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Memorandum

To: BHD Adult Foster Homes Licensees

Community Mental Health Programs

From: Connie Rush, Mental Health Licensing & Certification Manager

Date: November 1, 2024

Subject: OAR 309, Division 40 Proposed Rule Changes

The Oregon Health Authority is proposing changes to the Oregon Administrative Rule (OAR) 309, division 040 related to licensure of Adult Foster Homes (AFH). Please click on the link below to access the rule changes.

Bulletin link: <https://www.oregon.gov/oha/hsd/pages/mental-health-rules.aspx>

Why is this happening?

Changes to OAR 309-040 are necessary to increase resident protections, reduce administrative burden, clarify existing language and requirements, and align language with applicable statute, regulations, and other requirements.

Changes

Changes to the rules include:

- Adding and clarifying Definitions.
- Adding and clarifying Required Home-Like Qualities requirements.
- Adding and clarifying Licensing requirements.
- Removal of AFH Classification.
- Adding and clarifying Medicaid Provider Enrollment Agreement requirements.
- Adding and clarifying Training and Qualification requirements.
- Adding and clarifying Records requirements.
- Adding and clarifying Facility Standards requirements.

- Adding and clarifying Safety requirements.
- Adding and clarifying Sanitation requirements.
- Adding and clarifying Resident Furnishing requirements.
- Adding and clarifying Food Service Requirements.
- Adding and clarifying Standards and Practices for Care and Services requirements.
- Adding and clarifying Residency Agreement requirements.
- Adding and clarifying Admissions, Transfers, and Discharges requirements.
- Adding and clarifying Individual Rights requirements.
- Adding and clarifying Individually-Based Limitation requirements.
- Adding and clarifying Administrative Sanctions requirements.
- Adding and clarifying Civil Penalties requirements.
- Adding and clarifying Conditions requirements.
- Adding and clarifying Denial, Revocation, or Non-Renewal of License requirements.
- Adding Suspension of License requirements.
- Removal of Removal of Residents requirements.
- Aligning Criminal Penalties requirements.
- Removal of Public Information requirements.

Questions

If you have questions, please contact your assigned compliance specialist or the Mental Health Licensing & Certification Team at HSD.MH.ComplaintsTA@oha.oregon.gov.