

Adult Foster Home Provider Alert

Policy updates, rule clarifications and announcements

Date: June 4, 2024
To: APD Adult Foster Home Providers
From: Safety, Oversight and Quality Unit
Topic: **LGBTQIA2S+ Mandatory Information, Forms, and Upcoming Training Information**

Oregon Senate Bill 99 (SB99) passed in 2023 and became Oregon Revised Statute, and Oregon administrative Rule (OAR) in 2024. This rule language provides detailed information for the rights and protections of people who are part of the LGBTQIA2S+ community and for people who are living with the human immunodeficiency virus, also known as HIV. These rights have been a part of Oregon law prior to this bill's passage; however, this legislation outlines greater detail and provides clearer expectations for individuals who deliver long-term care services.

The following forms are available on our forms server and are required to be used for all new resident admissions starting June 1, 2024. There are also additional forms attached to this notice that should be used and built into your admission processes.

Mandatory forms:

- [AFH Rights, Protections and Freedoms - to be posted](#) (updated May 20, 2024) OAR 411-050-0745(2)(e)
- [AFH Rights, Protections and Freedoms - for signature](#) (May 20, 2024) OAR 411-050-0750 (2)(i)

Mandatory Nondiscrimination Notice:

- Nondiscrimination notice to be posted (see following pages) OAR 411-050-0745(2)(e)
- Nondiscrimination notice for signature (see following pages) OAR 411-050-0750(2)(i)

Note, the nondiscrimination form we have attached is not a required form according to rule, however the information contained in the form is required by rule. If you choose not to utilize this form, you must come up with an equivalent form that includes the language required by OAR.

There will be two trainings in June 2024 to discuss the LGBTQIA2S+ Protections Training and process changes. These trainings are not the training required in OAR; however, they are designed to support providers in understanding the new training requirements and process changes. Please watch for an upcoming provider alert that will give the training dates, times, and details about how to sign up.

If you have any questions please email the APD AFH team at APD.AFHteam@odhs.oregon.gov.

Non-Discrimination Notice

Does not discriminate and does not permit discrimination, including but not limited to bullying, abuse, or harassment, based on an individual's actual or perceived sexual orientation, gender identity, gender expression or human immunodeficiency virus (HIV) status, or based on an individual's association with another individual on account of the other individual's actual or perceived sexual orientation, gender identity, gender expression or HIV status.

If you believe you have experienced this kind of discrimination, you may file a complaint with the Oregon Department of Human Services at:



Oregon Administrative Rule 411-050-0745 Records - Facility (2)REQUIRED POSTED ITEMS (e) LGBTQIA2S+ Protections and the LGBTQIA2S+ Nondiscrimination Notice, as described in OAR 411-049-0135(1)(i), must be posted in all places and on all materials where that notice or those written materials are posted.

The staff of _____ do not discriminate and do not permit discrimination, including but not limited to bullying, abuse, or harassment, based on an individual's actual or perceived sexual orientation, gender identity, gender expression or human immunodeficiency virus (HIV) status, or based on an individual's association with another individual on account of the other individual's actual or perceived sexual orientation, gender identity, gender expression or HIV status.

Signature of Resident

Date

Signature of Resident's Representative (if applicable)

Date

Per Oregon Administrative Rule 411-050-0750 (2)(i) a copy of the home's nondiscrimination policy, signed and dated by the resident or the resident's representative must be kept in the resident records.