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Chapter 411@ DEPARTMENT OF HUMAN SERVICES, AGING AND PEOPLE WITH DISABILITIES AND DEVELOPMENTAL DISABILITIES

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Division 86@ NURSING FACILITIES/LICENSING - ADMINISTRATION AND SERVICES

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Section 411-086-0350@ Smoking

411-086-0350 Smoking

(1)

A nursing facility must be in compliance with: (a) The Oregon Indoor Clean Air Act, ORS 433.835 to 433.875; (b) The rules in OAR chapter 333, division 015; and (c) Any other applicable state and local laws.

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The Oregon Indoor Clean Air Act, ORS 433.835 to 433.875;

(b)

The rules in OAR chapter 333, division 015; and

(c)

Any other applicable state and local laws.

(2)

A facility must provide a place of employment that is free of tobacco smoke for all employees.

(3)

Smoking may only be allowed outside the facility as prescribed by OAR 333-015-0064.

(4)

The facility must take adequate precautions to protect all residents from injury where residents are allowed and choose to smoke.

(5)

The facility must develop and implement a smoking policy that includes resident assessment and care planning.

(6)

If the facility's smoking policy changes, the licensee must provide written notice to all residents 30 days' prior to such change.

(7)

Nothing in this rule shall prevent the licensee from designating any part of the facility or the entire facility as a non-smoking area. If the facility decides to designate the entire facility as a non-smoking area, all persons admitted thereafter must be so notified by the facility prior to or at the time of admission. Such facility must continue to provide an outdoor smoking area as prescribed by OAR 333-015-0064 for residents who smoke and were admitted prior to the facility decision.