disease to the Local Health Officer within whose jurisdiction such case may be located, upon blanks supplied by the Division.~~

~~(4) Provisions shall be made for the safe storage of all records required by these rules. They shall be filed and indexed according to approved methods.~~

~~(5) All original records, or photographs of such records, that are no longer in use shall be safely stored, and none shall be disposed of except with the written approval of the Division.~~

~~Stat. Auth.:~~

~~Stats. Implemented:~~