

# Memorandum

**To:** BHD Residential Treatment Settings  
Community Mental Health Programs

**From:** Connie Rush, Mental Health Licensing & Certification Manager

**Date:** October 28, 2024

**Subject:** Chapter 309, Division 035 Changes

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The Oregon Health Authority is proposing changes to the Oregon Administrative Rule (OAR) 309, division 035 related to licensure of Residential Treatment Homes (RTH), Residential Treatment Facilities (RTF) and Secure Residential Treatment Facilities (SRTF). 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 309-035 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.
- Adding and clarifying Contracts and Rates requirements.
- Adding and clarifying Administrative Management requirements.
- Adding and clarifying Records requirements.
- Adding and clarifying Staffing requirements.
- Adding and clarifying Setting Requirements.

- Adding and clarifying Safety requirements.
- Adding and clarifying Sanitation requirements.
- Adding and clarifying Resident Furnishing requirements.
- Adding and clarifying Admission to Program requirements.
- Adding and clarifying Residency Agreement requirements.
- Adding and clarifying Termination of Residency requirements.
- Adding and clarifying Individual Rights requirements.
- Adding and clarifying Individual Grievances and Appeals requirements.
- Adding and clarifying Individual Assessment and Residential Service Plan requirements.
- Adding and clarifying Person-Centered Service Plan requirements.
- Adding and clarifying Individually-Based Limitation requirements.
- Adding and clarifying Individual Services and Activities requirements.
- Adding and clarifying Use of Seclusion or Restraints requirements.
- Adding and clarifying Food Services requirements.
- Adding and clarifying Health Services requirements.
- Adding and clarifying requirements.
- Creating section specific to Crisis Respite Services.
- Adding Procedures for Corrections of Violations requirements.
- Adding Administrative Sanctions requirements.
- Adding and clarifying Civil Penalties requirements.
- Adding Conditions requirements.
- Adding Denial, Revocation, or Non-Renewal of License requirements.
- Adding Suspension of License requirements.
- Adding Removal of Residents requirements.
- Aligning Criminal Penalties 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](mailto:HSD.MH.ComplaintsTA@oha.oregon.gov).